

**GOVERNMENT OF RAJASTHAN
ADMINISTRATIVE REFORMS (Gr.7) DEPARTMENT**



THE RAJASTHAN SERVICE RULES

(Volume-I Part-A)

(Corrected and amended upto 31st May, 2007)

Seventh Edition

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GOVERNMENT OF RAJASTHAN

(FINANCE DEPARTMENT)

Jaipur, dated the 23rd March, 1951

RAJASTHAN SERVICE RULES

In exercise of the powers vested in him under the proviso to Article 309 of the Constitution, the Rajpramukh of Rajasthan is pleased to make the following rules regarding the conditions of service of persons appointed to services and posts in connection with the affairs of Rajasthan.

PART I

CHAPTER I

Extent of Application

1. *Short title and commencement.*—These rules may be called "The Rajasthan Service Rules". They shall come into force with effect from 1st April, 1951.

NOTE

* In the case of a person, who may be on leave on 1-4-1951, these rules shall apply with effect from the date of his return from leave.

2. *Extent of application.*—These rules apply—

- (i) to all persons appointed by the Government of Rajasthan to posts or services under its administrative control or in connection with the affairs of the State of Rajasthan on or after the seventh day of April, 1949.
- (ii) to all persons appointed on or after the said day to such posts or services as a result of integration of the services of the Covenanted States, and
- ^{@(iii)}(a) to all persons appointed to such posts or services on the basis of contracts entered into by the Government of

* Inserted by F. D. Order No. F. 35(2) R/52, dated 11-3-1953

@ Substituted vide F.D. Notification No. F.1(42)FD (Gr.-2)/89 dated 15-2-90 for

⁽ⁱⁱⁱ⁾ to all persons #[appointed] to such posts or services on the basis of contracts entered into by the Government of Rajasthan or by the Government of a Convenanting State in respect of such matters covered by these Rules as are not specially provided for in their contracts for appointment :

Rajasthan or by the Government of a Covenanting State in respect of such matters covered by these Rules as are not specially provided for in their contracts for appointment.

- (b) Notwithstanding anything contained in sub clause (a) these rules shall also apply to the persons initially appointed to such posts or services on the basis of contracts entered into but subsequently appointed in regular manner in respect of counting of contract service as qualifying service for the purpose of pension. The contract service followed by regular appointment shall count as qualifying service for the purpose of pension if no contribution towards Contributory Provident Fund for the period of contract service has been paid by the Government. In cases where contribution towards Contributory Provident Fund has been paid by the Government, contract service would count for the purpose of pension if the concerned employee deposits in the general revenues of the State, the entire amount of contributions paid by the Government together with interest thereon @7% per annum for the period from the date of payment of contribution to the date of deposit in the general revenues of the State.

Provided that persons of the category specified in clause (ii) may, within two months of the commencement of these Rules or of their appointment as a result of the said integration, whichever may be later, apply for retirement and shall be granted pension or gratuity in accordance with the rules by which they were governed previously to such commencement or appointment :

Provided further that these Rules shall not apply—

- (a) to officers on deputation from the Government of India or from the Government of any State in India, other than Rajasthan who will be governed by the rules applicable to them in their substantive appointments,
- (b) to the Judges of the High Court of Judicature for Rajasthan,
- (c) to the officers and servants of the said High Courts, who will be governed by rules made under clause (2) of Article 229 read with Article 238 of the Constitution of India, or
- (d) to the Chairman and Members of the Rajasthan Public Service Commission, who will be governed by regulations made under Article 318 of the Constitution of India,
- * (e) to members of the All India Services in matters covered by the Rules made by the Union Government,

Substituted vide F.D. Notification No. F.I (104) F.D. (Exp-Rules)/66, dated 20-4-67 for "holding appointments".)

* Inserted by F.D. Order No.286/58 F.7A(30)F.D.(A)Rules/57, dated 11-3-1958.

- ****(f) to persons paid from contingencies,
- (g) to work charged employees, that is, persons who are not on regular establishment and are paid out of provision for expenditure on works, maintenance of works, or State trading schemes and similar other provision for funds, other than provisions under budget unit of appropriation 'Pay of Officers' and 'Pay of Establishment',
- (h) to persons for whom special or specific provision in respect of any matter covered by these rules has been made in the rules regulating their recruitment and conditions of service framed under proviso to Article 309 of the Constitution or under any Law or rules for the time being in force applicable to such persons,
- (i) to persons paid out of the Consolidated Fund of the State under budget unit of appropriation "Pay of Officers" and "Pay of Establishment" and who are at the same time Workmen as defined in section 2(s) of the Industrial Disputes Act 1947, except to the extent provided in case of persons covered by clause (h) above, in respect of the following of these Rules :—

(1) Rules 43 (c) and (d) regarding grant of honorarium.

(2) Chapter VI-Combination of Appointments

(3) Chapter X and XI-Leave.

(4) Chapter XIII-Foreign service.

(5) Chapter XIV-service under Local Fund .

NOTE

%If any person to whom clause (ii) is applicable makes a representation to Government in respect of his appointment to an integrated service, Government may, when the representation is finally disposed of, direct that the period of two months specified in the proviso should run from the date of final disposal of his representation or such date as may be specified by Government by a General or Special order.

INSTRUCTION

@ Attention is invited to the Finance Department Notification No. F.1(84)/FD(Rules)/71, dated 17th January, 1972 which provides that certain class of Government servants who are also workmen as defined in section 2(s) of the Industrial Disputes Act, 1947 and generally referred to as Industrial Employees of the Government shall not be governed by certain provision of Rajasthan Service Rules specially in the matter of entitlement under Rajasthan Service Rules of leave according by the Govt. servants covered by clause (i) of the second proviso to Rule 2 of Rajasthan

****** Added vide F.D. Notification No.F.1(84)F.D.(Rules)/71 dated 17-1-1972,

They shall come into force with effect from 1-2-72, except that in case of persons referred to in clause (h) they shall be deemed to be effective from the date from which special or specific provisions in respect of any matter covered by Rajasthan service Rules, have been made in the respective rules regulating their recruitment and conditions of service framed under proviso to Article 309 of the Constitution or under any law or rules for the time being in force applicable to such persons.

% Inserted vide F.D. Order No. F. 35 (8)R/51, dated 22-8-1951.

@ Added vide F. D. Circular No. F. 1 (84) F.D. (Rules)/71, dated 17-1-1972.

Service Rules shall get leave with wages in accordance with the provisions contained in Chapter VIII of Factories Act, 1948. The State Government have framed Rajasthan Factories Rules, 1951 to give effect to the purpose of the aforesaid Act, and Chapter VIII of these rules which deals with leave with wages lays down detailed procedure for grant of leave and maintenance of Register of leave with wages etc. in the prescribed forms.

The Heads of Department and Heads of Offices entrusted with the responsibility of managing certain industrial establishment of Government like Rajasthan State Chemical Works, Deedwana, Woollen Mills. Bikaner, Government Presses, Ayurvedic Pharmacies, Government Workshops in P.W.D., Buildings, Roads and Public Health Engineering, Ground Water Board, Agriculture and Motor Garage Department, Irrigation projects including Rajasthan Canal Project, Chambal Project etc. or other similar Government industrial establishments are 'Occupier' or 'Manager' of the Factory under the Factories Act respectively. They are requested to take prompt action for implementation of provisions, regarding leave with wages contained in the Rajasthan Factories Rules, 1951 so that the Government servants who shall get leave entitlements under Factories Act are not put to hardship. In cases where a Head of Department or Head of Office managing a Government Industrial establishment has not been declared as 'Occupier' or 'Manager' of the Factory respectively for the purpose of the Factories Act, they may move their Administrative Department in this regard immediately.

In the Departments which have a full time Labour Welfare Officer or Personnel Officer, this task can be entrusted to him with a view to expedite switching over to the new system. If any difficulty or problem arises in respect of carrying out the provisions of the Factories Act and rules made thereunder, assistance and guidance from Chief Inspector of Factories and Boilers. Rajasthan, Jaipur or Inspector of Factories or Labour Commissioner as the case may be, may be obtained.

Government of Rajasthan's Order

*The Rajasthan Service Rules have been made applicable to the Officers and servants of the High Court with effect from 1st April 1951. This has reference to Article 229(2) read with Article 238 of the Constitution of India.

Government of Rajasthan's Decision

⁺¹. Some doubts have been expressed regarding the scope of clause (ii) of Rule 2, Rajasthan Service Rules and of the proviso thereunder, read with Finance Department No. F. 35(8) R/51, dated the 22nd August, 1951 (Note below Rule 2). The matter has been considered by Government and it has been held that clause (ii) includes provisional appointment to (or continued holding of) a post under the administrative control, or in connection with the affairs of the Rajasthan State after the date of integration of Rajasthan in consequence of such integration whether such post was

* Inserted vide Jud. Department letter No. F. 34(2) Jud. /51, dated 29-5-1951

⁺ Inserted by F. D. Memo. No. F. 35 (2) R/52 .dated 12-2-1952.

created by the issue of an integrated set-up for a department or service, or otherwise, or was continued from the pre-Rajasthan set-up.

The option contained in the proviso is confined to retirement and does not relate to other aspects of the service Rules. This option could be exercised within two months of the commencement of the Rajasthan service Rules or within a similar period of substantive appointment to a post, cadre or service in the integrated set-up whichever may be later. If a Government servant opts to retire, his pension will be determined as if it was a case of compensation pension (or corresponding category of pension) under the rules by which the Government servant was governed previously.

@2. Finance Department Memo No. F. 35 (2) R/52, dated 12th February 1952 (Government of Rajasthan's decision No. 1) which clarified the position regarding the scope of clause (ii) of Rule 2 -Rajasthan service Rules and the proviso thereunder does not cancel the Note inserted under the said rule by Finance Department No. F. 35 (8)-R/51, dated 22-8-1951 (Note below Rule 2 regarding those making a representation to Government in respect of their appointment to an integrated service).

*3. Some further doubts have been expressed with regard to the operation of the option contained in the proviso relating to clause (ii) of Rule 2 of the Rajasthan Service Rules. The matter has been considered by Government. It has been held that the proviso is intended to ensure that the Rajasthan Service Rules apply compulsorily to all those who accept substantive appointment in the integrated set-up of State services. Any one, who does not wish to accept these rules, would be entitled to seek retirement by exercising, the option provided for in the proviso.

The option under the proviso could be availed of at any time within 2 months of the commencement of the Rajasthan Service Rules, or of substantive appointment in the integrated set-up whichever may be later. In the context of para 1 above, this means that in cases in which substantive appointment may have already taken place before the issue of the Rajasthan Service Rules, the option was available only until two months after the issue of rules. In other cases, the option would be exercisable at any time until the expiry of 2 months after substantive appointment. There is no bar to the option to retire being exercised even before a substantive appointment has taken place, if a Government servant does not wish to come under the operation of these Rules.

In case of those who make a representation to Government in respect of their appointment in an integrated set-up, the period of two months specified in the proviso will, of course, run from the date of the final disposal of the representation or such date as may be specified by Government by special order as already laid down in Finance Department Order No. F. 35 (8) R/51, dated 22-8-1951 (Note below Rule 2).

%4. It was laid down in Finance Department Memorandum No. F. 35 (2)-R/52, dated 12-2-1952 (Government of Rajasthan's decision No. 1 above

@ Inserted by F. D. Memo. No. F. 35 (2) -R/52, date 29-2-1952.

* Inserted by F. D, Memo No, F, 35 (2)-R/51, dated 17-9-1952,

% Inserted by F.D. Memo. No. D. 9412 F. 10 (2 8) R/53, dated 25-11-1955.

that if a Government servant opts to retire under Rule 2 of the Rajasthan Service Rules, his pension will be determined as it were a case of compensation pension (or corresponding category of pension) under the rules by which the Government servant was governed previously. A question has arisen regarding the treatment, in similar circumstances of Government servants governed by the Contributory Provident Fund Rules of Jodhpur instead of pension.

The matter has been considered and it has been held that such cases would be dealt with under the rules governing the Contributory Provident Fund on the same basis as if they were cases of retirement or discharge due to reduction of establishment.

*5. Certain Government servants belonging to the former State of Jodhpur retired from service on attaining the age of superannuation etc. (not under the option admissible in accordance with the proviso to R. S.R. 2 on or after 1-4-51, the date of issue of Rajasthan Service Rules but before the final integration of the department. Doubts have been, raised as to whether the claims of such persons to pension should be regulated under the unit rules or under the R.S.R. It has been held that as the Government servants did not exercise the option for retirement under the Unit rules, their case should be regulated under the R.S.R.

3. ***Concurrence of the Finance Department to be taken:***—No powers may be exercised or delegated under these Rules except after consultation with the Finance Department. It shall be open to that department to prescribe, by general or special order, cases in which its consent may be presumed to have been given, and to require that its opinion on any matter on which it has been consulted shall be submitted to the Governor by the consulting department.

Government of Rajasthan's Instructions.

%It has been observed that generally Administrative Departments refer cases to Finance Department without proper examination at their end. Normally following types of cases should only be referred to Finance (Rules) Department:—

1. Cases requiring Finance Department's concurrence.
2. Cases in which interpretation of Rules is involved.

Cases other than those referred to above should be scrutinized by the Administrative Department under the provisions of Rajasthan Service Rules and decided by them as per powers vested to them. It is not necessary to refer such cases to Finance Department. But this is not being followed, with the result that large number of cases are unnecessarily referred to Finance Department seeking advice. Not only this, while referring the cases the Administrative Department neither gives a self contained-note indicating the point on which Finance Department's advice is required nor their comments

* Inserted by F. D. Memo. No. D. 718 F, 11/53, dated 15-5-1953.

% Added vide Finance Department (Rules) Circular No. F.1(48)/ Rules 72 dated 30-10-1972.

thereon. Finance Department thus has to devote considerable time in finding the factual position of the case before tendering advice.

Henceforth Finance Department will not deal or tender its advice on any case unless the Administrative Department gives following information invariably:—

1. A self-contained note explaining full facts and the point requiring Finance Department's action.
2. Administrative Department's comments with reference to the relevant Provisions of Rules, quoting precedents, if any.
3. Justification for referring cases to Finance Department where Administrative Department is competent to dispose of cases at their level under powers delegated to them.
4. **Power to alter or amend.**—Government may, subject to the limits of its powers to make such rules or orders, relax the provisions of these rules in such manner as may appear to it to be just and equitable.

Government of Rajasthan's Decision

*1. In exercise of the powers conferred by Rule 4 of Rajasthan Service Rules, it is ordered that the Government servants, who attain the age of 55 years or more and are retired with effect from the 1st July, 1967, consequent upon the change in the age of retirement on superannuation from 58 to 55 years shall be allowed retirement benefits calculated in accordance with the Rules existing on 1st July, 1967, after taking into account the additional years of notional service as mentioned below:—

- (1) The service qualifying for retirement benefits should be enhanced by the addition of 3 years of the notional service.
- (2) The resultant length of service after taking into account the said addition of notional service shall in no case be more than the service the Government servant concerned could have counted had he retired on the attainment of the age of 58.

**Where the service qualifying for retirement benefits is enhanced under paragraph 1 above the emoluments as defined in Rule 250 read with Rule 250A of Rajasthan service Rules which the Government servant was receiving immediately before 1-7-1967, shall be deemed to have been received by him (though not actually drawn) during the period of the additional notional service and average emoluments under Rule 251 *ibid* shall be calculated on the basis of such notional emoluments.

Notwithstanding anything contained in paragraph 2 above, the pension of a Government servant shall be determined on the basis of the 'emoluments' actually drawn by him during the last three years of his service before 1- 7-

* Inserted vide F.D. Order No. F. 1 (42) F.D. (Exp-Rules)/67-III dated 13-06-1967.

** Substituted vide F. D. Order No. F. 1(42) F.D. (Exp-Rule /67-I, dated 30-9-1967 for (The average emoluments for this purpose shall be the pay and allowances drawn on or before 30th June, 1967).

1967 if the same works out to be more than the emoluments calculated under paragraph 2 above.

These orders take effect from 1-7-1967. Claims decided otherwise may be re-opened and decided under these orders.

@2. It is ordered that Government servants who retire/have retired after 1-7-1967 but before 30-6-1970 on attaining the age of 55 years and in whose case the pension and/or gratuity payable under the normal provisions of Rajasthan Service Rules works out to be less than the amount of pensionary benefits which would have been admissible under Finance Department Order dated 13-6-1967 as amended vide Order dated 30-9-1967 (appearing as Government of Rajasthan's Decision No. 1 above) had they retired on 1-7-1967 be paid pension/gratuity calculated in terms of the aforesaid orders.

Pension claims decided otherwise before the issue of these orders may be re-opened and settled in accordance with these orders.

**3. Deleted.

@ Inserted vide F. D. Order No. F. 1(42) F.D. (Exp-Rules)/67-II, dated 30-9-1967.

** Inserted vide F.D. Order No. F. 1(99) F.D. /Rules/66, dated 27-12-1969 and deleted vide F.D. Noti. No. F. 1 (50) F.D. /Gr. 2/75 dt-27-9-1975 with effect from 2-9-75, the following:—

"3. It is ordered that Government servants who seek voluntary retirement under Rule 244(1) of the Rajasthan Service Rules may be allowed retirement benefits calculated in accordance with rules existing on the date of his retirement after taking into account the additional years of notional service as mentioned below:—

I. For Government servants governed by pension Rules.

- (i) The Service Qualifying for retirement benefits should be enhanced by the addition of five years in such a case.
- (ii) The resultant length of service after taking into account the said addition of notional service shall in no case be more than 30 years qualifying service or the service the Government servants concerned could have counted had he retired on attainment of superannuation age, whichever is less.
- (iii) Where the service qualifying for retirement benefits is enhanced under(i)and(ii) above the emoluments as defined in Rule 250-B of the Rajasthan Service Rules which the Government servant was receiving immediately before his retirement, shall be deemed to have been received by him (though not actually drawn during the period of the additional notional service and average emoluments under Rule 251 *ibid* shall be calculated on the basis of such notional emoluments).
- (iv) Notwithstanding anything contained in (iii) above the pension of the Government servant concerned shall be determined on the basis of emoluments actually drawn by him during the last three years of his service before retirement if the same works out to be more than that admissible under(iii) above.

II. For Government servants governed by the Contributory Provident Fund Scheme.

The Government servant may be allowed Provident Fund benefits calculated in accordance with Jodhpur Provident Fund and Gratuity Rules existing as on the date of his retirement after taking into account the additional years of notional service as mentioned below: —

- (i) Government contribution (bonus and special contribution) should be enhanced by the amount which would have accrued by the addition of five years notional service.
- (ii) The resultant increase in the aforesaid manner in no case shall be more than the contribution (bonus and special contribution) which could have been credited in his Provident Fund Account had he retired on completing 30 years qualifying service or on attainment of the age of superannuation, whichever is less.
- (iii) The notional contribution will be added on basis of the amount of subscription made immediately before retirement without subscribing to the fund on or after the date of his retirement.

@4 It is Ordered that a Government servant in Class IV service, who retires on or after 1-12-1969 but upto 31-12-1971 on attaining the age of superannuation, shall be allowed retirement benefits calculated in accordance with rules existing at the time of retirement, after taking into account the additional years of notional service, as mentioned below: —

I For a Government servant in Class IV service governed by Pension Rules.

(i) The service qualifying for retirement benefits should be enhanced by the addition of two years.

(ii) The resultant length of service after taking into account the said addition of notional service shall in no case be more than the service the Government servant concerned could have counted had he retired on the attainment of the age of 60 years.

(iii) Where the service qualifying for retirement benefits is enhanced under (i) and (ii) above the emoluments as defined in Rule 250-B of the Rajasthan service Rules which the Government servant was receiving immediately before his retirement, shall be deemed to have been received by him (though not actually drawn) during the period of additional notional service and average emoluments under Rule 251 *ibid* shall be calculated on the basis of such notional emoluments.

(iv) Notwithstanding anything contained in (iii) above, the pension of the Government servant concerned shall be determined on the basis of the emoluments actually drawn by him during the last three years of his service before retirement if the same works out to be more than the emoluments calculated under (iii) above.

II. For a Government servant in Class IV service governed by the Contributory Provident Fund Scheme.

The Government servant may be allowed Provident Fund benefits calculated in accordance with Jodhpur Provident Fund and Gratuity Rules existing as stood on the date of retirement after taking into account the additional years of notional service as mentioned below:—

- (i) Government contribution (bonus and special contribution) should be enhanced by the amount which would have accrued by the addition of two years notional service.
- (ii) The resultant in the aforesaid manner in no case shall be more than the contribution (bonus and special contribution) which could have been credited in his Provident Fund Account on the attainment of age of 60 years.
- (iii) The notional contribution will be added on the basis of the amount of subscription made immediately before retirement without his subscribing to the fund on or after the date of retirement.

NOTIFICATION

* In exercise of the powers conferred by the proviso to Article 309 of the Constitution, His Highness the Rajpramukh has been pleased to make the following rule :—

Where the Government is satisfied that the operation of any rule regulating the conditions of service of Rajasthan Government servants, of any class of such Government servants, causes undue hardship in any particular case, it may by order dispense with or relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner.

In this rule, the expression "Rajasthan Government servants" means all persons whose conditions of service may be regulated by rules made by the Rajprarmukh of Rajasthan under the proviso to Article 309 of the Constitution.

@ Explanation of the rule relating to the power of the Central Government to dispense with or relax the requirements of any rule regulating conditions of service of Union Government servants for dealing with any case in a just and equitable manner.

Under the proviso to Article 309 of the Constitution the power to make rules regulating the recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of Rajasthan vests in the Governor or such persons as he may direct. It is axiomatic that the authority which is competent to make rules is competent also to amend or interpret them. The highest Governmental authority has also inherent power to relax the provisions of any service rule in individual cases of hardship etc. where some allowance or concession, not permissible under the strict terms of the rule, is justified. Sub-section (5) of section 241 of Government of India Act, 1935 contained specific provision to this effect.

The absence of a similar provision in the Constitution created some doubts as to whether such inherent power is not enjoyed by the Governor. In order, therefore, to remove any doubts and to make the position in this respect clear, a rule has been promulgated in the Finance Department Notification No. F. 7 (5)-R/55-A, dated 16-7-1955 making express provision in this regard.

This rule does not introduce a new principle or procedure which was not already in vogue, but merely serves to make explicit the position which was assumed to have prevailed heretofore. The power of Government to relax a rule as and when considered necessary to deal with any particular case in a just and equitable manner is intended as in the past, to be invoked only in rare and exceptional cases. Such action should only be taken in accordance with the accepted procedure hitherto followed in dealing with such cases. Before an order of relaxation is passed in any case the department which made the rule proposed to be relaxed, and other department e.g., Appointments/G.A.D. and/or Finance Department as may be appropriate with reference to the facts and circumstances and subject matter of each case should be consulted and

* Inserted by F.D- Notification No. F. 7(2) R/55-A-, dated 16-7-1955

@ Inserted by F. D. Office Memorandum No. F. 7(5)R/55-B, dated 16-7-1955

any existing rule of business or procedure of the Government secretariat having a bearing on the subject should be complied with.

In any case in which it is agreed by the departments concerned that it is a fit case in which the power to relax any rule should be exercised by the Government the reasons for such relaxation should be placed on record on the appropriate file, but these should not form part of the formal order itself to be issued by the Government in this behalf.

It should be noted that any order of the Government which may be issued dispensing with or relaxing the requirements of any rule in any particular case should be authenticated as an order of the Governor in accordance with the requirement of Article 166 read with Article 238 of the Constitution

At the beginning of each new set of regulations relating to the terms and condition of service of Government servants which may be issued hereafter a general rule should be provided empowering the Governor to relax the provisions of the various rules contained therein in any particular case provided that the case shall not be dealt with in a manner less favourable than that provided in the rules.

Government of Rajasthan's Decision.

%It was decided that the above Notification will apply only to the Rajasthan Service Rules and other set of rules such as Travelling Allowance Rules, Unification of Pay Scale Rules and Rationalisation of Pay Scale Rules etc., issued under Article 309 of the Constitution of India from the Finance Department and it will not apply to the rules governing recruitment promotion etc., of various services issued by the Appointments and Administrative Departments of the Government under Article 309 of the Constitution of India.

***4A. The Government reserve to themselves the right of changing the rules regarding pay and acting allowance and leave and pension from time to time at their discretion.** An Officer's claim to pay and allowances is regulated by the rules in force at the time in respect of which the pay and allowances are earned, to leave by the rules in force at the time the leave is applied for and granted; and to pension by the rules in force at the time when the officer resigns or is discharged from the service of Government.

Government of Rajasthan's Decision.

*The question whether service in a particular office or department qualifies for pension or not is determined by rules which were in force at the time such service rendered and orders subsequently issued declaring service to be non-qualifying are not applied with retrospective effect.

Employees of former Covenanting States who have been integrated into Rajasthan Service will have all their permanent and/or temporary service rendered in the Covenanting State prior to integration treated as permanent and/or temporary service rendered under the R.S.R. separate orders of

% Inserted by F.D. Order No.F.7a(7)FD,R/57, dated 1-7-1957

* Inserted by F.D. Order No, 4068/F.1 {99} R/56, dated 31-8-1956,

Government will regulate cases of employees taken over from the Thikanas by Rajasthan Government.

Clarification.

Where a period of service was specifically treated as non-qualifying under a particular set of unit rules and if the same has been declared as qualifying under any specific orders of the Government the service would be qualifying,

- (i) that where a post was non-pensionable under the particular set of unit rules and if the same has now been declared pensionable under R.S.R. the service before 1-4-1951 shall remain nonqualifying for determining pension under R.S.R.
- (ii) that where a service was pensionable under the unit rules and then became non-pensionable under MATSYA or former Rajasthan Civil Service Rules and again became pensionable under R.S.R., the service sandwiched between spells of two pensionable periods should count for pension as it was never the intention of the intermediary Governments to deprive the Government servants in those case of their pensionary status.

" 4B. Power to Review -

(a) The Government reserve to themselves the power to review any action taken or any order passed under these rules and to direct its subordinate authorities in this regard in public interest. Ordinarily, the review shall be done within 90 days from the date of the facts coming to the notice of the Government.

(b) The review shall be done on some new/important fact(s)/evidence(s), which were not in the notice of the Government at the time of taking such action or passing such order, coming to notice or when such action/order was taken/passed on erroneous facts or there are any other sufficient reasons to make such review.

Government of Rajasthan's Decision

It has come to our notice that many a times a benefit granted to a Government employee is subsequently ordered to be withdrawn on account of some change in legal position or policy or erroneous application of provisions of relevant rules. Many a times such benefits, are withdrawn with retrospective effect. Such action gives rise to grievance to the effected employee on several grounds. But one most common ground, which has emerged from number of court decisions and Tribunal decisions, relates to arbitrary manner in which benefits are withdrawn. Courts have observed that employee is neither given a notice nor any opportunity to put across his point before such withdrawal is ordered.

¹Inserted vide FD Notification No.F1(5)FD/Rules/96 dated 26.02.2002

² Inserted vide FD Circular No. F.9(11)FD/Rules/2002 dt. 3.9.2002

Therefore, it is enjoined upon all controlling officers to ensure that any benefit, rightly or wrongly granted to an employee, is withdrawn only after giving him an opportunity of hearing which principles of natural justice also demand. It will include even withdrawal of such benefits which might be ordered on account of audit objection or ordered by the Government on account of new circular or amendment in a policy decision.

If Government suffers any financial loss on account of any lapse, on the part of controlling officer, such officer will be held personally answerable.

5. Power to delegate :— Government may delegate, to any of its officers subject to any conditions which it may think fit to impose, any power conferred upon or taken under these rules with the following exceptions :—

- (a) all powers to make rules,
- (b) the other powers conferred by Rules 5, 42, 56(a) 81, []⁺ ()⁺(), 148, 151 and 157 (c).

Government of Rajasthan's Decision.

@ Powers have recently been delegated to the Administrative Departments of the Government and Heads of Departments to extend joining time, to treat the period of awaiting posting orders as duty; to sanction re-employment; to waive restriction of age limit, and in similar other matters relating to service rules. A question has been raised whether the powers delegated to them are to be exercised from the date of order or the pending cases can also be disposed of in pursuance of powers delegated to them. The question has been examined and it has been ordered that the powers in question can be exercised in cases which occurred prior to the date of delegation except those which had been rejected by or had already been submitted to and were pending consideration with the authority in whom the powers previously vested .

6. Interpretation:—The powers of interpreting these rules is reserved to the Governor.

• Figure"99" deleted vide F.D.Order No. 16 (4) F.D.-A(Rules)/60 and F.I. (37) FD-A (Rules/61, dated 31-3-1961 and 18-12-1961 effective from 21-4-1960.

⁺ Deleted vide F.D. Notification No. F.1(66)F.D, /Gr.-2/85 dated 30-12-85 effective from 1-4-81

@ Inserted vide F.D. No. 4512/59 F.6 (26) FD-A (Rules)/ 59, dated 14-9-1959

CHAPTER II

Definitions.

7. Unless there be something repugnant in the subject or context the terms defined in this Chapter are used in the rules in the sense here explained:—

(1) **Age:**—When a Government servant is required to retire, revert or cease to be on leave, on attaining a specified age, the day on which he attains that age is reckoned as a non-working day, and the Government servant must retire, revert, or cease to be on leave (as the case may be) with effect from and including that day.

NOTES

1. In the case of a Government servant whose exact date of birth is not known the procedure prescribed in para 63 of the General Financial and Account Rules reproduced below should be followed:—

(1) If a Government servant is unable to State his exact date of birth but can State the year, or year and month of birth the 1st July or the 16th of the month, respectively, may be treated as date of his birth.

(2) If he is only able to State his approximate age, his date of birth may be assumed to be the corresponding date after deducting the number of years representing his age from his date of appointment.

Cases in which the date of birth has been deducted from the age at appointment or attestation by any other matter need not be reopened.

*2 Deleted.

Government of Rajasthan's Decisions.

@ 1. It has been noticed that in a large number of cases Government servants put in claims with regard to their pay fixation, condonation of breaks, dual charge allowance, retrospective confirmation etc. just before they are due to retire or even after they have retired. These claims are quite often with regard to the matters in which decision have already been conveyed earlier.

* Inserted by Appointments 'A' Department Circular No. F. 8 (33) Appts. (A)/55, dated 28-4-1958, and deleted vide F.D. Noti. No. F. 1 (27) FD/Gr. 2/78 dated 24-1-1979, the following:—

"2. It has come to the notice of the Government that one officer accepted the entry given in respect of the date of birth in the Patwari school Certificate as the correct date of birth of a Patwari as against the entry made in the Service Book of the official. The correct procedure is, that so far as the date of birth is concerned, the entry given in the Service Book of a Government servant should be adhered to, failing which date of birth given in the Personal File should be accepted. If there is no Service book or Personal File or no entry is available in either them, of the date of birth given in the School Certificate may be taken as the authentic date of birth. If this is also not available, the date of birth given in the Municipal Birth Certificate may be accepted, If by chance there is no mention in the Municipal Records either, reliance may be placed on the date of birth given in the Horoscope provided it was prepared soon after the alleged date of birth."

@ Substituted vide F.D. Memo No. F. 1 (18) FD/A (Rules)61, dated 28-4-1961 for, "It has been brought to notice that in a large number of cases, officers apply for changing their recorded date of birth. The matter has been examined and it has been held that normally no officer can change his recorded date of birth less than 5 years prior to the date of superannuation. In view of various factors present in Rajasthan such permission has been allowed in 1954-55 to officers retiring in 1957-58 or later. In the same way, permission may be accorded to change the recorded date of birth in 1955-56 to officers in 1958-59 or later".

The question has been examined and in supersession of Finance Department Memo. NO. F.13 (10) F.II/53, dated the 23rd December, 1953, it is ordered that no claims and requests for condonation, pay fixation, changes in emoluments, corrections in date of birth changes in service history etc. which affect a person's pension will be entertained by the Government unless such claims had been made 3 years prior to the due date of retirement. Any claim made at the time of or after retirement will be summarily rejected.

This order will not be applicable to those who are due to retire by the 31st March, 1964.

%2. Deleted.

(2) **Apprentice.** -- means a person deputed for training in a trade or business with a view to employment in Government service, who draws pay at monthly rates from Government during such training, but is not employed in or against a substantive vacancy in the cadre of a department.

(3) **Constitution.** — means the Constitution of India.

(4) **Cadre.**—means the strength of a service or part of a service sanctioned as a separate unit.

@(4A) **Class IV Service,**---means service in respect of posts carrying Pay Scale No. 2 as contained in the Pay Scale Rules in force.

% Deleted vide F.D. Noti. No. F.I/(27) FD/Gr.2/78, dated 24-1-1979, the following:—

*"2. A case has come to the notice of the Government in which the competent authority changed the date of birth in the official record at his own accord without giving proper opportunity to the Government Servant concerned for making such a change.

The matter has been considered and it has been decided that where the competent authority finds that the date of birth of a Government servant recorded in the official records is incorrect and he desires to correct it in the following circumstances, he should, before doing so, inform the Government servant concerned of his intention to correct the date of birth.

- (1) When the date of birth is recorded in samwat era and its equivalent in Chiristian era has been wrongly recorded.
- (2) When the date of birth has been recorded on oral evidence or affidavit given by the Government servant, but subsequently it is found to be wrong on the basis of School Certificates or Municipal Birth Register.
- (3) When the entry of date of birth has been tampered with or over-writings have been made and there is proof available that the entry is not correct.
- (4) When different dates of birth given by the Government servants in official records/correspondence.
- (5) Where the service record is lost and no proof of date of birth is available in official records and fresh service record is prepared.

On receipt of intimation, the Government servants within one month would either give his consent for making necessary corrections or represent if he has to say anything against it. If the Government servant does not represent within one month, his consent for change of date of birth may be presumed. The competent authority then will take a final decision

* Inserted vide F.D. Memo, No. F.I (51) F.D. (Rules)/70, dated 6-8-1979

@ Substituted vide F.D. Notification No. F.I (9)FD (Gr-2)/90 17-5-90 for

(4A) Class IV Service—means service in respect of posts enumerated in schedule IV (Class IV services) of Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 and all service on posts whose pay is fixed or maximum pay (if graded or in time scale) does not exceed Rs. + 1025 and which are not mentioned in Appendix XII-Part II of these rule (Appendix XII, Part, Class I service).

(5) **Compensatory Allowance:**—means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes a travelling allowance but does not include a sumptuary allowance nor the grant of a free passage by sea to or from any place outside India.

(6) **Competent authority.**—In relation to the exercise of any power, means the Governor or any authority to which the power is delegated by or under these rules.

% A list of authorities which exercise the powers of Competent Authority under the various rule is given in Appendix IX to these rules.

(7) **Consolidated Fund.**—means the Consolidated Fund established under Article 266 of the Constitution.

* (7-A) **Commuted leave.**—means leave taken under sub-rule + (2) of Rule 93.

@ (8) **Duty.**—

% Inserted by F.D.Order No.F.5(l)F(R)/56,dated 11-1-1956.

Substituted vide F.D.Notification No.F.l(54)FD/Gr.2/82,dated 17-2-1983 and shall be deemed to have come into force with effect from 1-9-81 (published in Rajasthan Rajpatra, PartIV(c)(l), Extra-Ord., dated 17-2-83 at page 71 l)for figures X(310).

X substituted vide F.D.Notification No.F.l(9)FD/Gr.2/77 dated 26-5-78 and deemed to be effective from 1-9-1976 for figures "55"

% Inserted by F.D. Order No. F. 5 (1) F(R) 56, dated 11-1-1956

* Inserted vide F.D. Order No.F.10(51)F.II/54 dated 14-6-1954 and effective from 1-4-1951.

@ substituted Vide F.D. Order No. FD.7A (5) F-A (Rules) 60, dated 3-10-1960 for—" (8) Duty-Duty includes:—

- (i) service as a probationer or apprentice, provided that such service is followed by confirmation-
- (ii) Joining time
- (iii) deleted.
- (b) (i) A Course of instruction or training in India declared by Government to be duty.

+Substituted for the words and figures "Sub Rule 1(C)" Vide FD Notification No. F-1 (66) FD/Gr-2/85 dated 30-12-85 effective from 1-1-83

Government of Rajasthan's Decision

The Government servants of the State Education Department under+ going the following courses of study or training within Rajasthan shall be treated as on duty provided they are specially deputed by the Director of education for this purpose: —

B.E.D, Course

S.T.C. Course.

Diploma and Certificate in Physical Education.

Library Service Certificate Course.

Craft Teaching Certificate Course

- (ii) In the case of a student stipendiary or otherwise, who is entitled to be appointed to the service of Government on passing through a course of training at a University, College or School in India, during the interval between the satisfactory completion of the course and his assumption of duties.
- (iii) In the case of persons who, on their first appointment to State Service, do not, before they report themselves at the seat of Government or other specified station, in accordance with the

(a) **Duty includes—**

- (i) Service as a probationer or apprentice, provided that such service is followed by confirmation.
- (ii) Joining time.
- ⁻ (iii) In respect of a Government servant returning from leave the day of taking over charge of the same post from which he proceeds on leave.
- ⁺ (iv) Probationer-trainee

orders of the appointing authority, receive orders to take charge of a specified post, during the interval between the date of such report and the date on which they take charge of their duties.

(iv) In the case of a Government servant required to attend an obligatory departmental examination or permitted to present himself at an examination, the passing of which is a condition of preferment in Government service within the normal Scope of the Government servant's department or office the day or days of examination and any reasonable time required for the journey if any, to and from the place of examination.

(v) The period of compulsory waiting by a Government servant returning from leave or after making over charge of his old post for orders of Government posting him to a particular post.

Government of Rajasthan's Decision

Cases have been brought to notice where the Heads of Department have sanctioned payment of salary to certain officers under their administrative control during the period of "awaiting posting orders" by treating them as on duty irrespective of the period involved. Although in Accordance with Rule 7(8)(b)(v) of R.S R. the period of compulsory waiting by a Government Servant returning from leave or after making over charge of his old post or orders of Government posting him to a particular post is treated as on duty, yet Government have not so far delegated any powers to the subordinate authorities to sanction payment of salary to the officers by treating the period as on duty and such being the case, this powers vests in Government in the Finance Department vide Rule 3 *ibid*.

It is quite likely that orders for allowing payment to such officers by treating them as on "awaiting posting orders" have been issued by Heads of Department e.g. Director of Medical & Health Services on the assumption that this power has also been delegated to them under item 9-Medical & Health Department Annexure 'B' to the Revised Schedule of Powers issued under G. A. D. No. 2 (60)GA/A/54, dated 22-4-1955 which is not correct as under this item, power's of transfer of officer in the Medical and Public Health Department below the rank of District Medical & Health Officers only have been delegated. This does not mean that such Government servants can also be treated on 'awaiting posting orders' and allowed pay during such period of duty even though the period may exceed the prescribed limits of joining time.

It is, therefore, clarified that as powers for payment of pay during the period of 'awaiting posting orders' have not been delegated to any authority other than Government and that, these vest only in Government in the Finance Department. All such cases should, therefore, be referred to Finance Department. Before making such reference, reasons for keeping a particular Government servant on 'awaiting posting orders' should be clearly Stated.

(vi) During the period occupied in attending an optional examination at which a Government servant is permitted to appear by Competent Authority and during the time reasonably necessary for the journey and from to the place of examination.

Government of Rajasthan's Decision.

(iv) Competent authority for treating Government servant on duty in the case of Accountants Examination which are optional examinations will be the authority competent to make substantive appointments."

⁻ Inserted by Notification No. F. 1 (50) FD (Rules)/70, dated 3-8-1970

⁺ Inserted by Notification No. F.1(2)FD/Rules/2006 dt. 13.3.2006 w.e.f. 20.01.2006

Exception: -In case of taking over charge of District Treasuries at Jodhpur & Jaipur the maximum days shall, for the purpose of this clause be 7 days and for other District Treasuries 3 days.

- (b) **Government may issue orders declaring that in the following circumstance, or in circumstances similar thereto, a Government servant may be treated as on duty.**
- (i) During a course of instruction or training in India.

Government of Rajasthan's Decision

^{**}1. It is ordered that Government servant who deputed for training in the following courses of the Central Emergency Relief Training Institute, Nagpur and National Fire Service College, Nagpur shall be treated as on duty under Rule 7(8)(b) (i) of the Rajasthan Service Rules and they shall be entitled to draw pay and allowances which they would have been entitled to but for their deputation on training.

It is further ordered that they shall be entitled to draw Travelling Allowance for outward and return journey from the place of training at the commencement and end of training at tour rates only. During the period of training they shall be entitled to draw compensatory allowance in accordance with rates provided in order No. 3 appearing in appendix II of the Rajasthan Travelling Allowance Rules (inserted vide Finance Department, Memo No. F. 7d (25)/FD/A/Ru'es/60, dated 19-9-1962 as amended from time to time.)

Name of Courses.

1. Basic Elementary courses for Civil Defence Instructors.
2. Annual Seminar for Senior Officers.
3. Civil Defence Staff Course.
4. Civil Defence Instructors Course.
5. Civil Defence Lady Officers Course.
6. Industrial Civil Defence Course.

[@]2. It is ordered that Government servants who are deputed for training in the Civil Defense Communications Procedure and Operation Instructors Course at the Mobile Civil Emergency Force Training Centre, Malviya Nagar Extension Area, New Delhi shall be treated as on duty under Rule 7 (8) (b) (i) of Rajasthan Service Rules and they shall be entitled to draw pay and allowances which they would have been entitled to but for their deputation on training.

It is further ordered that they shall be entitled to draw Travelling Allowance for outward and return journey from the place of training at the commencement and end of training at tour rates only. During the period of training they shall be entitled to draw compensatory allowance in accordance with the rates provided in Rajasthan Travelling Allowance Rules.

^{**} Inserted vide F.D. Order No. F. 1 (7)FD (E.R.)/66 dated 1-4-66.

[@] Inserted vide F.D. Order No.F.1 (29) FD (Or. 2) 74 dated 19-7-1974

⁺3. The Accountant General, Rajasthan has brought to the notice of this department that in a large number of cases Administrative Departments/Heads of Departments have been deputing officers for higher studies in professional & technical subjects leading to acquisition of diploma and degrees e.g. deputation of C. A. S. doctors for post-graduation courses in various specialities, e.g. deputation of engineers for M.E. courses etc. and treating the period of deputation for such courses as duty under Rule 7(8) (b) of Rajasthan Service Rules, whereas this period should have been covered under study leave.

In this connection, reference is invited to item 1 of Appendix IX of Rajasthan Service Rules, Volume II according to which period spent to attend a course of instruction of training in India could be treated as on duty, if the following conditions were fulfilled:—

- (i) When it is obligatory on the part of Government to send the person for such training or instruction;
- (ii) the training should not be in professional or technical subjects, which are normally brought under the provisions relating to study leave ;
- (iii) the period of training should not exceed one year.

It is, therefore, enjoined on all concerned that deputation of Government servants on duty for higher studies leading to acquisition of degrees or diploma should not be allowed hereafter.

- (ii) In the case of a student stipendiary or otherwise, who is entitled to be appointed to the service of Government on passing through a course of training at a University, College or School in India, during the interval between the satisfactory completion of the course and his assumption of duties.
- (iii) In the case of persons who, on their first appointment to State Service, do not, before they report themselves at the seat of Government or other specified station, in accordance with the orders of the appointing authority, receive orders to take charge of a specified post, during the interval between the date of such report and the date on which they take charge of their duties.

Note:- Period of compulsory waiting by a Government servant returning from leave or after making over charge of his old post for orders of Government posting him to a particular post falls in this clause.

Clarification

* Attention is invited to Finance Department Notification No F.I (18) FD(Gr.2)/74 dated 7-5-1974 under which administrative Departments of the Government were delegated power to issue orders treating a Government servant as on duty during the period of awaiting posting orders provided the period of awaiting posting orders does not exceed 30 days.

⁺ Inserted vide F.D. Memo.F. 1 (9) FD (Gr. 2 /75 dated 30-10-1975.

* Inserted vide F. D. Memo. No. F. 1 (18)FD/Gr.2/74, dated 18-7-1975.

It has been observed that officers are kept under awaiting posting orders for long periods and such cases, in which the period exceeds 30 days and thus require regularisation from Finance Department are also quite frequent. It is needless to point out that such cases of avoidable expenditure on pay and allowances of the officers for the period of 'awaiting posting orders' are commented adversely in Audit Reports; and it is necessary that steps should be taken to avoid such expenditure.

It is, therefore, enjoined on all concerned that it should be ensured that such cases in which officers have to await posting orders do not occur and even if such cases, at times, are altogether unavoidable, the period of awaiting posting orders is kept at the minimum. It is also hereby made clear that hence forth this Department would not agree to the regularisation of such cases unless weighty reasons exist for non-posting of an officer.

- (iv) In the case of a Government servant required to attend an obligatory departmental examination or permitted to present himself at an examination, the passing of which is a condition of preferment in Government service within the normal scope of the Government servant's department or office, the day or days of examination and any reasonable time required for the journey, if any, to and from the place of examination.
- (v) During the period occupied in attending an optional examination at which a Government servant is permitted to appear by competent authority and during the time reasonably necessary for the journey, to and from place of examination.

Government of Rajasthan's Decision.

@ It is ordered that Government servants who are called upon to deliver lectures or participate in Seminars at the National Academy of Administration and similar National Institutions engaged on staff training maintained by the Government of India or by some All India organisation sponsored by the Government of India, may be treated as on duty under Rule 7(8) of R.S.R. provided that—

- (i) the period spent outside headquarters does not exceed 7 days at a time, and
- (ii) travelling and daily allowance is paid by the institution and the officer does not claim the same from the Government.

It is further ordered to exempt all Government servants from operation of rule 47 of R.S.R., in respect of remuneration fee received by them for the aforesaid work from such Institutions.

+ This is effective from 1-9-1968,

(9) **Fee.**--means a recurring or non-recurring payment to a Government servant from a source other than the Consolidated Fund % [of the State or the Consolidated Fund of India or another State] whether made

@ Inserted vide F.D. Order No.F. 1(15)FD/Rules/71 dated 8-3-1971 and 26-3-71.

+ Inserted vide FD. Order No. F.1(15)FD(Rules/71 dated 26-3-1971.

% Added vide F.D. Order No.4639/59/F.7A(31)F.D A(Rules)57 dated 24-9-1959.

directly to the Government servant or indirectly through the intermediary of Government,* but does not include—

- (a) un-earned income such as income from property, dividends and interest on securities; and
- (b) income from literary, cultural or artistic efforts if such efforts are not aided by the knowledge acquired by the Government servant in the course of his service.

Clarification

Literary, cultural and artistic efforts aided by knowledge acquired in the course of service will require prior permission of the competent authority and any income derived therefrom is to be treated as fee, but writing of reports or studies on selected subjects for international bodies like the United Nations Organisation, U. N. E. S. C. O etc., and literary contribution to both Indian and foreign magazines will be covered by clause (b) if this is done unaided by knowledge acquired in the course of service.

** (9A) First ten/twenty years of service "Next ten years of service" "Completed years of service" and "one year's continuous service" means continuous service of the specified duration under the Government of Rajasthan and any of its Covenanting States, and includes period spent on duty as well as on leave including extraordinary leave.

Government of Rajasthan's Decision

\$The term "completed year of service" as defined in Rajasthan Service Rules includes also periods spent on leave including extraordinary leave.

A doubt has been expressed as to whether a Government servant who is already on leave can avail of half pay leave in continuation of his leave if he earns the half pay leave during that spell of leave on account of the completion of his year of service.

Government have considered the matter and it has been held that such half pay leave earned by a Government servant in respect of a completed year of service can be availed of by him in continuation of a spell of leave or any extension thereof within which the date of anniversary of service falls.

(10) Foreign Service.— means a service in which a Government servant receives his substantive pay with the sanction of Government from a source other than from the Consolidated Fund.

%(10A) **A Gazetted Officer is one who is either** (i) a member of an All India Service or (ii) is the holder of any of the posts shown in Schedule I (State Service) of the Rajasthan Civil Service (Classification, Control and Appeal) Rules, 1958 or (iii) is a person appointed in accordance with the terms of a contract or agreement and whose appointment is gazetted by Government and or (iv) is a Government servant holding a post which may

* Inserted by F.D. Order No.4492/57 F.I(40)F.D.(Rules,s56dated 18-7-57

** Inserted by F.D, Order No.F.10(51)F.I 1/54 dated 14-6-1954. Effective from 1-4-1951.

\$ Inserted by F.D. Memo. No. F. 10(5-11) F.II/54 dated 28-10-1955.

% Inserted by F. D. Order No. F. 5 (1) F(R)/56 dated 11-1-1956.

be declared by Government to be a Gazetted post. (Appendix XII, Part II, State Service).

@(10B) **Half Pay leave**, -means leave earned in respect of completed years of service. "Half pay leave due" means the amount of half pay leave calculated as prescribed in Rule 93 for the entire service diminished by the amount of leave on private affairs and leave on medical certificate or any other kind of leave on half pay taken before 1-4-1951 and half pay [or half average pay*] leave taken on or after that date.

(11) **Head of a department.**—means any authority which the Government may by order declare to be the head of a Department for the purpose of these rules. (Appendix XIV).

(12) **Holiday.** —means—

- (a) a holiday prescribed by or under the Negotiable Instruments Act, and
- (b) in relation to any particular office, a day on which such office is ordered, by notification of Government in the Gazette to be closed for transaction of Government business without reserve or qualification.

(13) **Honorarium.**—means a recurring or non-recurring payment granted to a Government servant from the Consolidated Fund ^{\$}[of the State or the Consolidated Fund of India or of another State] as remuneration for special work of an occasional or intermittent character.

NOTES

** (1) No honorarium should be paid in respect of any work which can fairly be regarded as part of the legitimate duties of the Government servant concerned.

(2) It is one of the liabilities of Government servants to have to work outside office hours in exceptional times and circumstances. No honoraria should ordinarily be given on this account, but continuous working out of office hours may justify a claim to honoraria or to special pay.

(14) **Joining time.**—means the time allowed to a Government servant in which to join a new post or to travel to or from a station which he is posted.

(15) **Leave.**—includes Privilege leave, Half pay leave, Commuted leave, [%][Special Disability leave, Study leave, Maternity leave and Hospital leave], Leave not due and Extraordinary leave.

(16) **Leave Salary.**—means the monthly amount paid by Government to a Government servant on leave.

(17) **Lien.**—means the title of a Government servant to hold substantively, either immediately or on the termination of a period or periods

@ Inserted by F.D. Order No. F. 10 (51) F 11/54, dated 27-10-1955 and effective from 1-4-1951.

* Inserted by F. D. Order No. 10 (5-1)R/54, dated 8-3-1956 and effective from 1-4-1951

^{\$} Inserted by FD order No.4639/59/F.7A(31)FD-A/Rules/57 dated 24-09-1959

** Inserted by F. D. Order No. F. 5(1) F. (R)/56f, dated 11-1-1956.

[%] Inserted by F.D. Order No.6146/F9 (3)FD(R)56, dated 14-12-1956

of absence, a permanent post, including a tenure post, to which he has been appointed substantively.

(18) **Local Fund.**— means—

- (a) Revenues administered by bodies which by law or rule having the force of law come under the control of Government, whether in regard to proceeding generally or to specific matter such as the sanctioning of their budgets, sanction to the creation, or filling up of particular posts or the enactment of leave, pension similar rules; and
- (b) the revenues of any body which may be specially notified by Governor as such.

(19) **Ministerial servant.**—means a Government servant of a subordinate service whose duties are entirely clerical, and any other class of servants specially defined as such by general or special order of Government (Appendix XII, Part II, Ministerial Service).

^{**}(20) **Month means a calendar month**—In calculating a period expressed in terms of months and days, complete calendar months should be calculated and the odd number of days added thereto.

Illustration— (a) To calculate 3 months and 20 days on and from the 25th January, the following method should be adopted:—

	Y.	M.	D.
25th January to 31st January	0	0	7
February to April	0	3	0
1st May to 13th May	0	0	13
Total	0	3	20

(b) The period commencing on 30th January and ending with the 2nd March should be deemed as 1 month and 4 days as indicated below—

	Y.	M.	D.
30th January to 31st * (January)	0	0	2
February	0	1	0
1st March to 2nd March	0	0	2
Total	0	1	4

^{**} Substituted vide F.D. Notification No.F.1 (18) FD (Rules)/71, dated 27-3-1971 for—

(20) Month—means a Calendar month. In calculating a period expressed in terms of months and days complete calendar months, irrespective of the number of days in each, should first be calculated and the odd number of days calculated subsequently.

* Substituted for the word "March" vide FD Corr. No. F. 1(18) FD/(Rules)/71 dated 19-5-1971.

NOTE

In calculating a period of 3 months and 20 days from the 25th January, 3 months should be taken as ending on 24th April and the 20 days on 14th May. In the same way the period from 30th January to 2nd March should be reckoned as 1 month and 2 days, because one month from 30th January ends on 28th February. A period of one month and 29 days commencing from the 1st January will expire in an ordinary year (in which February is a month of 28 days), on the last day of February, because a period of 29 days cannot obviously exceed a period of full calendar month and leave for two months from 1st January would end on the last day of February. The same would be the case if February were a month of 29 days or if the broken period were 28 days (in an ordinary year).

£"(c) The period commencing on 2nd January and ending on 1st March should be deemed as 2 months and 1 day treating 30 days month of odd number of day's as indicated below —

	Y.	M.	D.
2nd January to 31st January	0	0	30
February	0	1	0
1st March	0	0	1
Total	0	1	31
or say two months 1 day			

@(21) Deleted

(22) **Official in permanent employ.**—means a Government servant who holds substantively a permanent post or who holds a lien on a permanent post or would hold a lien on a permanent post had the lien not been suspended.

(23) **Officiate.**—A Government servant officiates in a post when, he performs the duties of a post on which another person holds a lien. Government may, if it thinks fit, appoint a Government servant to officiate in a vacant post on which no other Government servant holds a lien.

(24) **Pay.**—means the amount drawn monthly by a Government servant as:—

- (i) the pay, other than special pay or pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre, and
- (ii) special pay and personal pay, and
- (iii) any other emoluments which may be specially classed as pay by the Governor.

NOTES

1. In the case of a piece worker in a Government press when appointed to a post on a time-scale pay shall be deemed to be equivalent to 200 times his hourly class rate.

£ Inserted vide FD.Notification No. F.1(66)FD(Gr.2)85 dated 30-12-85.

@ Deleted vide F.D. Notification No. F.1(53)FD/A(Rules)61, dated 1-1-1965, For-

(21) *Official in quasi-permanent employ*—means a Government servant, who has been appointed to a temporary or officiating vacancy on the understanding given to him in writing before he took up appointment that the vacancy is expected to become permanent but is not confirmed after completion of 3 years' continuous service:

Provided that a Government servant will be treated as quasi-permanent only after a declaration to this effect is made in writing by the authority competent to make substantive appointment. In respect of Gazetted Officers the declaration may be communicated to the Accountant General and in respect of others recorded in the service book.

2. Literacy allowance granted to Police Constables and other staff is of the nature of pay.

*3. Non-practicing allowance or Non-clinical allowance drawn by a Medical Officer under Schedule V of the Rajasthan Civil Service (Revised Pay) Rules, 1961 (inserted vide Finance Department Notification No. F.2 (b) (18) FD (E-R)/65-I, dated 28th July, 1966) shall be treated as pay for the purpose of :—

- (i) Pension & Gratuity.
- (ii) Leave salary.
- (iii) Deputation in Foreign Service, if the post in Foreign Service/ deputation has no scope for private practice.
- (iv) Training under rule 7 (8) (b).
- (v) Emoluments as defined in Rules 35 of the Rajasthan Civil Services (Determination and Recovery of Rent of Residential Accommodation) Rules, 1958.
- \$ (vi) Deleted
- \$ (vii) Deleted
- ^(viii) Deleted
- ** (ix) Joining time.
- %(x) Training abroad under Rule 51 of R.S.R.

@4. A medical Officer who is sanctioned non-practising allowance from time to time shall not undertake private practice in any form whatsoever. He shall record a certificate in the following manner in the pay bill in which the non-practising allowance is claimed:—

It is certified that no private practice was undertaken during the period for which the non-practising allowance has been claimed in the bill.

@@5. Rural allowance drawn by C.A.S. in terms of Finance Department Order No. 2 b (1) (3) F.D. (E-R) 65-II dated 6-2-1965 and No. F.2 (b)

* Inserted vide F.D. Notification No. F.2 (b) (18) F. D. (E.R) /65-1 II, dated 28-7-1966 effective from 1-4-1966.

\$ Deleted vide FD Notification No. F1(9)FD Gr.2 (90) dated 07-06-90 the entries "(vi) house rent allowance rules content in appendix XVII of Rajasthan Service Rules volume II and (vii) dearness allowance".

\$ Deleted vide FD Notification No. F1(9)FD Gr.2 (90) dated 07-06-90 the entries "(vi) house rent allowance rules content in appendix XVII of Rajasthan Service Rules volume II and (vii) dearness allowance.

^ Deleted vide FD order No.F.2(b)(18)FD/ER/65-I dated 1-11-1973 w.e.f. 1-9-1971 the entry "(viii) trailing and daily allowance".

** Inserted vide F.D.Notification No.F.2(b)(18)F.D.(Rules)63,dated 6-8-1970 and effective from 1-4-1966 vide order dated 19-12-1970.

%(Inserted vide F.D. order No.2.(b)(1)FD/Gr2/74, dated 25-9-1974.

@ Inserted vide F.D. Notification No.l(47)FD/Rulss/68 dated 16-9-1968.

@@ Inserted vide F.D.Notification No.F.2(b)(18)FD/ER//65-I, dated 29-11-1973 w.e.f. 1-10-1973.

(67) FD/E-R/66-II dated 29-11-1973 shall be treated as pay for the purpose specified in %% (Note 3).

*** (25) **Pension**.—Except when the term "Pension" is used in contraction to gratuity and/or death-cum-retirement gratuity, pension includes gratuity and or death-cum-retirement gratuity.

(26) **Permanent Post**.—means a post carrying a definite rate of pay sanctioned without limit of time.

(27) **Personal Pay** .—means additional pay granted to a Government servant—

(a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure; or

(b) *in* exceptional circumstance, on other personal considerations.

(28) **Privilege Leave**.—means leave earned in respect of periods spent on duty.

"Privilege leave due" means the amount of privilege leave calculated as prescribed in Rules 91, 92 or 94 diminished by the amount of privilege leave taken.

(29) **Presumptive pay of a post**.—When used with reference to any particular Government servant, means the pay to which he would be entitled if he held the Post substantively and were performing its duties, but it does not include special pay unless the Government servant performs or discharges the work or responsibility or is exposed to the unhealthy conditions, in consideration of which the special pay was sanctioned.

* (30) **Probationer**.—means a person appointed provisionally against a substantive vacancy in the cadre of a service or on a substantively vacant post.

NOTES

@ (1) This term does not, however, cover a Government servant who holds substantively a permanent post in a cadre and is merely appointed 'on probation' to another post.

(2) No person appointed substantively to a permanent post in a cadre is a probationer unless definite conditions of probation have been attached to his appointment, such as the condition that he must remain on probation pending the passing of certain examinations.

%% Substituted by F.D. corrigendum No.F.2(b)(18)FD/ER/65-I, dated 23-1-1974 for words & figures "Note 4."

*** Substituted by F.D. Order No.F.35(4)/52, dated 21-4-1952 for:—

"[Pension— Excent when the term 'Pension is used in contradistinction to Gratuity, pension includes gratuity]."

* Substituted vide F.D. Order No. F.I (14)FD (E.R)/66, dated 18-5-1966. "(30) *Probationer*:— means a Government servant employed on probation in or against a substantive vacancy in the cadre of Department."

@ Inserted by F.D. Order No, F.7 (7) R/55, dated 29-7-1955,

- (3) The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribed otherwise.

Audit Instruction

The instructions in notes (1) and (2) above are to be taken as complementary and not as mutually exclusive. Taken together, they contain the essence of the tests for determining when a Government servant should be regarded as a 'probationer' or as merely 'on probation' irrespective of whether he is already a permanent Government servant or is merely a Government Servant without a lien on any permanent post. while a probationer is one appointed in or against a post substantively vacant with definite conditions of probation, a person on probation is one appointed to a post (not necessarily vacant substantively) for determining his fitness for eventual substantive appointment to that post. There is nothing in these Audit Instructions to prevent a Government servant substantively in one cadre (e.g. a First Division Assistant holding a lien on a post borne on the Imperial Secretariat Service, Class II) from being appointed (either through selection by a departmental committee or as a result of competitive examination through U.P.S.C.) as a 'probationer' in or against a post borne on another cadre (like the Indian Audit and Account Service, the Imperial Customs Service and the Income Tax Services, Class I), when definite conditions of probation such as the passing of departmental examinations are prescribed. On such a case, the Government servant should be treated as a 'probationer', and (subject to specific rules, if any, to the contrary) allowed only, as initial and subsequent pays, the rates of pay prescribed for the probationary period, irrespective of whether those rates are actually included in or shown separately from the time-scales of the services concerned. The case of departmental candidates of the same Department promoted by selection (e.g. an S.A.S. (Central Service, Class III) Superintendent or an A.A.O. of the Indian Audit Department promoted by selection to the Indian Audit and Account service within the quota for such promotion) is, however, different. If the Departments of the Government of India concerned consider it expedient, these 'promoted' men may properly be put 'on probation' for a period to see if they make good in the actual work of a Class I Officer and have liens (active or suspended) retained for them on their former posts meanwhile to provide for their possible reversion, but, whatever the departmental arrangements to test their capacity, etc. during the 'on probation' period, their initial pay should be fixed under the operation of the normal rules regulating pay fixation.

- #(30A) **Probationer-trainee:** means a person appointed through direct recruitment against a clear vacancy in the cadre of service and placed under training on fixed remuneration for a period of two years or extended period, if any."

Inserted vide FD Notification No. F.1(2)FD/Rules/2006 dt. 13.3.2006 w.e.f. 20-01-2006

- ^{*}(31) **Special Pay**—means and addition, of the nature of pay, to the emoluments of a post of a Government servant, granted in consideration of—
- (a) the specially arduous nature of the duties;
 - or
 - (b) a specific addition to the work or responsibility.

NOTE

A provision in the contract of a Government servant appointed to a particular post that he should "also do all things that may be required of him" does not contemplate his being required to perform onerous additional duties in another post without remuneration.

(32) **Superior Service**—means any kind of service which is not Class IV.[£]

(33) **Subsistence Grant**— means a monthly grant made to a Government servant who is not in receipt of pay or leave salary.

(34) **Substantive pay**— means the pay other than special pay, personal pay or emoluments classed as pay by Governor under Rule 7(24) (iii) to which a Government servant is entitled on account, of post to which he has been appointed substantively or by reason of his substantive position in a cadre.

NOTES

1. In the case of a piece-worker in a Government press when appointed to a post on a time scale substantive pay shall be deemed to be to equivalent to 200 times his hourly class rate.

^{*}2. Substantive pay includes the pay drawn by a probationer in a post to which he has been appointed on probation.

^{**}3. In the case of a person with a lien on a permanent post under a State Government 'substantive pay' means the 'substantive pay' as defined in the relevant rules of the State Government concerned.

^{***}(34-A) **Substantive Appointment**—means the appointment of a Government servant on a permanent post and on which he acquires a lien.

^{*} Substituted by F.D. Notification No. F. 1(64) F.D. (Rules)/68, dated 22-2-1969 for—

"(31) *Special Pay*—means an addition of the nature of pay, to the emoluments of a post or of a Government servant, granted in consideration of—

- (a) the specially arduous nature of the duties;
- (b) a specific Addition to the work or responsibility; or
- (c) the unhealthiness of the locality in which the work is performed."

[£] Deleted vide F.D. Notification No. F.1(9)FD(Gr.2)/90 dt. 17-5-90 for (Appendix XII, Part II).

^{*} Inserted by F.D. Order No. F.5(1)F(R)/56 dated 11-1-1956.

^{**} Inserted by F.D. Order No. D.3549/F.7a(4)F.D.-A Rules 57 dated 19-6-1957.

^{***} Added vide F.D. Order No. F.1(14)FD(E.R. /66, dated 18-5-1965.

(35) **Temporary post**—means a post carrying a definite rate of pay sanctioned for a limited time.

NOTES

@1. Deleted

@2. Deleted

3. An extension of a temporary post necessary to cover the period of leave granted to its holder is expedient only when the grant of leave involves "no expense to Government" but improper in the absence of this condition.

(36) **Tenure Post**—means a permanent post which an individual Government servant may not hold for more than a limited period.

NOTE

In case of doubt Government will decide whether a particular post is or is not a tenure post.

(37) **Time Scale Pay** — means pay which, subject to any conditions prescribed in these Rules, rises by periodical increments from a minimum to a maximum.

Time scales are said to be identical if the minimum, maximum, the period of increment and the rate of increment of the time-scales are identical.

A post is said to be on the same time scale as another post on a time-scale if the two time-scales are identical and the posts fall within a cadre or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degrees responsibility, in a service or establishment or group of establishment, so that the pay of the holder of any particular posts is determined by his position in the cadre or class and not by the fact that he holds that post.

(38) **Transfer**—means the movement of a Government servant from one headquarter station in which he is employed to another such station, either—

- (a) to take up the duties of a new post, or
- (b) in consequence of a change of his headquarters.

(39) **Vacation Department**—A vacation department is a department, or part of a department, to which regular vacations are allowed, during which Government servants serving in the department are permitted to be absent from duty.

%Exception - (Deleted).

@ Deleted by F.D. Order No. 5317/56/F.8(47) F.D./R/55, dated 12-11-1956

% Inserted vide FD Notification No.F.I(62) FD(R)/68, dated 17-12-1968 and deleted vide FD Notification No. F. 4 (62) FD (Rules)/68, dated 18-8-1969 effective from 17-12-1968.

"Exception.- The following specialities of the Ayurvedic Colleges will not be treated as a vacation department:—

- | | |
|-------------------|----------------|
| (1) Kayachikitsa | (काय चिकित्सा) |
| (2) Shalya Shakya | (शल्य शालाक्य) |

*** (40) Non pensionable Establishment**—means an establishment whose salaries are not paid out of provision for "Pay of Officers" and "Pay of establishment" in the Budget but in any other manner.

(3)	Prasooti	(प्रसूती)
(4)	Istri Rog	(स्त्री रोग)
(5)	Kaumar Bhritya	(कोमार भृत्य)
(6)	Agat Tantra	(अगत तन्त्र)
(7)	Vikriti Vigyan	(विकृति विज्ञान)
(8)	Sharit Kriya	(शरीर क्रिया)
(9)	Ras Bhesajya	(रस भेषज्य)

* Inserted vide FD Notification No. F. 1(14) FD(Exp. Rules)/67, dated 21-8-1967.

PART II

CHAPTER III

General Conditions of Service.

- \$8. Notwithstanding anything contained in any rules all appointments in Government service on or after 20.1.2006 shall be made as a probationer-trainee for a period of 2 years and during the period of probation training, he/she will be paid fixed remuneration at such rates as may be prescribed by the Government from time to time. After successful completion of probation training he/ she will be allowed minimum pay in the pay scale of the post and the period of probation training shall not count for grant of annual grade increment(s).

Note: *In cases where recruitment process has started the following procedure shall be followed by the RPSC/ recruiting authority: -*

- (i) **Where a request of recruitment has already gone to the RPSC/ recruiting authority but the RPSC/ recruiting authority is still to issue the advertisement or last date of filling application is yet not over:** Administrative department may request the RPSC/ recruiting authority to ensure that the advertisement is issued in light of the amendment. In cases where advertisements have issued, but last date for filling application is yet not over. In such cases, the RPSC/ recruiting authority, both through advertisement and letters, should inform the applicants about the amended rule and give him/her the option of withdrawing from the proposed examination, if he/she, so desired, on a full refund basis (refund of application fee).
- (ii) **In case where the request of recruitment to the RPSC/ recruiting authority has gone and the advertisement has also issued, and last date of filling forms by the candidates is also over:** In such cases, the RPSC/ recruiting authority, both through advertisement and letters, should inform the applicants about the amended rule and give him/her the option of withdrawing from the proposed examination, if he/she, so desired, on a full refund basis (refund of application fee).
- (iii) **Where the RPSC/ recruiting authority has already conducted the written examination but interviews have not been held:** The RPSC/ recruiting authority should inform all the interviewees in writing of the changed rules and take his/her written acceptance of his/her willingness to appear for continuing to be a candidate in the job, before the interview itself.
- (iv) **Where the RPSC/ recruiting authority has conducted the interviews and made recommendations to the appointing authority:** Before issuing the appointment letters, the appointing authority should inform the candidates of the changed rules and obtain

^s The existing rule 8 renumbered as Rule 8A and new rule 8 and notes there under inserted vide FD Notification No. F.1(2) FD(Rules)/2006 dated 13.3.2006 w.e.f. 20.1.2006.

his/her consent for being appointed under the new rules before a final letter of appointment is issued.

(v) Where appointment letters have already been issued (prior to issuance of DOP Notifications dated 20.01.2006), the appointments will have to be made under the old rules."

^(vi) Where recruitment process was completed and appointment orders were issued prior to 20.1.2006 except to some of the selectees because of stay orders of court or any other justified reasons, appointments of such remaining selectees will be governed under the provisions of the various rules in force prior to 20.1.2006."

\$@* **8A. Age on first appointment:**—%(1) Unless otherwise provided in the rules or the orders of the Government governing recruitment to any post

^ Inserted vide FD Notification No. F.1(2)FD(Rules)/2006 dated 13.2.2007 w.e.f. 20.1.2006

\$ The existing rule 8 renumbered as rule 8A vide FD notification No. F.1(2)FD/Rules/2006 dated 13.3.2006 w.e.f. 20.1.2006.

% Re-numbered as sub-rule (1) vide FD Notification No. F. 1 (27) FD/Gr. 2/78, dated 24-1-1979.

@ Rule 8 Substituted, Notes 1 to 5 and clarification deleted. Government of Rajasthan's Decisions No. 1 to 3 omitted and remaining re-numbered vide F. D. Order No. F. 7 A (29) F-D-A (R) 60, dated 6-5-1961 for-

8. No person whose age exceeds 25 years may be ordinarily admitted into pensionable service of State, Government may by special or general order, relax the age of entry in individual cases or in the cases of specified posts or services.

Notes

1. Minors or persons who have not attained the age of 18 years should not be appointed to posts for which security is required.

2. When in the appointing authority's opinion a person appointed in the first instance in an officiating or temporary capacity is likely to be made permanent at a later date, the question of exemption from age limits, if necessary, should be considered at the time of the first appointment, though formal sanction to the exemption may be accorded at the time the person is confirmed in Government service.

3. In the case of persons who are below 25 at the time they enter Government service in a temporary or officiating capacity, but are over 25 at the time of confirmation, the question of exemption from the age limit would not arise and no formal sanction would be required at the time of confirmation.

4. No person who is below 18 years shall be eligible for appointment in pensionable service either in Superior or Class IV service.

5. Provision relating to the age of entry contained in the rules regarding recruitment to various services framed under provision to Article 309 of the Constitution, shall to the extent these prescribe an age different from that laid down in this rules, be treated as relaxation of this rule within the meaning of the second sentence of this rule.

Government of Rajasthan's Decision

1. In exercise of the powers conferred by Rule 8 of the Rajasthan Service Rules, Government are pleased to order that in the case of Medical graduates, who have to their credit a period of service as short Service Regular Commission Officers in the Army Medical corps, the age of entry in State Service may be relaxed to the extent of the period of such service.

2. In exercise of the powers conferred by Rule 8 of the Rajasthan Service Rules, Government are pleased to order that in the case of Government servants in temporary service, discharge as a result of reduction in the strength in the Secretariat and other Departments who may be admitted into pensionable service of the State before 31st December, 1953, the age of entry in State service will be relax to the extent of the period during -which the were in continuous temporary service of the Government provided the age does not exceed 35.

3. In view of large scale retrenchment due to the abolition of Supplies and Customs Departments, Government have decided that the relaxation regarding age limit will continue for a further period ending 29th February 1956.

Clarification

A large number of cases of age relaxation are referred to Finance Department for concurrence vide Rule 8 of the Rajasthan Service Rules. Under this rule no person whose age exceeds 25 years should ordinarily be admitted into pensionable service of the State. Note 2 below Rule 8 further lays down that when

or class of posts the minimum and the maximum age for entry into Government service shall be 16 and (35 years) respectively.

Exceptions 1:—Minors or persons who have not attained the age of 18 years should not be appointed to posts for which security is required.

2:—Unless otherwise provided in the rules governing recruitment to particular post/Service, the upper age limit in case of women candidates for entry into Government service shall be 42 years.

& Deleted

3:- ^ Deleted

^a3: Those who crossed the upper age limit after 1.1.1999 shall be eligible further for recruitment in Government service for two year i.e. from 24.5.2004 to 23.5.2006.

in the appointment authority's. opinion a person appointed in temporary capacity is likely to be made permanent at a latter date the question of exemption from age limit, if necessary should be considered at the time of first appointment though formal sanction on the exemption may be accored at the time the person is confirmed in Government service. The power to relax age limit vests only in Government in the Finance Department.

It has been notice that in a number of a such cases temporary appointments are first made for short periods by the Department concerned and extensions are also allowed but requests for relaxation of age limit are made only at a very late stage when it is proposed to Confirm the incumbent. In some of the cases such period extend even from 5 to 7 years. This is in contravention of the rules and places the Finance Department very embarrassing position.

Attention of the Administrative Departments and Heads of Departments is therefore invited to the provisions of rule 8 of the Rajasthan Service Rules and it is enjoined upon them that no appointment over 25 years of age should be made in the hope that the cases will ultimately be regularised by the Finance Department. Finance Department will not agree to relaxation of age in routine way, and responsibility of such irregular appointments will rest on the Departments themselves.

⁺ Substituted for the words and figures "38 years" vide FD Notification No. F. 1 (a)(12)FD(Gr. 2)/77 dated 25-1-90 and "35 years" vide FD Notification No. F.1 (a)(12)FD (Gr.2)/77 dated 25-4-85.

⁼ The existing word and figure &"33 years" substituted vide FD Notification No. F1(6)FD/Rules/98 dt. 24.5.2004

& Substituted for the words and figures "31 years" vide F.D. Notification No. F. 1 (a) (12) FD (Gr.2) /77/dated 25-1-90.

* Substituted for 28 years vide FD Notification No.F.1(a)(12)FD (Gr.2)/77, dated 28-09-1984 and "for 25 years" vide FD Notification F.1(62) FD(Rules)/69, dated 15-10-1969 & 08-04-1970 w.e.f. 1.9.69.

% The existing word and figure "+40 years" substituted vide FD Notification No. F1(6)FD/Rules/98 dt. 24.5.2004

& Proviso Deleted vide FD Notification No. F.1(6)FD/Rules/98 dt. 28.12.1998 w.e.f. 31.3.1999.

[#]Provided that the upper age limit in the case of women candidates for entry into Government service shall be 42 years instead of 40 years during the period from 27.6.1998 to 26.6.2000.([#] Inserted vide FD Notification No. F.1(6)FD/Rules/98 dt. 27.6.1998)

[^] The existing exception 3 deleted vide FD Notification No. F.1(6)FD (Rules)/98 dated 28-12-98 w.e.f. 31-03-1999. +The maximum age for entry into Government service shall be '35 years' instead of '33 years' during the period from 27.6.1998 to 26.6.2000.

^a Inserted vide FD Notification No. F.1(6)FD/Rules/98 dt. 24.5.2004

Government of Rajasthan's Decisions.

*1. The age limit for recruitment to various Services under the control of Rajasthan Government in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes is relaxed upto five years.

@2. In the case of Jagirdars (including Jagirdar's sons) who did not have any jagir for their subsistence, who are taken in Government service as a result of resumption of Jagirs on their being found suitable in other respects, the age may be relaxed upto 40 years This concession will remain in force for a period of five years. @@[This concession may be extended upto 31-12-1963.]

%3. With a view to reduce chances of appointment of persons who are over age, it has been decided that the date of birth should be invariably indicated in all orders of fresh appointments.

**4. It is ordered that the upper age limit for appointment of 'Reservists' of Indian Armed Forces to various posts under the control of the Government shall be 50 years.

***5. There is no uniform procedure for change of names of Government servants. The matter has been examined and it has been decided that a Government servant wishing to adopt a new name or to effect any modification in his existing name should be asked to adopt the change formally by a deed changing his name. In order that the execution of the document may not be in doubt it is desirable that it should be attested by two witnesses preferably those known to the Head of the Office in which the Government servant is serving. A specimen of the deed form is given below for reference. The execution of deed should be followed by publication of the change in a prominent local newspaper as well as in the Rajasthan Rajpatra. Publication being undertaken by the Government servant at his own expense in both cases. For the publication of the advertisement in the Rajasthan Rajpatra, Government servant should be directed to approach the Superintendent, Government Central Press, Jaipur.

It is only after the formalities described in the foregoing paragraph have been complied with and satisfactory evidence of identity and execution of the document adduced by the Government servant that the adoption of the new name or change in the existing name should be recognised officially and entries in Government records as may be necessary be amended accordingly. True copies of the relevant documents should be retained in the personal file of the Government servant and the Accountant General be informed accordingly.

DEED CHANGING A NAME/SURNAME

BY THIS DEED I, the undersigned A. B. C. (New name), of etc. now lately called A. C. (Old name) employed as..... .(designation of the post held

* Inserted by FD. Order No. D.5403/F.1(103) FD/R/56, dated 14-11-1956.

@ Inserted by F.D. Order No. D. 8215/F 1(149) FD/R/56, dated 14-12-1956.

@@ Added vide F.D. Order No. F.I. (20) FD (A) (Rules) 61 dated 19-7-1962.

% Added vide F.D. No. 1647/58/F1A (12) FD (A) Rules/57, dated 15-5-1958.

** Inserted vide F.D. Order No. F.7A (29) FD-A (Rules) 60, dated 31-3-1961.

*** Inserted by F.D. Memo No. F.I (12) FD/(E-R)/67, dated 10-4-1967

at the time by the Government servant concerned) at.....(Place) where employed in the Department of the Government of Rajasthan, do hereby:—

1. For and on behalf of myself and my wife and children and remoter issue wholly renounce, relinquish and abandon the use of my former name A. C./Surname of C (only) and in place thereof do assume from the date thereof name A. B. C. the surname of B. C. and so that I and my wife and children and remoter issue may hereafter be called, known and distinguished not by my former surname of C (only) but by my assumed surname of B. C.

2. For the purpose of evidencing such my determination declare that I shall at all times hereafter in all records, deeds, writings and in all proceedings, dealings and transactions as well private as Public and upon all occasions whatsoever use and sign A. B. C. as name and B. C. as my surname in place of and in substitution for my former name A. C. and surname of C. (only).

3. Expressly, authorise and request all persons at all times hereafter to designate and address me and mywife and children and remoter issue by such assumed name A. B. C. surname of B. C. accordingly.

IN WITNESS WHEREOF I have hereinto subscribed my former and adopted names of A. C. and A.B.C. and affixed my seal this..... day of.....

Signed, sealed and delivered by the above | A. C.

A.B.C. named formerly A. C. in the presence of | A. B. C.

(1)

(2)

@6. The Accountant General, Rajasthan has brought to the notice of the Government that very often considerable delay occurs in the finalisation of pension cases for want of action to regularise overage appointments made during the period from 7-4-1949 to 5-5-1961.

The matter has been considered and it is ordered that as the appointing authorities were not familiar with rules/orders, and overage appointments were made by them during the process of Integration of Services of Pre-reorganisation States of Rajasthan, due to ignorance of rules, all such overage appointments made during the period from 7-4-1949 to 31-3-1953 by which date most of integration work was over, may be deemed under this order to bear the sanction of Government.

Cases of all overage appointments made after 31-3-1953 and upto 5-5-1961 should be scrutinised by the competent authorities without waiting for the Government servant reaching the age of retirement and all such cases may be sent to Government in the Administrative Department for regularisation alongwith explanation of the appointing authority who made the overage appointment. In cases where the Administrative Departments are

@ Inserted by F.D. Order No. F.1(78)F.D. Exp.(Rules) 62-1, dated 29-4-1967.

satisfied that appointment of an overage person was justified, they may seek the concurrence of Finance Department to issue of sanction regularising such appointment.

*7. वित्त विभाग में समय-समय पर विधित्त जिला बोर्डों के कर्मचारियों के मामले प्रस्तुत किये जाते हैं जिनमें उनकी अधिक आयु (overage) में की गई नियुक्ति को नियमित करने हुते वित्त विभाग की स्वीकृति मांगी जाती है। चूंकि अधिक आयु में नियुक्ति अविधित्त जिला बोर्डों द्वारा की गई थी और वे विधित्त हो चुके हैं, अतः ऐसी अधिक आयु की नियुक्तियों के कारण मालुम करना संभव प्रतीत नहीं होता है। इस मामले पर विचार करने के उपरान्त आदेश दिया जाता है कि ऐसे समस्त मामलों को जिन में कि जिला बोर्डों के कर्मचारियों की अधिक आयु में नियुक्ति हुई और जिन्हें जिला बोर्डों के विधित्त हो जाने के कारण राज्य सेवा में लिया गया इनकी नियुक्ति नियमित मानी जावें।

**8. प्रायः ऐसा देखने में आता है कि विभिन्न नियुक्ति अधिकारियों द्वारा राजस्थान सेवा नियमों में अंकित सीमा से अधिक के व्यक्तियों/महिलाओं की नियुक्ति कर ली जाती है और इसके पश्चात् अनियमित नियुक्तियों को नियमित करने के लिए राज्य सरकार को लिखा जाता है।

इस समस्या का समाधान करने हुते निर्देश दिए जाते हैं कि भविष्य में नये नियुक्त कर्मचारी के प्रथम वेतन के बिल के साथ नियुक्ति आज्ञा पत्र कोषाधिकारी देखेंगे व यह ध्यान में रखेंगे कि उक्त नियुक्ति आज्ञा में कर्मचारी की जन्म तिथि अंकित है। यदि जन्म तिथि के अनुसार उक्त कर्मचारी की नियुक्ति अनियमित है व सेवा में रखने योग्य आयु से बाहर है, तो उनका वेतन पारित नहीं किया जावेगा। ऐसे कर्मचारी राज्य सेवा में नहीं रह सकेंगे तथा उनका चढ़ा हुआ वेतन का भुगतान नियुक्ति अधिकारी स्वयं अपने द्वारा करेगे, यह निर्देश उन कर्मचारियों की नियुक्ति के संबंध में लागू नहीं होंगे जिनकी नियुक्ति लोक सेवा आयोग द्वारा या संबंधित सेवा नियमों के अन्तर्गत अधिक आयु में की गई हो।

विभागध्यक्ष अपने अधिनस्थ समस्त नियुक्तिकर्ता अधिकारियों को कृपया सूचित कर दें कि निर्धारित आयु से अधिक आयु के व्यक्तियों की नियुक्ति भविष्य में नहीं की जावें। यदि निर्धारित आयु सीमा से अधिक आयु में नियुक्ति संबंधित सेवा नियमों के अन्तर्गत की गई है तो इसका उल्लेख स्पष्ट रूप से नियुक्ति आज्ञा पत्र में किया जावेगा, ताकि जिला कोषाधिकारी को वेतन बिल पारित करने या न करने में कठिनाई नहीं हो।

%9. राज्य सरकार का ध्यान इस ओर आकर्षित किया गया है कि राज्य कर्मचारी राज्य सेवा में रहते हुए मैट्रिक या अन्य समकक्ष परीक्षा पास करते हैं जिसके प्रमाण-पत्र में जन्म तिथि अंकित होती है और वे परीक्षा पास करने के पश्चात् उस प्रमाण-पत्र के आधार पर सेवा पुस्तिका में पूर्व अंकित जन्म तिथि, जो प्रथम नियुक्ति केसमय अंकित की गई थी बदलवाने का प्रयत्न करते हैं।

इस समस्या का समाधान करने हुते निर्देश दिये जाते हैं कि ऐसे कर्मचारी जो राज्य सेवा में रहते हुये मैट्रिक या अन्य समकक्ष परीक्षा पास करें जिसके प्रमाण-पत्र में जन्म तिथि अंकित होती है, उनकी सेवा पुस्तिका में पूर्व अंकित जन्म तिथि उक्त प्रमाण-पत्र के आधार पर नहीं बदली जावें।

@10. In accordance with provisions of Rule 8 of Rajasthan Service Rules, the minimum and maximum age for entry into Government service is 16 and 25 years. Cases have been brought to the notice of the Government for regularisation of under age appointments of Government servants which

* Inserted by F.D. No. F.I(13)F.D.(Rules)/68, dated 21-5-1968

** Inserted by F.D. No. F.I(16)F.D.(Rules)/68, dated 16-7-1968.

% Inserted by F.D. Circular No. FI(16)FD(Rules)/68, dated 21-9-1968.

@ Inserted by F.D. Order No. F.I(15)FD(Rules)/69, dated 17-4-1969

were made by Governments of Covenanting States/Pre-re-organisation States of Rajasthan.

The matter has been considered and it has been ordered that cases of all under age appointments made by Government of Covenanting States/Pre-re-organisation States of Rajasthan may be deemed, under this order, to bear the sanction of Government.

*11. Orders to the regularisation of overage appointments made up to 31-3-1953 have been issued previously under F.I(78)FD(E-R)/62-I, dated the 29th April, 1967. Cases have, however, come to notice of Finance Department in which the appointing authorities continued to make overage appointments even after 1-4-1953, in violation of the prescribed age limit in Rub 8 of the Rajasthan Service Rules. Government views such irregularities with grave concern and therefore order as follows:—

(2) The appointing authorities are hereby delegated powers to regularise overage appointments in respect of Government servants whose age of appointment is regulated under Rajasthan Service Rules and who retired on or before 1-7-1967, by relaxation of the maximum age limit for appointment as prescribed in Rajasthan Service Rules.

- (3) (i) Except Secretarial Ministerial Staff, all overage appointments made from 1-4-1933 to 31-10-1956 in respect of Ministerial and Subordinate Service other than those referred to in para (2.) above shall be deemed to have been regularised under these orders.
- (ii) Irregular overage appointments of Government servants of the categories referred to in sub-para above made on or after 1-11-1956 shall be considered by the Finance Department (Expenditure) only upto 30-6-1970. All such cases to be regularised should be referred to Finance Department (Expenditure) with the following informations, latest by 30-6-1970:—
 - (a) Name of the appointing officer.
 - (b) Reasons for making overage appointment.
 - (c) Detailed information regarding the disciplinary action, if any taken, against such appointing officer.

(4) Service Rules for Class IV servants were issued by the Appointments Department *vide* Notification No.F.I(21) Appts. (A-II)/62, dated on 8.7.1963. All appointing officers are, therefore, warned that appointments to Class IV service should be made in accordance with the provisions of these Rules. However, except as provided in para 2 above the following orders are issued in respect of overage appointment made before the issue of these orders.

- (i) Class IV servants appointed upto the age of 30 years before 8-7-1963, shall be deemed to have been regularised under these orders.

* Inserted vide F.D. Notification No.F.I(61)F.D.(Rules)/69 dated 30-3-1970.

- (ii) Class IV servants appointed above the age of 30 years but before 8-7-1963 and who have since died, shall be regularised by the Heads of Departments in relaxation of maximum age limit prescribed for appointment after obtaining proper explanation from the appointing authority, where necessary.
- (iii) Class IV servants appointed above the age of 30 years and before 8-7-1963 and who were retired from service before 1-12-1969, should be referred to Finance Department (Expenditure) by 30-6-1970 with the information required in sub-para (ii) of para 3 above.
- (iv) Cases of Class IV Government servants whose appointments were made before 8-7-1963 and above the age of 30 years and whose were still continuing in service, should be referred to Finance Department (Expenditure) concerned for regularisation by 30-6-1970 with the information required in sub-para (ii) of para 3 above. Cases received after the stipulated date shall not be taken into consideration.
- (v) Overage appointments of Class IV servants made on or after 8-7-1963 shall be referred to the Appointments (A) Department.

%12. वित्त विभाग के परिपत्र संख्या प. 1(16) वित्त (नियम)/68, दिनांक 16.7.68 द्वारा यह निर्देश दिया गया था कि विभागाध्यक्ष/ नियुक्तिकर्ता अधिकारी राज्य सेवा में नई नियुक्ति करते समय नियुक्ति आज्ञा पत्र में अनिवार्य रूप से कर्मचारी की जन्म तिथि अंकित करेंगे, तथा जिला कोषाधिकारी संबंध कर्मचारी के प्रथम वेतन बिल को ध्यानपूर्वक देखेंगे कि उक्त कर्मचारी की नियुक्ति पत्र में जन्म तिथि अंकित है, और वह नियमानुसार है अथवा योग्य आयु के बाहर है। नियमित आयु में दी गई नियुक्ति का ही वेतन वे पारित करेंगे।

प्रायः ऐसा देखने में आया है कि नियुक्तिकर्ता अधिकारी नियुक्ति आज्ञा पत्र में जन्म तिथि का उल्लेख नहीं करते और किन्हीं मामलों में जिला कोषाधिकारियों ने भी प्रथम वेतन बिल इस तथ्य की जांच किये बिना ही पारित कर दिए हैं।

निर्धारित आयु से कम आयु में की गई नियुक्तियां अथवा अधिक आयु की नियुक्तियां नियमानुकूल नहीं हैं, और उनको नियमित किए जाने के लिए बाद में विभागाध्यक्ष प्रस्ताव करते हैं, अथवा कर्मचारी के पेन्शन के कागजात पूरे कराते समय ऐसे तथ्य सामने लाये जाते हैं जो अनेकों कठिनाइयां उत्पन्न करती हैं।

अतः समस्त विभागाध्यक्षों से यह अपेक्षा की जाती है कि वे निर्देशों का कड़ाई से पालन करें। यह भी निर्देश दिया जाता है कि विभागाध्यक्ष अपने आंतरिक लेखा जांच दलों तथा अधिनस्थ लेखाधिकारियों को निर्देश दें कि अपने निरीक्षण के समय ऐसे मामलों की भी जांच करें और इस संबंध से हुई अनियमितताओं को वित्त विभाग के ध्यान में लावें। विभागाध्यक्ष इन निर्देशों को अपने अधिनस्थ कार्यालयों में भी पहुंचा दें।

जिला कोषाध्यक्ष उक्त निर्देशों का कृपया ठीक ढंग से पालन करें। इस संबंध में पाई गयी अनियमितताओं को राज्य सरकार गम्भीर मानती है।

*13. It is ordered that the upper age for appointment of Pujaries to posts in Devasthan Department shall be 35 years.

% Inserted vide F.D. Notification No.1(16)F.D.(Rules)/h8, dated 23-7-70.

* Inserted vide F.D. Order No. F. 1 (42) F.D. (Rules) / 71, dated 9-7-1971

@14. According to Finance Department Notification No. F.1(61) (Rules) / 69 dated 30-3-1970 all cases of overage appointments were required to be referred to Finance Department/ Appointments Department by the 30th June, 1970 for regularisation. It has come to the notice of the Government that inspite of issue of above orders appointing authorities continued to make overage appointments. Government have viewed this seriously and it is enjoined on all appointing authorities that all such cases of irregular overage appointment of Government servants made upto 31-3-1972 should be referred to Administrative Department concerned who may get them regularised with the concurrence of Finance (Expenditure sections) / Appointments Department as the case may be by end of 30-9-1972. Cases received after 30-9-1972 shall not be considered by Finance Department/ Appointments Department.

While referring the proposal for regularisation of overage appointments the appointing authority should simultaneously submit explanation as to why such appointment was made in contravention of rules.

+15. According to Finance Department Memo No. F.1(29)FD(Rules) /72, dated 20-6-1972 all cases of overage appointments were required to be got regularised with the concurrence of Finance Department by end of 30th September, 1972. It has come to the notice of the Government that inspite of issue of above orders cases of overage appointments for regularisation are being received in Finance Department even after the aforesaid date. Government have viewed this seriously and it is enjoined on all appointing authorities that all such cases of irregular overage appointments of Government servants made upto 31-3-1972 should be referred to administrative Department concerned who may get them regularised with the concurrence of Finance (Expenditure Sections) / Appointments Department as the case may be, by end of 31st March 1973. Cases received after 31-3-1973 shall not be considered by Finance Department/Appointments Department.

%16. According to Finance Department Memo Number F.I (29)FD/ (Rules)/72, dated 5-1-73 all Cases of overage appointments were required to be got. regularised with the concurrence of Finance Department by end of 31st March, 1973. It has come to the notice of the Government that inspite of issue of above orders cases of overage appointments for regularisation are being received in Finance Department even after aforesaid date. Government viewed this very seriously and it is enjoined on all appointing authorities that all such cases of irregular overage appointment of Govt. servants made upto 31-3-1972 should be referred to the Administrative Departments concerned who may get them regularised with the concurrence of Finance Department (Expenditure Sections)/ Department of Personnel as the case may be.

Finance Department will not regularise cases of overage appointments made after 31-3-72 and such cases may be summarily rejected in case they are received.

@ Added vide F.D. Memo No. F.I(29)FD(Rules)/72, dated 20-6-1972

+ Added Vide F.D. Memo No. F.I(29) F.D./Rules/72, dated 5-1-1973.

% Added vide F.D. Memo No. F.I (29) F.D./Rules/72, dated 25-5-1973.

@17. The minimum and maximum age for entry into Government service has been prescribed under Rule 8 of Rajasthan Service Rules except where otherwise provided in the rules or order of the Government governing recruitment to a service or post under Government. These provisions are often violated by the appointing authorities and they continue to make overage appointments. Such overage appointments are brought to the notice of the Government at the time of finalisation of pension cases. Government have no option except to regularise each and every such case in order that the pension case is finalised. The regularisation process causes considerable delay in finalisation of pension cases.

The matter has been considered and it has been decided that the pension cases shall henceforth be finalised and admitted in audit even though the formal order regularising the cases of overage appointment have not been issued. This however, does not dispense with the necessity of regularisation of overage appointments subsequent to retirement and finalisation of pension.

Government views seriously such lapses and irregularities in the observance of rules. It is, therefore, enjoined upon the appointing authorities that they should not make appointments in disregard of the rules relating to age on first appointment. The date of birth of a Government servant should, invariably be mentioned in the order of the appointment issued at the time of entry into Government service for the first time.

"8A (2) ^ (a) In relation to a person already in the service of the Government on 1.1.1979, the date of birth as recorded in the Service Book/Service Roll shall be accepted by the State Government as date of birth of such person irrespective of the basis or authority on which it was entered. The date of birth so recorded and accepted shall not be changed subsequently by Administrative Department except on the basis of a record accepted as evidence of date of birth as per provisions of Rule 8A(2)(b) of Rajasthan Service Rules and with the prior approval of Finance Department".

(b) (i) In relation to a person appointed on or after 1-1-79 the age of a Government servant for the purpose of this Rule shall be determined with reference to the date of birth entered in the High/Secondary/Higher Secondary School Certificate or in the first certificate issued by any Board of Education where the minimum qualification prescribed for the post under Government is Matriculation or Secondary or Higher Secondary or any other diploma or certificate recognised and declared by, the Government equivalent thereto and above.

@ Inserted vide F.D. Memo No. F.I (77) F.D., (Gr. 2)/69 dated 15-9-1975

^ Substituted vide FD Notification No. F.1(2)FD/Rules/2004 dt. 30.4.2007

* (2) (a) In relation to a person already in the service of the Government on 1-1-79, the date of birth as recorded in the Service Book/Service-Roll shall be accepted by the State Government as date of birth of such person irrespective of the basis or authority on which it was entered. The date of birth so recorded and accepted shall not be changed subsequently on the basis of High/ Secondary/Higher Secondary School Certificate or in the first certificate issued by any Board of Education etc. irrespective of whether it is advantageous to him or not.

*Inserted vide Finance Department Notification No.F 1 (27) FDI Gr.2/78. dated 24-1-1979

(ii) The date of birth entered in the High/Secondary/ Higher Secondary School Certificate or in the first certificate issued by a Board of Education shall be mentioned in the order of appointment issued by the competent authority.

(iii) Where the minimum qualifications prescribed for appointment to a post under Government is below Secondary/ Higher Secondary or equivalent the date of birth shall be determined with reference to the certificate of date of birth issued by the Municipality or Panchayat or School according to the entry made in their respective records, and in the event of non-availability of the aforesaid certificate, the date of birth declared by the applicant at the time of first appointment may be accepted. If the date of birth of a Government servant is not known and he is able to state the year of birth, the procedure laid down in Rule 63 of General Financial and Account Rules shall be followed.

(c) In case of a work charged employee who is appointed to a post under Government on account of conversion of work charged post into regular post under Government the date of birth as recorded in his Service Book/Service Roll as work charged employee shall be accepted by the Government and it shall not be subject to any alteration.

Government of Rajasthan's Decision

⁼वित्त विभाग के यह ध्यान में आया है कि कतिपय मामलों में प्रशासनिक विभागों/विभागाध्यक्षों/कार्यालयाध्यक्षों द्वारा कर्मचारियों/अधिकारियों की सेवा पुस्तिकाओं में अंकित जन्म दिनांक में कांट-छांट कर परिवर्तन कर दिया जाता है। ऐसी स्थिति में इन कर्मचारियों/अधिकारियों के सेवा निवृत्त होने पर पेंशन विभाग द्वारा आपत्ति की जाती है क्योंकि सेवा पुस्तिका में एक बार अंकित जन्म दिनांक में परिवर्तन कार्मिक विभाग एवं वित्त विभाग की सहमति बिना नहीं किया जा सकता है।

अतः समस्त प्रशासनिक विभागों/विभागाध्यक्षों को यह निर्देश दिये जाते हैं कि भविष्य में किसी भी अधिकारी/कर्मचारी की सेवा पुस्तिकाओं में अंकित जन्म दिनांक में बिना वित्त विभाग एवं कार्मिक विभाग की पूर्वानुमति के परिवर्तन नहीं किया जावे। विभागाध्यक्ष इस आशय के निर्देश उनके अधीनस्थ कार्यालयाध्यक्षों को भी देवें। बिना सक्षम स्वीकृति के जन्म दिनांक में परिवर्तन करने के लिए संबंधित दोषी अधिकारियों के विरुद्ध अनुशासनात्मक कार्यवाही की जावेगी।

9. Production of Medical certificate for appointments.—Except as provided by this rule no person may be appointed to a post in Government service without a medical certificate of health ^{*}[]. Government may, in individual cases, dispense with the production of a certificate, or may, by general orders exempt any specified class of Government servants from the operation of this rule.

Government of Rajasthan's Decision.

[@]A question having been raised as to whether medical examination for physical fitness is necessary in the case of part-time employees, it has been decided that such employees should be required to produce medical certificates of fitness in the same manner and on the same conditions as whole-time employees.

⁼ Inserted vide FD Circular No. F1(27)FD(Gr-2)/78 dated 22.5.1996

^{*} The words "which must be affixed to his first pay bill" deleted vide F.D. Notification No. F.1.(26) FD(Rules)/67-1 dated 21-6-1968.

[@] Inserted vide F.D. Memo No. F.10(4) F.11/54, dated 28-5-1954.

[%]2. In accordance with Rule 9 of the Rajasthan Service Rules [as amended vide Finance Department Notification No.F.1(26)FD(Rules)/67-I, dated 21-6-1968] medical certificate of health is not required to be affixed to the first pay bill of the Government servant concerned. In order to meet the requirements of audit, it has been decided that a certificate to the effect the medical certificate in the prescribed form has been obtained in respect of that Government servant, should be furnished to Audit alongwith the first pay bill of the Government servant. The procedure for furnishing this certificate in respect of Gazetted and non-gazetted officers will be as follows:—

(i) In respect of Gazetted Officers certificate recorded in the manner prescribed above by the competent authority to whom the medical certificate has been submitted, should be attached to the First Pay Bill.

(ii) In respect of Non-gazetted Government servants the drawing and disbursing officers should record such certificate and attach to the First Pay Bill of the Government servant concerned.

[£]10. **Form of Medical certificate of fitness:**-A medical certificate of fitness for Government service shall be in the following form: —

Health Certificate

"I hereby certify that I have examined.....(AB) candidate for employment in.....Department and cannot discover that he/she has any disease (communicable or otherwise), constitutional weakness or Bodily infirmity except..... I do not consider this a disqualification for employment in the office of....."

11. The certificate prescribed in Rule 10 should be signed by a Medical Officer of and above; the rank of a District Medical Officer, provided that:—

(a) In the case of a women candidate, a competent authority may accept a certificate signed by a woman medical practitioner,

^{**}(b) Deleted.

^{**}(b) a candidate who is likely to be employed in a temporary capacity continuously for three months or more shall produce, either before or [%][at the time of his appointment a certificate from the medical graduate or licentiate] but if the latter is doubtful whether or not the candidate is fit for Government service, he shall refer the case to the Principal Medical Officer. When, however, a Government servant initially employed in an office in a temporary capacity for less than three months is subsequently retained in that office or is transferred without a break to an other office and the total period of

[%] Inserted vide F.D. Memo No. F.1(26) FD(Rules)/67-II dated 21-6-1968.

[£] Substituted vide F.D. Notification No. F.1(86) FD/A/R/62, dated 3-1-1963.

^{**} Deleted and re-numbered vide F.D. Notification No. F.1. (58) FD/Rules/70, dated 12-1-1976, the following :---

“(b) in the case of a candidate to be appointed on pay which, at the time of his confirmation is not likely to exceed Rs. 50/- the appointing authority may accept a certificate signed by a medical graduate or licentiate in Government medical service or failing such by any other medical graduate or licentiate, and”

[%] Substituted vide F.D. Notification No. F.1(18) FD/Rules/70, dated 12-1-1976 for words “within a week from the date of his employment a certificate from the authorised medical attendant”

continuous service under Government it is expected to last for three months or more he shall produce such a certificate within a week from the date of the orders sanctioning his retention in the office or joining the new office.

NOTE

A Government servant, who on his first appointment in a temporary capacity, obtained a certificate of fitness from his * [Medical graduate or licentiate] and who is subsequently appointed in a permanent vacancy in the same office or elsewhere without a break in his service should, at the time of his confirmation, obtain a certificate of fitness from an officer of and above the rank of a District Medical Officer unless on his first appointment in a temporary capacity he was examined medically by such an officer. This however, does not apply to persons mentioned in provisos (a) and (b) of this rule.

12. Government servants exempted from production of Medical Certificate:— The following classes of Government servants are exempted from the production of a medical certificate of health:—

(1) A Government servant recruited through a competitive examination who had to undergo medical examination in accordance with the regulations prescribed for appointment to service under Government.

(2) A Government servant in superior service appointed in a temporary vacancy of less than three months' duration.

(3) A Government servant in a Class IV service appointed in a temporary vacancy of less than six months' duration.

(4) A temporary Government servant who has already been medically examined in one office, if transferred to another office without a break in service.

(5) A retired Government servant re-employed immediately after retirement.

@(6) A physically handicapped Government Servant, recruited through the special employment exchange who had undergone medical examination by a medical Board constituted by the Superintendent/Principal Medical and Health Officer of Government Hospitals.

NOTES

1. The production of medical certificate is necessary when :—

(a) A Government servant is promoted from non qualifying service paid from a Local Fund to a post in superior service under Government.

(b) A person is re-employed after resignation or forfeiture of past services.

* Substituted for words “authorised medical attendant” vide F.D.Notification No. F.1.(58) FD/Rules/60, dated 12-1-1970.

@ Inserted by F.D. Notification No. F.1.(33) F.D.(ER)/63, dated 7-10-1963.

(c) When a person is re-employed in the circumstances other than those referred to in sub-clause (b) above, the appointing authority will decide whether a medical certificate should be produced.

2, Once a person is asked to produce a medical certificate of fitness for entry into Government Service whether in a permanent or temporary capacity and has been actually examined and declared unfit, it is not open to the appointing authority to ignore the certificate that has been produced.

*13. **Fundamental conditions of Service** - Unless in any case it be otherwise distinctly provided the whole time of a Government servant is at the disposal of the Government and he may be employed in any manner required by proper authority, without claim for additional remuneration, whether the services required of him are such as would be remunerated from the consolidated Fund or from a body incorporated or not, which is wholly or substantially owned or controlled by the Government or from a Panchayat Samiti/Zila Parishad Fund constituted under the Rajasthan Panchayat Samities and Zila Parishad Act, 1959 (Act NO. 37 of 1959).

14 (a) Two or more Government servants cannot be appointed substantively to the same permanent post at the same time.

(b) A Government servant cannot be appointed substantively except as a temporary measure, to two or more permanent posts at the same time.

(c) A Government servant cannot be appointed substantively to a post on which another Government servant holds a lien.

15. **Lien**—Unless in any case it be otherwise provided in these rules, a Government servant on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post.

16. Unless his lien is suspended under Rule 17 or transferred under Rule 19 a Government servant holding substantively a permanent post retains a lien on that post—

(a) While performing the duties of that post ;

(b) while on foreign service or holding a temporary post, or officiating in another post;

(c) during joining time on transfer to another post, unless he is transferred substantively to a post on lower pay, in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post;

(d) while on leave; and

* Substituted vide F.D. Order No. F.7A(31) FD-A (Rules)60/dated 12-8-1960 for:--

“13. Unless in any case it be otherwise distinctly provided the whole time of a Government servant is at the disposal of the Government and he may be employed in any manner required by proper authority without claim for additional remuneration, whether the services required of him are such as would be remunerated from the Consolidated Fund or from the Local Fund or from the funds of a body corporate owned or controlled by the Government or from a Panchayat Samiti/Zila Parishad Fund constituted under the Rajasthan Panchayat Samitis and Zila Parishad Act, 1959 (Act No. 37 of 1959).”

(e) while under suspension.

17 Suspension of lien.-(a) Government shall suspend the lien, of a Government servant on a permanent post which he holds substantively if he is appointed in a substantive capacity -

(i) to a tenure post; or

@(ii) [omitted.]

(iii) provisionally to a post on which another Government servant would hold a lien, had his lien not been suspended under this rule.

(b) Government may, at their option, suspend the lien of a Government servant on a post which he holds substantively if he is deputed out of India or transferred to foreign service, or, in circumstances not covered by (a) of this rule, * [is transferred in an officiating capacity), to a post in another cadre, and if in any of these cases there is reason to believe that he will remain absent from the post on which he holds a lien for a period of not less than three years.

(c) Notwithstanding anything contained in clause (a) or (b) of this rule, a Government servant's lien on tenure post may in no circumstances be suspended. If he is appointed substantively to another permanent post his lien on the tenure post must be terminated,

(d) If a Government servant's lien on a post is suspended under clause (a) or (b) of this rule, the post may be filled substantively and the Government servant appointed to hold it substantively shall acquire a lien on it, provided that the arrangement shall be reversed as soon as the suspended lien revives.

NOTE : *When a post is filled substantively under this clause, the appointment will be termed a provisional appointment, the Government servant concerned will hold a provisional lien on the post; and that lien be liable to suspension under clause (a) or (b) of this rule.*

(e) **Revival of Suspended lien.**—A Government servant's lien which has been suspended under clause (a) of this Rule shall revive as soon as he ceases to hold a lien on a post of the nature specified in sub-clauses (i), (ii) or (iii) of that clause.

(f) A Government servant's lien which has been suspended under clause (b) of this rule shall revive as soon as he ceases to be on deputation out of India or on foreign service or to hold a post in another cadre, provided that a suspended lien shall not revive because the Government servant takes leave if there is reason to believe that he will, on return from leave, continue to be on deputation out of India or on foreign service or to hold a post in another cadre and the total period of absent on duty will not fall short of three years or that he will hold substantively a post of the nature specified in sub-clause (i), (ii) or (iii) of Clause (a).

@ Ommitted “(ii) to a permanent post outside the cadre on which he is borne or “vide F.D. Notification No. F.1(94)F.D.(Rules)/66 dated 15-10-1969.

* Substituted vide F.D. Notification No. F.1.(94) F.D.(Rules)/66 dated 15-10-1969 for “is transferred whether in a substantive or officiating capacity.”

NOTE

When it is known that a Government servant on transfer to a post outside his cadre is due to retire on superannuation pension within three years of his transfer, his lien on the permanent post cannot be suspended.

18. **Termination of lien**— (a) A Government servant's lien on a post may in no circumstances be terminated, even with his consent if the result will be to leave him without a lien or a suspended lien upon a permanent post.

^{*}(b) A Government servant's lien on a post stands terminated on his acquiring a lien on a permanent post (whether under the Government or Central/other State Governments) outside the cadre on which he is borne.

Note 1. [Omitted]

^{*}Note 2.— The Provisions of this rule shall cease to apply to an officer from the date he is appointed to serve as a Chairman or a Member of the Union Public Service Commission/State Public Service Commission. His lien on the post under the Government shall be terminated on his appointment to serve on the Commission.

Government of Rajasthan's Decisions.

^{***}1. The question regarding treatment to be accorded in the matter of lien, pay, pension, etc., to permanent employees of the various Covenanted State who were absorbed in temporary posts on the formation of Rajasthan or subsequently in the process of integration without being provided a lien against any permanent post has been considered and it has been ordered—

(1) In respect of permanent employees who were transferred to temporary (or officiating) appointments without retention of lien on any permanent post and without being declared 'surplus' lien may be provided by creating supernumerary posts on the scale of pay and allowances which the respective Government servants were in receipt of in the post of last substantive lien held by them in the Covenanted States as subsequently modified by Unified Pay Scales, as a temporary expedient pending their absorption in permanent posts. The above posts will be deemed to be created for the present till 31-5-1956. These will be reduced as and when the respective Government servants are absorbed in permanent posts. All such persons should be absorbed within this period against permanent vacancies or discharged as surplus and re-employed on temporary basis, if necessary. Persons of these categories should be given priority over purely temporary employees in the matter of absorption against permanent posts.

^{*} Substituted and Note 1. Omitted vide F.D. Notification No. F.1(94)F.D. Rules/66 dated 15-10-69 for:-
“(b) In a case covered by sub-clause (ii) of clause (a) of Rules 17 the suspended lien may not except on the written request of the Government servant concerned be terminated while the Government servant remains in Government service.

Note 1. In case covered by Rule 17 (a)(ii) where a Government servant is appointed in a substantive capacity to a permanent post outside the cadre on which he is borne; Rule 18(b) precludes permanently the termination of his suspended lien unless and until a written request to that effect is received from him.”

^x Inserted vide F.D. Notification No. F.1.(75)F.D.(E.R)/65 dated 4-1-1966.

^{***} Inserted vide F.D. Order No. 9798-11/55, F.13/(34)F.11/53, dated 22-3-1956.

(2) (a) Government servants of this category who were formerly declared surplus but were not actually discharged and were allowed to continue to work against temporary posts, or as a temporary measure against permanent post, may, irrespective of the fact whether the continued employment is in the same post or equivalent post or not," be allowed to draw their last substantive pay and also to earn increments. No officiating or temporary pay is to be protected. Where previous substantive pay exceeds the maximum pay of the post in which they are" allowed to continue, the pay should be fixed at such maximum, the difference between previous substantive pay and the maximum being allowed as personal pay. % [To enable such Government servants to count service for pension supernumerary posts be created in the scale of pay which such Government servant were in receipt of on the post last held by them in substantive capacity in Convenanting States.]

(b) The cases of those who were discharged as surplus will not be re-opened. If any of them have been or are re-employed pay will be allowed at a rate not exceeding last substantive pay restricted to the maximum pay of the posts on which the person concerned is re-employed.

(c) If amongst persons who do not have lien against any permanent post but who have completed 25 years of service or attained the age of 50, the persons concerned should be retired as surplus, and if necessary, re-employed.

* 2. [Omitted]

* 3. **Creation of supernumerary posts.**—The question as to the circumstances in which supernumerary posts may be created and the principles governing the creation of such posts has been under consideration for some time past. The matter has been carefully considered and the following principles governing the creation of such posts have been laid down:—

(i) A supernumerary post is normally created to accommodate the lien of an officer, who in the opinion of the authority competent to create such a post, is entitled to hold a lien against a regular permanent post but who, due to non-availability of a regular permanent post, cannot have his lien against such a post.

% Added vide FD Memo No. 1(25)FD(A)R/61 dated 30-06-1961

* omitted vide F D. Notification No.1(94)F.D. (Rules)/66, dated 15-10-1949. "2. It has been laid down vide Note below Rule 18(b) of the Rajasthan Service Rules that in a case covered by Rule 17(a) (ii) where a Government servant is appointed in a substantive capacity to a permanent post outside the cadre on which he is borne; 18 (b) precludes permanently the termination of his suspended lien unless and until a written request, to that effect is received from him,' The result is that it is possible for such a Government servant to stop his suspended lien being removed from the parent cadre indefinitely and thus cause inconvenience to the parent office. It has been decided that such a situation may be mettry by appropriate executive action being taken by the controlling officer, who may refuse his consent to such a Government servant being confirmed or retained in a permanent post outside his cadre, unless he agrees to this lien on the permanent post in his parent office being terminated." Inserted vide F.D.A.. (Rules) Memo. No, F.7A (59) FDA (Rules) / 60, dated 14-3-1961.

** Inserted vide F.D. Memo No. F. 1 (38) F.D. A / Rules/61, dated 26-10-1961.

(ii) It is a shadow post, i.e., no duties are attached to such a post. The officer, whose lien is maintained against such a post, generally performs duties in some other vacant temporary or permanent post.

(iii) It can be created only if another vacant permanent or temporary post is available to provide work for the person whose lien is retained by the creation of the supernumerary post. In other words, it should not be created in circumstances which, at the time of the creation of the post or thereafter, would lead to an excess of the working strength.

(iv) It is always a permanent post. Since however, it is a post created for accommodating a permanent officer till he is absorbed in a regular permanent post, it should not be created for an indefinite period as other permanent posts are, but should normally be created for a definite and fixed period sufficient for the purpose in view.

(v) It is personal to the officer for whom it is created and no other officer can be appointed against such a post. It stand abolished as soon as the officer for whom it was created vacates it on account of retirement or confirmation in another regular permanent post or for any other reason. In other words, no officiating arrangements can be made against such a post. Since a supernumerary post is not a working post, the number of working posts in a cadre will continue to be regulated in a manner that, if at permanent incumbent of one of the regular posts returns to the cadre and all the posts are manned, one of the officers of the cadre will have to make room for him. He should not be shown against a supernumerary post.

(vi) No extra financial commitment is involved in the creation of such posts in the shape of increased pay and allowances, pensionary benefits, etc.

There have been some cases in the past where as a result of changes in seniority, eligibility etc. it was felt that a person did not got a promotion which would have been due if the decision taken later had been given earlier, and such persons have been given the benefit of higher pay retrospectively by the retrospective creation of supernumerary post and retrospective appointments thereto. Creation of such posts for similar purposes should not be proposed in future. At the most proposals for grant of advance increments to bring a person near to the stage in the pay scale which he would have expected may be considered.

All Administrative Departments are requested that they may refer cases for creation of supernumerary posts only under the circumstances mentioned above.

These orders will not affect decisions taken in the past otherwise than in the manner laid down above.

*4. [Omitted].

* Omitted vide F.D. Notification No. F. 1(94) F.D. (Rnles)/66, dated 15-10-1969-

"A Government servant may not be confirmed in his appointment unless he gives in writing to terminate his lien which he holds on the former post. This undertaking will be obtained by the authority which is competent to confirm the Government servant on the other post and will be forwarded to the authority controlling the post on which he holds the lien before such a confirmation is made." Inserted vide F.D. Notification No. F. 1 (31) FD/ER/65, dated 19-6-1965.

^{**}5. In modification of para 1(vi) of Finance Department Memo, dated 26-10-1961, (appearing as Decision No. 3 above) it has been ordered that retrospective promotion may be given by creation of higher supernumerary posts, or upgrading of posts in the following cases only, with specific approval of Finance Department:—

- (a) In compliance with or in consequence of a court decision.
- (b) In compliance with directions from the Government of India under the State Reorganisation Act such direction is accepted by the State Government.
- (c) Factual error on the part of Government or competent authority subordinate to Government, in assessment of eligibility or in assessment of seniority where it was determined on 'Marks' related to factual data.
- (d) Mis-application or non compliance with Rules or orders regarding selection in the process of integration of services.

There should, however, be no retrospective promotion by creation/ upgrading of posts in cases of the following type:—

- (a) Seniority is determined for the first time.
- (b) Seniority is re-determined by change in the principles.
- (c) Seniority is re-determined by re-assessment of merit.
- (d) Subsequent selection to higher post by re-assessment of merits.

^{*}6. In accordance with Finance Department Order dated 17-7-1967 [appearing as Division No, 5] retrospective promotion by creation of supernumerary posts or upgrading of posts may be given in cases covered by para 1 of the aforesaid order with the approval of Finance Department.

A question has been raised as to whether cases which occurred prior to the date of issue of the aforesaid order in which retrospective promotion was not allowed and/or only benefit of re-fixation of pay was allowed or rejected can be re-opened and decided in accordance with aforesaid order. The matter has been examined and it has been decided that since the decision to allow retrospective promotion was taken by the Government on 8-7-1966 (although order was issued on 17-7-1967) cases of all Government servants who retired/retire on or after 8-7-1967. may be reopened and decided in accordance with aforesaid order if such request is specifically made by the Government servant concerned in writing.

19. Transfer of lien.—Subject to the provisions of Rule 20 Government may transfer to another permanent post in the same cadre the lien of a Government servant who is not performing the duties of the post to which the lien, relates even if that lien has been suspended.

^{**} Inserted vide F.D. Order No. F. 1(101) F.D(Exp.Rules)/66, dated 17-7-1967.

^{*} Inserted vide F. D. Memo. No. F. 1(101)F.D. (Exp-Rules)/66, dated 10-10-1968.

20. Transfer of Government servant.—(a) Government may transfer a Government servant from one post to another; provided that except—

- (i) on account of inefficiency or mis-behaviour, or
- (ii) on his written request,

a Government servant shall not be transferred substantively to, or, except in a case covered by Rule 50 appointed to officiate in, a post carrying less pay than the pay of the permanent post on which he holds a lien or could hold a lien had his lien not been suspended under Rule 17.

**Note:—* Except in cases of acceptance of a lower post on abolition of post, in accordance with clause (b) in Rule 215, transfer to a post carrying less pay than the pay of the permanent post on which Government servant holds a lien amounts to imposition of the penalty of reduction in rank and such penalty can be imposed only in accordance, with procedure laid down in the Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958.

Government of Rajasthan's Decisions.

@1. After careful consideration of the matter, it has been decided that it would be reasonable to create such a post in the lower service/ grade/ time scale, etc. to provide lien to the person concerned in case of non-availability of a permanent post in that service/grade/time scale etc. It should also be noted in this connection that so long as it is necessary to provide the reduce officer with a lien on a supernumerary post in the lower service/grade/time scale etc., the higher post vacated by him should not be filled up substantively or otherwise, and appointments/ promotions against the higher post may be made only after the Government servant has been accommodated against a substantive vacancy available in the lower grade to which he has been reduced/reverted.

%2. In partial modification of Government of Rajasthan's Decision No. 1, it has been decided that when a permanent post is rendered vacant by the reduction of Government servant, it should not be filled substantively before the expiry of one year from the date of reduction.

When on the expiry of the period of one year, such post is filled substantively and the original incumbent happens to be reinstated thereafter, he should be accommodated against a post which may be substantively vacant in the grade to which his previous substantive post belonged. In the absence of a vacant post he may be accommodated on a supernumerary post which may be created with proper sanction and terminated on the occurrence of a substantive vacancy in that grade.

(b) Nothing contained in clause (a) of this rule or in Clause 17 of Rule 7 shall operate to prevent the re-transfer of a Government servant to a

* Inserted vide F. D. Notification No. F. 1(65)/F.D. (E.R V66 23-9-1966.

@ Inserted vide F.D. Memo. No. F. 7A (27)FD/A/(Rules)/60 2-1-1961.

% Inserted vide F. D. Memo. No. F. 1(55) FD (Exp, -Rules)/62, dated 11-9-1962.

post on which he would hold a lien had *it* not been suspended in accordance with the provisions of Clause (a) of Rule 17.

[For rules re-issue of last pay certificate in connection with 'Transfer on duty' refer to Appendix XV].

^21. Subscription to a Provident Fund or Life Insurance.—A Government servant may be required to Contribute to the compulsory State Life Insurance Scheme ⁺[in accordance with such rules as Government may by order prescribe.] In case where a first or further assurance cannot be granted under the Rajasthan Government Servants Insurance Rules on account of his being beyond the age prescribed under the aforesaid Rules or on account of his being ineligible on medical grounds he may be required to contribute to the General Provident Fund,

(See General Provident Fund (Rajasthan Services) Rules and Rajasthan Government Servants Insurance Rules, 1953).

^{*}21A. A Government servant may be required to subscribe to Rajasthan State Pensioners Medical Concession Scheme in accordance with such rules as the Government may by order prescribe.

[%]21B. A Government servant may be required to subscribe to the General Provident Fund in accordance with rules made by the Government in this behalf from time to time including crediting of any instalment of dearness allowance or arrears of dearness allowance to the General Provident Fund in accordance with the orders issued by the Government from time to time.

^{\$}21C A pensioner/family pensioner may be required to deposit any amount of arrear of pension/family pension and dearness relief to the General Provident Fund Account in accordance with the orders issued by the Government from time to time.

22. Condition for drawing pay and allowances.— Subject to any exceptions specifically made in these rules an official shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date he assumes the duties of that post and shall cease to draw them as soon as he ceases to discharge those duties.

NOTE

For administrative instructions regarding "CHARGE OF OFFICE" and "LEAVING JURISDICTION" please see Appendix I.

Audit Instruction.

A Government servant will begin to draw the pay and allowances attached to his tenure of a post with effect from the date he assumes duties of

[^] Substituted vide F. D. No. D. 6949/F.4 (II)FD/(Rules) 59-1, dated 31-12-1959-

"21. A Government servant may be required to subscribe to a Provident Fund or insure his life in accordance with such rules as Government may by order prescribe."

⁺ Added vide F.D. Notification No. F. 1(27)FD/Exp./Rules/65, dated 31-5-1965 effective from 31-12-1959.

^{*} Inserted vide F.D. Notification No. F. 1(6) FD/Gr.2/78-II, dated 31-10-1981 w.e.f. 1-11-1981.

[%] Added vide F.D. Notification No. F. 1(6) FD/Gr. 11/78, PL III. dated 4-7-1983 and shall be deemed to have come into force w.e.f. 1-5-1980.

^{\$} Inserted vide FD Notification No. F.1(5)FD/Rules/96 dated 21.3.1998

that post if the charge is transferred before noon, of that date. If the charge is transferred after noon, he commences to draw them from the following day.

Government of Rajasthan's Decisions.

*1. Questions have been raised from time to time regarding the authority competent to accept a resignation, the circumstances under which resignation should be accepted, the date when a resignation becomes effective, and the authority competent to permit a Government servant to withdraw a resignation which he has already tendered. The following instructions are therefore issued for information and guidance of all concerned:-

(a) ***Authority competent to accept resignation.***— The appointing authority in respect of the service or post in question is the authority competent to accept the resignation of the Government servant.

(b) ***Circumstances under which resignation should be accepted.*** It is not in the interest of Government to retain an unwilling Government servant in service. The general rule, therefore, is that a resignation from service should be accepted except in the circumstances indicated below:—

(i) Where the Government servant concerned is engaged on work of importance and it would take time to make alternative arrangements for filling the post the resignation should not be accepted straightaway, but only when alternative arrangement for filling the post have been made,

(ii) Where a Government servant who is under suspension submits a resignation, the competent authority should examine, with reference to the merits of the disciplinary case pending against the Government servant whether it would be in the public interest to accept the resignation. Normally as Government servants are placed under suspension only in cases of grave delinquency it would not be correct to accept a resignation from a Government servant under suspension. Exceptions to this rule would be where the alleged offences do not involve moral turpitude or where the quantum of evidence against the accused Government servant is not strong enough to justify the assumption that if the departmental proceeding were continued, the Government servant would be removed or dismissed from service, or where the departmental proceedings are likely to be so protracted that it would be cheaper to the public exchequer to accept the resignation.

(iii) Where a Government servant has executed a bond to serve the State for a specified period the resignation tendered before completion of such period of service may not be accepted till the amount of penalty provided in the bond has been deposited.

(c) ***Date when a resignation becomes effective.***— The competent authority should decide the date with effect from which the resignation should become effective. In cases covered by (b) (i) above, the date should be that with effect from which alternative an arrangement can be made for filling the post. Where a Government servant is on leave the competent authority should decide whether he will accept the resignation with immediate

* Inserted vide F.D. Memo. No. F.7A (40)FD/A(Rules)/60, dated 31-3-1961.

effect or with effect from the date following the termination of the leave. Where a period of notice is prescribed which a Government servant should give when he wishes to resign from service, the competent authority may decide to count the period of leave towards the notice period. In other cases also, it is open to the competent authority to decide whether the resignation should become effective immediately or with effect from some prospective date. In the latter case the date should be specified.

^{*}(d) ***Authority competent to permit withdrawal of resignation.***—

A resignation becomes effective when it is accepted and Government servant is relieved of his duties. When resignation has become effective, a Government servant ceases to be in Government service; and any request made subsequently for withdrawal of resignation shall not be entertained and considered.

@2. A question has been raised whether resignation of a Government servant can be accepted without furnishing by him "No Dues Certificate."

The matter has been considered and it has been decided that resignation tendered by the Government servant should not be accepted until "No Dues Certificate" is obtained and furnished by him to the authority competent to accept resignation.

It is also enjoined on all authorities concerned that if such a Government servant approaches for obtaining "No Dues Certificate", it should be issued to him without loss of time.

+3. Attention is invited to Government of Rajasthan's Decision No. 1 which gives discretion to the competent authority to accept resignation. Normally it is not in the interest of Government to retain the services of an unwilling Government servant and so resignation from service should be accepted as a general rule except in the circumstances mentioned in the aforesaid order.

Vide Rule 23A of Rajasthan Service Rules a temporary Government servant is required to give a 'Notice' for specified period before resigning service where as it is not necessary to give a 'Notice' by a permanent Government servant before resigning his job. The Appointing Authority, who is the competent authority to accept resignation, may, at his discretion, allow resignation without notice, or insist on notice, keeping in view the provisions of Government of Rajasthan's Decision No. 1 referred to above.

^{*} Substituted vide F.D. Notification No. F.I(25)FD/Gr.2/79, dated 2-8-1979, for—
 "(d) Authority competent to permit withdrawal of resignation, —A resignation becomes effective when it is accepted and the Government servant is relieved of his duties. Where a resignation has not become effective and the Government servant wishes to withdraw it, it is open to the authority which accepted the resignation either to permit the Government servant to withdraw the resignation or to refuse the request for such withdrawal. Where however, a resignation has become effective, the Government servant is no longer in Government service and acceptance of the request for withdrawal of resignation would amount to re-employing him in service after condoning the period of break. Concurrence of the Finance Department and Appointments Department (through normal channels) should be obtained before a request for withdrawal is accepted in such cases."

@ Inserted vide F.D. Memo No. 1(56)F.D.(R)/70, dated 7-9-1970.

+ Inserted vide F.D. Memo No. 1(70)F.D. (Rules) 70, dated 10-11-1970.

%22A. Refund of payment made during training period.—(1) Where a Government servant on appointment to a Gazetted post, is required to undergo training for any specified period before he assumes independent charge of that post, such Government servant shall, if he resigns or takes up another employment during the period of such training or within two years after the completion thereof, refund to the Government the emoluments paid to him during the period of such training together with other expenses incurred by Government on such training but excluding the amount paid to him by way of travelling and daily allowances under the relevant Rules :

Provided that no such refund shall be required to be made if the training imparted to the Government servant is in the opinion of the Government likely to prove useful in the new appointment also.

(2) Every such Government servant shall be required to execute, before the period of his training starts, a bond in the form provided in Appendix XVIII- A.

Government of Rajasthan's Decision.

*The undersigned is directed to invite a reference to the provisions of Rule 22A which lay down that a Government servant who is appointed to a gazetted post is required to undergo training for specified period before he assumes independent charge of a post and such a Government servant if he resigns or takes up another employment during the period of such training or within two years after completion thereof, is required to refund to the Government the emoluments paid to him during the period of training together with expenses incurred on this training excluding travelling allowance unless it is held that the training so imparted to the Government servant is likely to prove useful in his new appointment. Similarly according to provision of Rule 22B of Rajasthan Service Rules, Government servants deputed for training within India for a period of more than 3 months and treated as on duty under Rule 7 (8) (b) are required to refund emoluments paid during such training together with expenses incurred on training in the event of their resignation or taking up another employment during the period of training or within one year after the completion of training, Like wise, Government servants who are granted study leave for pursuing a scientific or technical course of study or training are required to execute bond to serve the Government after conclusion of the course or training for a specified period. In all these cases a Government servant is required to repay the money spent by Government as provided in the rules in the event of failure of a Government servant to serve the Government for a specified number of years after completion of the training course or study etc. The terms and conditions of the bond executed by them in such cases are enforced against Government servants who leave Government service to secure public or private employment.

[%] Inserted vide F.D. No. F.7A(38)F.D.A/Ruks/58, dated 4-11-1959.

* Inserted vide F.D. Notification No. F.I(18)FD/Gr.2/78, dated 9-3-1978.

2. The matter has been considered and it has been decided that the terms and conditions of the bond in the type of cases referred to above may not be enforced in case of the Government servant who is required to leave Government service to secure employment under Central Government/other State Government in India, public sector under taking wholly or partly owned by the Central/State Government or under any quasi-Government organisation but in such cases a fresh bond should be taken from such a Government servant to ensure that they serve the new employer viz, the State Government/Central Government/ Public undertaking/organisation for a period for which they were required to serve the State Government under the bond, the exact period, for which he is required to serve the State Government under the bond being determined in each case by the Administrative Department taking into account the period of bond and the amount spent by Government on their training provided the application for securing employment to any of the aforesaid organisations was forwarded through proper channel while he was under training or in service. The Government servant in such cases be relieved to assume charge of the post under the new employer referred to above after he has executed the fresh bond and a copy of which will also be sent to his new employer.

^{+3.} The Government servants securing employment in Reserve Bank of India/Rural Banks shall also receive the same treatment as for securing employment in the Government of India or Public Undertakings.

4. In case a person had applied for employment under Central Government/other State Governments, Public Sector Undertakings, wholly or partly owned by the Central/State Government, quasi-Government Organisation, Reserve Bank of India or Rural Banks, before he joined service under State Government, it could not have been forwarded through proper channel. Such cases could be covered under para 2 and 3 above subject to the condition that the employee informs the Government within one month of joining service under State Government.

^{%5.} Pending cases may also be covered and decided according to the above decision in case an intimation by a Government Servant of sending the application prior to joining of service is received by the appointing authority within one month of the issue of these orders.

^{*22B. (1)} A Government servant who is deputed for training within India for a period of more than 3 months and is treated as on duty under rule 7(8)(b), shall if he resigns or takes up another employment during the period of such training or within one/two years after the completion thereof, refund to the Government the emoluments paid to him during the period of such training together with other expenses incurred by Government on such training but excluding the amounts paid to him by way of travelling and daily allowances under the relevant rules:

⁺ Added vide F.D. Order No F.I (18) FD (Cr-2)/78, dated 25-11-1985

[%] Added vide F.D. Order No. F.I(18) FD/Gr. 2/78, dated 26-12-1985

^{*} Inserted vide F.D. Notification No. F. I(94) FD (Rules)/71, dated 25-1-1972.

Provided that no such refund shall be required to be made if the training imparted to the Government servant is in the opinion of the Government likely to prove useful in the new appointment also.

(2) Every such Government servant shall be required to execute, before the period of his training starts, a bond in the form provided in Appendix XVIII B. to serve the State after completion of the training for a period shown in the following scale :—

Period of Training	Period to serve the State for which bond is to be executed.
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Exceeding 3 months but upto

six months.

One year.

Exceeding six months

Two years.

*Note:—*The provisions of this Rule shall not apply to a Government servant who is deputed for training within India for a period not exceeding three months.

@ 23. Condition of Government servant's ceasing to be in Government employ:—(1)(a) A Government servant shall not be granted leave of any kind for a period exceeding 5 years continuously.

(b) In case where a Government servant does not resume duty after remaining on leave for a continuous period of 5 years, he shall, unless the Governor in view of exceptional circumstances of the case, otherwise determines, be removed from service following the procedure laid down in the Rajasthan Civil Services (Classification, Control & Appeal) Rules.

(2) Where a Government servant remains absent from duty after expiry of sanctioned leave or remains absent from duty without leave or

[@] Substituted vide F. D. Notification No. F. 1 (33)FD(Gr.2)/78, dated 22-2-1979, for:-

^{***}23. Condition of a Government servant's ceasing to be in Government employ: —

(1) No Government servant shall be granted leave of any kind for a continuous period exceeding five years.

[£]Note:- In respect of a Government servant taking employment with International Agencies, or Statutory Bodies/Public Sector concern in Rajasthan no leave shall be granted for a continuous period exceeding 3 years or one year as this case may be, under this rule,

(2) Where a Government servant does not resume duty after remaining on leave for a continuous period of [%][five/three/one/years / year as the case may be] or where a government servant after the expiry of his leave remains absent from duty, otherwise than on foreign service or on account of suspension, for any period which together with the period of leave granted to him exceeds [%][Five/three/one/years/year as the case may be] he shall, unless the Government in view of the exceptional circumstances of the case otherwise determines, ^{*}[be removed from service after following the procedure laid down in the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958.]"

\$ Inserted by FD Notification No.F.1(21)FD(Rules)/72, dated 18-08-1972.

% Substituted by FD Notification F.1(21)FD(Rules)/72 dated 18-08-1972, for "five years".

* Substituted by FD Notification F.1(65)FD(Exp.Rules)/66, dated 8-04-1970 for – "be deemed to have resigned and shall accordingly cases to be in Govt. employee".

+ Substituted by FD order no. F.7A(7)FD(A-Rules)/58 dated 17-07-1958 for – "Unless Government in view of the special circumstances of the case shall otherwise determine, after five years continues absence from duty, else where than on foreign service in India whether with or without leave, a Government service cases to be in government employee".

before leave applied for has been sanctioned by the competent authority, the matter will be dealt with in accordance with provisions contained in rule 86 of Rajasthan Service Rules.

Government of Rajasthan's Decision

[£]It was ordered that Rule 23 does not relate to cases where a Government servant is restrained from resuming duty by an order placing him under suspension. Sanction of the Government in terms of Rule 23 of Rajasthan Service Rules in such a case is not, therefore, necessary. It is essential, however, in the interests of Government as well as of the concerned officer that disciplinary proceedings against an officer under suspension should be expedited and final orders passed as soon as possible.

@23A. Notice for termination of service of a temporary employee.-

@1 (a) Except as otherwise provided in sub-rule (2) , the service of a temporary Government Servant shall be liable to termination at any time by notice in writing given either by the Government servant to the appointing authority or by the appointing authority to the government servant.

(b) The period of such notice shall be one month; Provided that the services of any such Government servant may be terminated forthwith, and on such termination the Government servant shall be entitled to claim a sum equivalent to the amount of his pay plus allowance for the period of the notice at the same rates at which he was drawing them immediately before the termination of the services or as the case may be for the period by which such notice falls short of one month.

*2(a) The service of a temporary Government servant who has been in continuous Government service for more than three years and who

[£] Inserted vide F.D. Order No. 728/F 7 A (7) FD-A (Rules)/58 dated 20-3-1958

@ Substituted vide F.D. Order No. F.1(k)(7)FD(Gr.2)/77, dated 14-3-1977 w.e.f. 1-1-1965, for—
+23A "[1] Except as otherwise provided in sub-Rule (2), the service of a temporary Government servant shall be liable to termination at any time by a notice in writing given either by the Government servant to the appointing authority or by the appointing authority to the Government servant. The period of such notice shall be one month unless otherwise agreed to by the Government and by the Government servant :

Provided that service of any such Government servant may be terminated forthwith by payment to him of a sum equivalent to the amount of his pay for the period of notice or as the case may be, for the period by which such notice falls short of the month or any agreed longer period. The payment of allowances shall be subject to the condition under which such allowances are admissible.

+Substituted vide FD Notification No. 1 (53) FD (A) Rules/61 dated 1-1-1965 for:—

"23A. (a) The service of a temporary Government servant who is not in quasi-permanent Service shall be liable to termination at any time by notice in writing given either by the Government servant to the appointing authority, or by the appointing authority to the Government servant.

(b) The period of such notice shall be one month unless otherwise agreed to by the Government and by the Government servant:

Provided that the service of any such Government servant may be terminated forthwith by payment to him of a sum equivalent to the amount of his pay plus allowances for the period of the notice or, as the case may be, for the period by which such notice falls short of one month or any agreed longer period. The payment of allowances shall be subject to the conditions under which such allowances are admissible."

* Substituted vide F.D, Notification No. F. 1 (7) FD/Gr.2/77, dated 10-7-1981, for

“(2) The service of a temporary Government servant—

(a) who has been in continuous Government service for more than three years; and

satisfied the suitability in respect of age and qualifications prescribed for the post and has been appointed in consultation with the Rajasthan Public Service Commission where such consultation is necessary, shall be liable to termination at any time by a notice of three months given in writing either by the Government servant to the appointing authority or by the appointing authority to the Government servant :

Provided that the service of any such Government servant may be terminated forthwith, and on such termination the Government servant shall be entitled to claim a sum equivalent to the amount of his pay plus allowances for the period of notice at the same rate at which he was drawing immediately before the termination of his service for the period by which such notice falls short of three months, as the case may be;

(b) Where reduction has occurred in the number of post available for Government servants not in permanent service, termination of service consequent upon the reduction of posts in the cadre under the appointing authority shall take place in the order of juniority.

* Note—The expression "Qualifications prescribed for the post" means qualifications on the satisfaction of which only the person in question could have been recruited to the post, and includes compliance with rules regulating eligibility for permanent appointment to the post including rules promulgated under proviso to Article 309 of the Constitution.

Government of Rajasthan's Decisions.

@ It has come to notice that in certain offices the practice is in vague of obtaining an undertaking from employees appointed to temporary posts that if they resign without giving the requisite notice of one month, they shall forfeit to Government the pay and allowances for the notice period.

Rule 23 A of the R.S.R. enables Government to dispense with the services of a temporary employee forthwith by paying him the pay and allowances for the notice period but does not provide for the forfeiture to Government of a similar amount when the employee does not give the requisite notice. The provision was deliberate. The period of notice serves different purposes in the case of Government and the employee. So far as the employee is concerned, the grant of pay and allowances for the period is an adequate substitute for the actual period of notice but the appointing authority would often be seriously inconvenienced if it did not have the requisite notice to make arrangement for appointment to the post and for the transfer of charge to a new incumbent. On the other hand it has been argued that if there is no penal provision for enforcing the condition of giving the requisite notice,

(b) who satisfies the suitability in respect of age and qualifications prescribed for the post and has been appointed in consultation with the Rajasthan Public Service Commission, where such consultation, is necessary shall be liable to termination.—

(i) in the same circumstances and in the same manner as a Government servant in permanent service; or

(ii) when reduction has occurred in the number of posts available for Government servants not in permanent service:

Provided that termination of service consequent on reduction of posts in a cadre under the appointing authority shall take place in order of juniority."

* Inserted vide FD Notification No. F1(36)FD(Rules)70, dated 24-06-1970.

@ Inserted vide FD memo No. 7A(14)FD-A/R/59, dated 04-10-1960.

there will be no remedy against the tendency to resign without notice. In such cases the appointing authority may refuse to accept the resignation and if the employee stays away from office without permission may take suitable disciplinary action against him. In particularly bad cases it will be open to such authority to inform the relevant authorities concerned with verification of character and antecedents, of the circumstances of the case and of his opinion that he was not a fit person for employment under Government. This would be a sufficient deterrent.

Taking into account all the considerations it has been decided that the practice of obtaining an undertaking from temporary Government servants regarding forfeiture of pay and allowances should be discontinued where this has not already been done. No pay in lieu of notice is to be recovered from the temporary Government servant. In cases where suitable arrangement can be made to fill in the appointment, the authorities can reduce the period of notice by mutual consent or to waive the conditions of notice on the part of the Government servant vide S. No. 4B of Schedule of powers Appendix IX of R.S.R. Where this is not possible and the resignation cannot be accepted action can be taken as indicated towards the end of para 2 above.

PART - III

CHAPTER IV

Pay.

***24. Pay not to exceed pay of the post**—A person appointed in Government service to a post on a time scale of pay shall draw as initial pay the minimum of the scale or at such stage as may be prescribed or approved by the Government provided it shall not exceed the pay sanctioned by the competent authority for the post held by him. No special or personal pay shall be granted to a Government servant without the sanction of Government.

#Provided further that a probationer-trainee will receive a fixed remuneration at such rates as may be prescribed by the Government from time to time and on completion of period of probation, minimum pay of the pay scale of the post shall be allowed under this rule, from the day following the day of successful completion of the period of probation.

Provided further also that a government servant, who is already in regular service of State Government, if appointed as probationer-trainee for a period of two years on or after 20.1.2006 shall be allowed pay in his/ her own pay scale of the previous post or fixed remuneration at such rates as may be prescribed by the Government from time to time, whichever may be beneficial to him/ her and after successful completion of period of probationer-trainee, his / her pay shall be fixed in pay scale of the new post as per provisions of Rule 26."

Exception.

In the case of a Government servant on teaching side in Schools and Colleges, who is entitled to draw vacation salary in accordance with para 1 of Government of Rajasthan's Decision No.1 below Rule 97 of Rajasthan Service Rules the initial pay on re-appointment to the same post in the new academic session, shall not be less than the pay other than special pay, personal pay or emoluments specially classed as pay, which he drew on the last such occasion, and he shall count the period during which he drew that pay on such last occasion for increment in the stage of the time scale equivalent to that pay, provided he joins his duty within a period of one month from the date of opening of the next session.

Clarification.

%According to Government of Rajasthan's Decision No. 1 below Rule 97 of Rajasthan Service Rules vacation salary is payable to persons temporarily appointed on teaching side in Colleges on or before 31st December against clear vacancies subject to conditions mentioned therein. A question has been raised as to how payment of vacation salary shall be

*Substituted vide FD Notification No.F.1(50)FD(Exp.Rules)/66, dated 22.8.1970. Effective from 1.1.1967 For :- "24. The pay for a Government servant shall not exceed the pay sanctioned by a competent authority for the post held by him. No special or personal pay shall be granted to a Government servant without the sanction of Government."

Provisos inserted vide FD Notification No. F.1(2)FD/Rules/2006 dated 13.3.2006 w.e.f.20.1.2006

% Inserted vide FD Memo No.F.1(50)FD(E-Rules)/66, dated 16.1.1974

regulated in case, a senior teacher, who is temporarily appointed as a Lecturer till the end of the session, rejoins as Lecturer within a month of opening of the College during the ensuing session.

The matter has been examined and it is clarified that vacation salary in such a case is payable with reference to the post of Lecturer subject to fulfillment of conditions provided in Government of Rajasthan's Decision No.1 below Rule 97 of Rajasthan Service Rules.

It is also clarified that fixation of pay of such a senior teacher on his re-appointment as Lecturer in the new session may be made under Exception below Rule 24 of Rajasthan Service Rules provided he draws vacation salary with reference to the post of Lecturer.

(For procedure in regard to first payment of pay and allowances refer to Rule 162 of the General Financial and Account Rules).

@25. **Pay during course of training etc.**—In respect of any period treated as duty under rule 7(8) (b), a Government servant may be granted such pay as Government may consider equitable but in no case exceeding the pay which the Government servant would have drawn had he been on duty other than duty under rule 7 (8) (b).

* Deleted.

£ **Audit Instruction:**—A Government servant who is treated as on duty during a course of instruction or training and who at the time when he was placed on such duty was drawing pay on account of an officiating appointment may be allowed to draw such officiating pay which he would have drawn from time to time had he been on duty other than duty under rule 7(8) (b) and not necessarily the one drawn immediately before proceeding on training.

@ Substituted vide F. D. Order No. F. 7A(5) F.D.A. (Rules) 60, dated 3-10-1960.

"25—When a Government servant is treated as on duty under Rule 7(8) (b) the Government may, at its option authorise payment to him of the pay of his substantive appointment, or of any lower rate of pay which the Government may consider suitable. If the duty consist in a course of training or instruction, the pay admissible may, if the Government so directs be instead of either of the rates just specified the pay of any officiating appointment held by him at the time he was placed on such duty; but this rate of pay shall not be allowed for period longer than that for which he would have held the officiating appointment had he not been placed upon a course,"

* Deleted vide F. D. Notification No. F.I (42) F D/Gr.2/81, dated 14-9-1981:-

"Note:-A Government servant awaiting posting orders under Notes below rule 7(8) (b) (iii) shall be entitled to the pay of the post which he held last or the pay which he will draw when taking charge of his new post, whichever is less."

£ Substituted vide F. D. Memo. No.F. 1(15) FD(E.R.)64 dated 24-4-1964:-

Audit Instructions

"(1) A Government servant who is treated as. on duty during a course of instruction or training and who, at the time when he was placed on such duty, was drawing higher pay on account of an officiating appointment may on every occasion during the period of instruction or training when he would have held that officiating appointment bat for such instruction or training b; allowed to draw pay equivalent to what he would have drawn had he been holding the officiating appointment.

(2) The expression "the pay of his substantive appointment" and "the pay of any officiating appointment" occurring in Rule 25 should be taken to mean "the pay which the Government servant drew in the post which he held substantively" and "the pay which the Government servant drew in the post in which he officiated" respectively. In neither case is there any restriction on the kind of pay to be drawn, and the expressions should therefore, be held to include special pay, if any which the Government servant drew in the post which he held substantively or in an officiating capacity."

Clarification

@1. A question has been raised as to under what circumstances special pay should be allowed under Rule 25 of the Rajasthan Service Rules to a Government servant deputed on a course of training. The question has been examined and it is hereby clarified that special pay drawn while on duty on the post held immediately prior to training will ordinarily be allowed to be drawn during the period of training, if the officer is deputed for a training connected with the duties to which the special pay related or similar duties.

In a case not covered by para 1, if the training is intended for a post which would carry a special pay, the Government servant may be allowed the special pay attached to that post.

Special Pay will ordinarily not be allowed during the training period in circumstances not covered by para 1 and 2.

Specific orders of Government will be required for the drawal of special pay during training. ,

Past cases already decided need not be reopened.

*2 [Deleted]

Government of Rajasthan's Decisions

%1. A question has arisen as to under what circumstances special pay should be allowed under Rule 25 of the Rajasthan Service Rules to a Government servant deputed on a course of training. The question has been examined and the following decisions of the Government have been taken in supersession of clarification below Rule 25.

- (I) The special pay will be allowed to be drawn during the period of training—
- (i) If the officer is sent on training which is connected with the duties, he was performing while getting the special pay or similar duties.
- (ii) If the training is intended for a post which would carry a special pay at a rate equal to or higher than the special pay drawn while

@ Inserted vide F.D. Memo No. F. 7A (5) FD. A. (Rules) 60, dated 6-2-1960

* Deleted vide FD Notification No. F. 1(42) FD(Gr.2) 81 dated 14-9-81 :--

"Some cases have come to the notice of the Government that Government servants are kept under awaiting posting orders in the following circumstances:—

(i) Reversion of a Government servant to a lower post held by him in officiating capacity, pending approval or regularisation of his appointment by the Departmental Promotion Committee.

(ii) Reversion to lower post as a result of abolition of the post held by him.

2. It is against the spirit of rules to treat a Government servant as awaiting posting orders till he can be reappointed to the identical post in the same time scale of pay on occurrence of vacancy or otherwise.

The matter has been examined and it is clarified that in such cases, a Government servant shall not be treated as awaiting posting orders and that he shall not be entitled to pay and allowances under note below rule 25 of RSR. The orders issued by the authority reverting a Government servant should be carried out ; and in such cases he shall be deemed to have been reverted to lower post and his pay and allowances shall be regulated accordingly." Inserted vide F.D. Order No. F. 1(51) FD/Gr. 2/76, dated 20-11-1976.

% Inserted vide F.D. Order No. 7A(5)FD(A)R ules/60, dated 31 -7-1961.

on duty on the post held immediately prior to proceeding on training.

(2) The grant of special pay in the cases referred to above will, however, be subject to the following two conditions—

- (i) the special pay was drawn before proceeding on training, and
- (ii) but for training, the officer would have held the post from which he proceeded on training or would have held a post which would carry a special pay at a rate equal to or higher than the special pay drawn while on duty on the post held immediately prior to proceeding on training.

%2 The question as to whether compensatory allowance can be allowed to a Government servant who is treated as on duty under Rule 7(8) (b) (i) of the Rajasthan Service Rules during training has been under consideration of the Government for some time past. The matter has been examined and it has been ordered that unless otherwise provided a Government servant who is treated as on duty during training under Rule 7(8)(b)(i) of the Rajasthan Service Rules *may be allowed during such period any compensatory allowance which he would have drawn but for his proceeding on training, provided the period of training does not exceed 120 days.]

**3 Attention is invited to Finance Department order dated 27-2-1965, (Inserted as Government of Rajasthan's Decision No. 2 above) which contemplates recording of a certificate by the authority sanctioning deputation of a Government servant to training.

All Administrative Departments of the Government are requested that where an officer where appointing authority is Government, is deputed for training, a certificate under the aforesaid order to the effect that but for proceeding on training the officer would have drawn City (Compensatory) Allowance may be given and a copy sent to the Accountant General, Rajasthan to enable him to authorise the allowance.

@4 Deleted.

% Inserted by F.D Order No. F. 1(22) FD(Exp.-Rules) 63, dated 11-10-1963.

* Substituted vide F.D. Order No. F. 1(22) FD(Exp.-Rules)63, dated 27-2-1965 and 17-1-1966, for the words "May be paid during such period any compensatory allowance attached to the post on which he holds a lien if the period of training does not exceed 130 days."

The order takes effect from the date of its issue.

** Inserted vide F.D. Circular No. F. 1(22) FD(Exp.Rules)/63-1, dated 17-1-1966.

@ Deleted vide F.D. Notification No. F. J(42) FD/Gr. 2/81, dated 14-9-1981; the following :-

"4. In accordance with provisions contained in 'Note' below Rule 25 of Rajasthan Service Rules, a Government servant awaiting posting orders is entitled to the pay of the post which he held last or the pay which he will draw when taking charge of his new post, whichever is less. In view of the aforesaid provisions Government servants awaiting posting orders are not authorised pay for the period of awaiting posting orders till their taking charge of the new post. This causes hardships to the officers concerned.

The matter has been examined and it has been decided that a Government servant who remains awaiting posting orders may be paid during the period he awaits posting orders pay as follows, on provisional basis, subject to adjustment of pay which may be due and authorised on taking charge of the new post under 'Note' referred to above:

*5 In supersession of all the previous orders regrading drawal of compensatory allowances during training period it is ordered that unless otherwise provided a Government servant who is treated as on duty during training under Rule 7 (8) (b) (i) of the Rajasthan Service Rules, may be allowed during such period any compensatory allowance which he would have drawn but for his proceeding on training ** [] and subject to the condition that a certificate in the following proforma is furnished by the competent authority to whom the powers have been delegated to send Government servant for training :—

"It is certified that Shri/Kumari/Shrimati_____ posted as_____in_____Department who has been deputed for training under order No._____dated _____would have drawn the following compensatory allowances had he/she not proceeded on training.

- (1) ^ [Deleted.]
- (2) Project Allowance.
- (3) Desert Allowance in Rajasthan Canal Project.
- (4) @[Deleted]
- (5) %[Deleted]
- (6) * [Deleted.]
- (7) Border Road Construction Allowance.

It is further certified that the family of the Government servant continued to reside in the place where such allowance is admissible.

****25A. Pay daring awaiting posting orders.**— A Government servant who is compulsorily kept under awaiting posting orders under note below Rule 7 (8) (b) (iii) shall bs entitled to the pay and allowances at the rate at which he was drawing immediately before relinquishing charge in the old post. He shall

-
- (1) If previous post was held in substantive capacity or it was a cadre post in the service in which he belongs. Substantive pay without Special Pay, if any, attached to previous post.
 - (2) If Officiating or Temporary on previous post Pay of the post held excluding Special Pay, if any.
 - (3) If returning from leave Pay equal to last leave salary

This order will take effect from the date of its issue, but in respect of a Government servant who was awaiting posting orders immediately before the date of issue of this order it takes effect from the date the Government servant was awaiting posting orders," Inserted vide F.D. Memo No. F. 1(93) FD (Exp. Rules)/66, dated 14-12-1966.

* Inserted vide F.D. order No. F. 1 (22) FD (Exp. Rules)/63, dated 6-2-1967.

** The words "provided the period of training does not exceed 120 days " deleted vide F.D. Memo No. F. 1 (2) F.D. (R) /70 dated 12-8-1970, effective from 1-1-1970.

^ Deleted vide F.D. Memo No. F. 1(2) FD (R)/70, dated 12-8-1970 effective from 1-9-1970:— "(1) House Rent Allowance"

@ Deleted with retrospective effect vide F.D. Order No. F. 1 (22) F.D. (Exp. Rules)/63 dated 12-9-1967— (4) "Non-Practising Allowance."

% Deleted vide F.D. Order No. F. 1(29)FD(Rules)/70, dated 13-8-1974 effective from 1-10-1973:— "(5) Rural Allowance."

* Deleted vide F. D. Memo. No. F. 1(2) FD (R)/70, dated 12-8-1970 effective from 1-1-1970:—

“(6) City Compensatory Allowance.”

** Added vide F.D. Notification No. F. 1(42) FD/Gr. 2/81, dated 14-9-1981.

not be allowed Conveyance Allowance or permanent Travelling Allowance during the period of awaiting posting order.

Government of Rajasthan's Decision

1. Government servant are kept compulsorily under awaiting posting orders usually in the following circumstances:—

- (1) On return from leave.
- (2) On reversion to parent department from deputation within India.
- (3) On return from abroad after completion of training or foreign assignment.
- (4) On return from training within India.
- (5) Awaiting posting order after making over charge of the old post under the directions of Appointing Authority.
- (6) Non-acceptance of the officer on transfer to another post.
- (7) To save a Government servant from reversion.

2. A Government servant who proceeds on leave cannot resume duties on return from leave as a matter of course on the post which he held before proceeding on leave in the absence of formal order of posting. In cases where leave sanctioning authority and appointing authority is one and the same, authority competent to grant leave should invariably indicate in the order sanctioning leave that the officer is reposted to the same post on the expiry of leave. Authority competent to grant leave can also issue orders of reposting to the same post if during the currency of leave the post was kept unfilled. Where leave has been sanctioned by an authority other than the appointing authority and the leave vacancy has been filled up under the orders of the appointing authority, the latter authority can only issue reposting orders of the officer returning from leave. In such cases the appointing authority should as far as possible issue the posting order of the Government servant before expiry of the leave so that the contingency of keeping a Government servant under posting orders on return from leave does not arise.

3. In the case of Government servants placed in the circumstances mentioned at items No. 2, 3, and 4 in para 1 above, the competent authority should invariably issue orders of posting atleast 15 days in advance of the return of Government servant from deputation/training or foreign assignment in order to eliminate keeping of a Government servant under awaiting posting orders. With a view to watch and effectively control the situation in this regard, the authority competent to send an officer on deputation, training or foreign assignment should maintain registers to ensure that proposal for posting of Government servants due to return from deputation within India or from deputation abroad on foreign assignment terms of training are moved well in time for issue of posting orders.

4. Sometimes Government servant are required to make over charge of the post and await posting orders under the direction of the appointing authority. Such situation should, as far as possible be avoided, and if it is absolutely necessary in some cases, the orders of posting should be issued within a week. In case of promotion of an officer against vacant post, the posting order should invariably be issued simultaneously.

5. Government servants transferred from one post to another post should not be prevented from assuming charge of the post and the practice of non-acceptance of an officer reporting for duty in consequence of his posting/transfer being an unhealthy one, should be scrupulously avoided.

6. Government servants are some times placed under awaiting posting orders in the following circumstances:—

(1) Reversion of a Government servant to a lower post held by him in officiating capacity pending approval or regularisation of his appointment by Departmental Promotion Committee/ Rajasthan Public Service Commission.

(2) Reversion to a lower post as a result of abolition of the post held by him.

7. It is against the spirit of rules to treat a Government servant as awaiting posting orders till he can be reappointed to an identical post in the same time scale of pay on occurrence of vacancy or otherwise. In such cases a Government servant shall not be treated as awaiting posting orders, and he shall not be entitled to pay and allowances under Rule 25A of Rajasthan Service Rules. The orders issued by the authority reverting a Government servant should be carried out. A Government servant shall be treated to have been reverted from the date of issue of orders or from the date specified in the order as the case may be and his reversion becomes effective from that date irrespective of whether he proceeds on leave immediately after reversion or not. In such cases even if a Government servant is kept under awaiting posting orders to save him from reversion of any other junior person to him in the cadre; the time so passed in such circumstances shall be regularised by grant of leave as may be due and admissible as in no-circumstances it will be treated as awaiting posting orders.

8. Under the existing delegation the Administrative Department of Government have power to keep a government servant under posting orders for a period not exceeding 30 days, and cases involving the period exceeding 30 days require the concurrence of the Finance Department. Keeping a Government servant under awaiting posting orders for unduly long period (s) without any justification involves infructuous expenditure as the Government servant remains idle during awaiting posting orders. It is, therefore, enjoined upon all concerned authorities to scrupulously follow these instructions with a view to eliminate the cases of awaiting posting orders and thereby avoid wasteful expenditure. Every case of awaiting posting orders in which a Government servant has been kept under awaiting posting orders for unduly long period without adequate reasons and justifications should be enquired into by the administrative department first at their own level and necessary action may be taken against the delinquent Government servant who are responsible for delay in issuing posting orders in infringement of these instructions or any other instruction issued by the Government from time to time in this behalf.

@Government of Rajasthan's Instructions.

1. It is noticed that there have been abnormal delays in some cases in the issue of posting orders with respect to government servants. These delays not only result in the making of infructuous payments to the Government servants concerned who are awaiting posting orders, but also adversely affect the work/programmes for which their services are expected to be utilised. It is, therefore, essential that there should be no, delay at all in the posting of Government servants. This matter has been carefully reviewed, and it has been decided that adverse notice would be taken of cases in which Government servants are kept awaiting posting orders for periods in excess of 30 days. All cases in which Government servants have been kept awaiting posting orders for periods in excess of 30 days should be reported:—

- (a) by the Heads of Departments to the Secretaries of the Administrative Departments concerned, in respect of the officers and staff in respect of whom they or their Subordinate Officers are required to issue the requisite posting orders, and
- (b) by the administrative Secretaries concerned to the undersigned (Chief Secretary), in respect of officers of the State Services, other than the RAS.

While forwarding the above information, the reasons for the abnormal delay in the issue posting orders should be specifically and clearly stated, and such remarks as 'public interest' or 'Administrative difficulties' would not be considered sufficient for the purpose.)

2. ^{\$}The need to avoid keeping Government employees 'awaiting posting orders (APO)' has been emphasized through a number of instructions issued in this regard from time to time. Despite these instructions, however, administrative departments have continued to keep government employees awaiting posting orders for inordinately long periods. In re-iteration of previous instructions on this subject, it is hereby again directed that:

- (1) Administrative departments should avoid keeping government employees awaiting posting orders as a routine, or as an option to disciplinary action.
- (2) In cases where such action becomes unavoidable, the period should normally not exceed 15 days.
- (3) Cases where the period exceeds 15 days should be reported to the Principal Secretary (Finance), Chief Secretary, Minister concerned and the Chief Minister's office every fortnight. The list of such cases should also include reasons for delay in issuing posting orders for these employees.
- (4) Adverse notice would be taken of cases in which government employees have been kept awaiting posting orders beyond 30 days. While sending proposals to Finance Department for regularization of such cases (as

@ Added vide FD Memo No. F1(42)FD/(Gr.2)/81 dated 17-09-1984

^{\$} Inserted vide FD Memo No. F.1(42)FD/Gr.2/81 dated 25.05.2007.

per existing delegation of powers), the administrative departments must furnish adequate reasons for keeping the officials APO. Remarks such as 'public interest' or 'administrative difficulties' would not be considered as being an adequate reason for the purpose.

These instructions should be complied with strictly.

*"26. (1) A Government servant already serving in one service, cadre or department who is appointed to another service, cadre or department by

⁺ Substituted vide FD Notification No. F. 1(27)FD (Gr-2)/85) dated 26-12-85 for:-

*Rules 26.(1) A Government servant already serving in one service, cadre of department who is appointed to another service, cadre or department by direct recruitment or special selection, (including transfer other than by deputation, from one service, cadre or department to another) and not by promotion according to service rules, shall have his initial pay fixed as follows:—

Category	Last pay on old post.	Initial pay on new post
1	2	3
(a)	Substantive on a permanent post and not officiating on a higher post.	<p>Persons in category (a) shall have pay fixed as in the manner stated below:</p> <p>(i) If the maximum of the scale of the new post is higher than the maximum of the old post then pay shall be fixed at the stage of the time scale of the new post next above the last substantive pay in the old post.</p> <p>(ii) If the maximum of the scale of the new post is equal to or lower than the maximum of the old post then pay shall be fixed at the stage of the time scale of the new post which is equal to his last substantive pay on the old post, or if there is no such stage, the stage next below that pay plus personal pay equal to the difference.</p> <p>(iii) If minimum pay on the new post is higher than the pay admissible under clause (i) and (ii) above than minimum pay shall be allow.</p>
(b) (i)	Substantive on a lower post but officiating on a higher permanent or temporary post in the same service, cadre or department provided that such officiation was in accordance with the provisions of Service Rules relating to promotion, promulgated under proviso to Article 309 of the Constitution.	<p>(b) Persons covered by any paragraph in category (b) shall have pay fixed in the manner stated below—</p> <p>(i) If minimum pay of the new post is equal or higher than the last pay in the old post (@) other than that held substantively, then the minimum pay.</p> <p>(ii) *(If minimum pay of the new post, is lower than last pay in the old post other than that held substantively, then pay shall be fixed) at the stage of the time scale which is equal to his last pay in the old post or if there is no such stage, the stage next below that pay plus personal pay equal to the difference:</p>

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- (b) (ii) Temporary on a permanent or temporary post, provided that appointment was made by direct recruitment, promotion special selection, Emergency Recruitment or as a part of a Service or cadre, in accordance with provisions of the service rules relating to recruitment, promotion and initial constitution promulgated under proviso to Article 309 of the Constitution.
- (iii) Temporary on a permanent or temporary post, provided that, if there are no service rules promulgated under proviso to Article 309 of the Constitution and the post was within the purview of the RPSC appointment was made on the advice of the RPSC.
- (iv) Temporary on a permanent or temporary post, provided that appointment had been made in the process of absorption of persons declared 'Surplus' due to abolition of posts, and that pay drawn on the abolished post was of the type-described in paragraphs (a), (b) (i), (b) (ii) and (b) (iii) above.
- (c) (i) Temporary on a permanent or temporary post having been appointed *Adhoc*; without following the procedure laid down in the Service Rules promulgated under proviso to 309 of the Constitution, or the Rajasthan Public Service Commission (Limitation of Functions) Regulations and Government instructions issued .. thereon.
- (ii) Temporary on a permanent or temporary post, having been appointed in the process of absorption of persons declared "Surplus" due to abolition of post but pay drawn on the abolished post was not of the type described in paragraphs (a), (b)(i), (b) (ii) and (b) (iii) above.
- Provided that if fixation of pay on the basis of pay admissible on substantive post in accordance with paragraph (a) (i) or (a) (ii) above is more advantageous, pay shall be fixed under the said clauses.*
- Persons covered by the paragraph in category (c) shall have pay fixed in the manner stated below:—
- (c) Minimum of the scale or at such higher stage as may be approved by the Government on the recommendation of the Rajasthan Public Service Commission; or if the post is outside the purview of the Rajasthan Public Service Commission on the recommendation of the selecting authority.

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- (iii) Temporary on a permanent or temporary post, appointment to which is not regulated by any Service Rules promulgated under proviso to Article 309 of the Constitution and which is also not within the purview of the Rajasthan Public Service Commission.
 - (iv) Temporary on a permanent or temporary post other than of the type described in paragraphs (i) to (iii) above.
 - (2) Pay for the purpose of sub-rule (1) shall mean substantive pay, officiating pay and pay on temporary post and shall not include special pay.
 - (3) When appointment to the new post is made at the request of the Government servant under Rule 20(a) or Rule 215(b) and the maximum pay in the time-scale of new post is lower than his last pay in the old post, he will draw that maximum of new post as initial pay.
 - ⁺[(4)(a) In respect of a Government Servant whose initial pay is fixed under paragraph (a) (ii) and (b) (ii) of sub-rule (1) of this rule, the service rendered on his previous post since drawal of last increment shall be counted for purposes of grant of increment in the new post.
 - (b) In cases other than (a) above, next date of increment shall be allowed on completion of the full requisite qualifying service counting for increment under Rule 31 of Rajasthan Service Rules.]

+ Aided vide FD Notification No. F.1(a)(28)FD/Gr.2/77 dated, 28-09-1984.

@ Inserted vide F.D. Notification No. F. 1(94) FD(Rules)/66-I dated 16-8-1969 Ef. from 1-1-1967.

* Substituted for the words "If minimum pay is lower than last pay in the old post, then pay shall be fixed" vide F.D. Notification No. F. 1(94) FD(Rules) 66-I dated 16-8-1969, Effective from 1-4-1967,

26. The initial substantive pay of a Government servant who is appointed substantively to a post on a time-scale of pay is regulated as follows:—

- (a) If he holds a lien on a permanent post, other than a tenure post, or would hold a lien on such a post had his lien not been suspended-
 - (i) When appointment to the new post involves the assumption of duties or responsibilities of greater importance than those attaching to such permanent post he will draw as initial pay at the stage of the time scale next above his substantive pay in respect of the old post;
 - (ii) When appointment to the new post does not involve such assumption, he will draw as initial pay the stage of the time scale which is equal to his substantive pay in respect of the old post, or if there is no such stage next below that pay plus personal pay equal to the difference, and in either case will continue to draw that, pay until such time as he would have received an increment in the time-scale of the old post or for the period after which an increment is earned in the time-scale of the new post, whichever is less. But if the minimum pay of the time-scale of the new post is higher than his substantive pay in respect of the old post he will draw that minimum as initial pay;
 - (iii) When appointment to the new post is made on his own request under Rule 20.
 - (a) and the maximum pay in the time-scale of that post is less than his substantive pay in respect of that old post, he will draw the maximum as initial pay.
 - (b) If the conditions prescribed in clause (a) are not fulfilled he will draw as initial pay the minimum of the time scale.

Provided that both in cases covered by clause (a) and in cases, other than cases of re-employment after resignation or removal or dismissal from the public service, covered by clause (b), if he either--

- (1) has previously held substantively or officiated in-
 - (i) the same post, or
 - (ii) a permanent or temporary post on the same time-scale, or

direct recruitment or special selection, (including transfer other than by deputation) cadre or department to another) and not *by* promotion according to service rules, shall have his initial pay fixed as follows:—

Category	Last pay on old post.	Initial pay on new post
1	2	3
(a)	Substantive on a permanent post and not officiating on a higher post.	<p>(a) Persons in category (a) shall have pay fixed as in the manner stated below-</p> <p>(i) If the maximum of the scale of the new post is higher than the maximum of the old post, then pay shall be fixed at the stage of the time scale of the new post next above the last substantive pay in the old post.</p> <p>(ii) If the maximum of the scale of the new post is equal to the maximum of the old post, then pay shall be fixed at the stage of the time scale of the new post which is equal to his last substantive pay on the old post, or if there is no such stage, the stage next below that pay plus personal pay equal to the difference.</p> <p>(iii) If the maximum of the scale of the new post is lower than the maximum of the old post, then the pay shall be fixed at the stage which he would have been entitled to as if the period of service rendered on the old post would have been counted as rendered against the new post, subject to the condition that the pay</p>

(iii) a permanent post on an identical time-scale, or a temporary post on an identical time-scale, such post being on the same time-scale as a permanent post, or

(2) is appointed substantively to a tenure post on a time-scale identical with that of another tenure post which he has previously held, substantively or in which he has previously officiated : then the initial pay shall not be less than the pay other than special pay, personal pay or emoluments specially classed as pay, which he drew on the last such occasion, and he shall count the period during which he drew that pay on such last and any previous occasions for increments in the stage of the time-scale equivalent, to that pay, if however, the pay last drawn by the Government servant in a temporary post has been inflated by the grant of premature increments the pay which he would have drawn but for the grant of those increments shall, unless otherwise ordered by the authority competent to create the new post taken for the purpose of this proviso to be the pay which he last drew in the temporary post.

Exception: -The condition in paragraph (iii) of the first proviso that temporary post should be on the same time-scale as a permanent post shall not be enforced when a temporary post is (i) created by one Government or Department for the purpose of work of the same nature as the ordinary work for which the permanent posts exist in a cadre under a different Government or department and (ii) sanctioned on a time-scale identical with the time-scale applicable to the permanent posts in the cadre under a different Government or Department,"

- fixed shall be restricted to the pay last drawn in the old post.
- (iv) If minimum pay on the new post is higher than pay admissible under clause (i), (ii) & (iii) above, then minimum pay shall be allowed.
- (b) Persons covered by any paragraph in category (b) shall have pay fixed in the manner stated below—
- (i) If minimum pay of the new post is equal or higher than the last pay in the old post other than that held substantively, then the minimum pay.
- (ii) If minimum pay of the new post, is lower than last pay in the old post other than that held substantively, then pay shall be fixed at the stage of the time scale which is equal to his last pay in the old post or if there is no such stage, the stage next below that pay plus personal pay equal to the difference:
- (b) (i) Substantive on a lower post but officiating on a higher permanent or temporary post in the same service, cadre or department provided that such officiation was in accordance with the provisions of Service Rules relating to promotion, promulgated under proviso to Article 309 of the Constitution.
- (ii) Temporary on a permanent or temporary post, provided that appointment was made by direct recruitment, promotion, special selection, Emergency recruitment or as a part of initial constitution of a service or cadre, in accordance with provision of the Service Rules relating to recruitment, promotion, and initial constitution promulgated under proviso to Article 309 of the Constitution.
- (iii) Temporary on a permanent or temporary post, provided that if there are no service rules promulgated under proviso to Article 309 of the Constitution and the post was within the purview of the R.P.S.C., appointment was made on the advice of the RPSC.
- (iv) Temporary on a permanent or temporary post, provided that appointment had been made in the process of absorption of persons declared 'surplus' due to abolition of posts, and that pay drawn on the abolished post was of the type described in paragraphs (a), (b) (i), (b) (ii) and (b) (iii) above.
- Provided that if the maximum of the scale of the new post is lower than the maximum of the old post, then the pay shall be fixed at the stage which he would have been entitled to as if the period of service rendered on the old post would have been counted as rendered against the new post, subject to the condition that the pay so fixed shall be restricted to the pay last drawn in the old post.
- Provided further that if fixation of pay on the basis of pay admissible on substantive post in accordance with paragraph (a) (i) or (a) (ii) or (a) (iii) above is more advantageous, pay shall be fixed under the said clauses.

- (c) (i) Temporary on a permanent or temporary post having been appointed adhoc without following the procedure laid down in the Service Rules promulgated under proviso to Article 309 of the Constitution, or the Rajasthan Public Service Commission (Limitation of Functions) Regulation and Government instructions issued thereon.
- (ii) Temporary on a permanent or temporary post, having been appointed in the process of absorption of person declared 'surplus' due to abolition of post but pay drawn on the abolished post was not of the type described in paragraphs (a), (b)(i), (b)(ii) and (b)(iii) above.
- (iii) Temporary on a permanent or temporary post, appointment to which is not regulated by any Service Rules promulgated under proviso to Article 309 of the Constitution and which is also not within the purview of the Rajasthan Public Service Commission.
- (iv) Temporary on a permanent or temporary post other than of the type described in paragraphs (i) to (iii) above.
- (c) Persons covered by any paragraphs in category (c) shall have pay fixed in the manner stated below:—
- Minimum of the scale or at such higher stage as may be approved by the Government on the recommendation of the Rajasthan Public Service Commission or if the post is outside the purview of the Rajasthan Public Service Commission, on the recommendation of the selecting authority.

"Provided that during probation training period the provisions of this rule shall not be applicable. The probationer-trainee shall be allowed pay in his / her own pay scale of the previous post or fixed remuneration as per provisions of Rule 24. After successful completion of probation training his/ her pay shall be fixed under the provisions of this rule."

(2) Pay for the purpose of sub-rule (1) shall mean substantive pay, officiating pay and pay on temporary post and shall not include special pay.

(3) When appointment to the new post is made at the request of the Government servant under Rule 20(a) or Rule 215(b) and the maximum pay in the time scale of new post is lower than his last pay in the old post, he will draw that maximum of new post as initial pay,

Inserted vide FD Notification No. F.1(2)FD/Rules/2006 dated 13.3.2006 w.e.f. 20.1.2006

(4) (a) In respect of a Government servant whose initial pay is fixed under paragraph (a) (ii), (a) (iii) and (b) (ii) of sub-rule (1) of this rule, the service rendered on his previous post since drawal of last increment shall be counted for purposes of grant of increment in the new post.

Exception.- If a Government servant in service as probationer/on probation is appointed to new post before completion of the prescribed period of probation satisfactorily, the period of service rendered on old post shall not be counted for this purpose on the new post.

(b) In cases other than (a) above, next date of increment shall be allowed on completion of the full requisite qualifying service counting for increment under Rule 31 of Rajasthan Service Rules.

NOTES

1. Reversion to post in the ordinary cadre or service from a special post not included in it or a tenure post included in that cadre or reversion from a temporary post held substantively to the permanent substantive post does not constitute substantive appointment to the post for the purpose of this rule.

*2. When a Government servant is appointed to a higher post on the date on which his increment in the lower substantive post falls due, his substantive pay for the purpose of fixing his initial pay in the higher post shall be inclusive of his increment accruing on that date.

%3. Fixation of pay on appointment to a tenure post will be regulated under this rule and not under provisions of rule 26-A.

+4(1) A Government servant who has opted Revised Pay Scale prescribed under Rajasthan Civil Services (Revised Pay Scales) Rules, 1983 from a date subsequent to 1-9-1981, on appointment to other post through direct recruitment during the period commencing after 1-9-1981 but prior to the date of option for Revised pay scale may opt for fixation of pay under Rule 26 of Rajasthan Service Rules—

(a) either on the date of appointment to the other post through direct recruitment, or

(b) on the date of option for Revised Pay Scale, for lower post held by him immediately before the date of appointment to the other post through direct recruitment.

(2) In the case of alternative (a) above, he will cease to draw pay in the existing pay scale of the lower post and his pay shall be fixed first in the Revised Pay Scales, 1983 prescribed for the lower post and then his pay shall be fixed on appointment to the other post under Rule 26 of the Rajasthan Service Rules; and in the case of alternative (b) above, he will—

(i) continue to draw pay at the rate of pay admissible in the pay scale of the lower post against the pay scale of the other post on

* Inserted vide F.D. Order No. F. 5(1) F.D.(R)/56, dated 11-1-1956.

% Inserted vide F. D. Notification No. F. 1(94) FD(Rules)/66-1, dated 16-8-1969 w.e.f. 1.1.1967

+ Inserted vide F. D. Notification No. F.1(27)ID/Gr.2/85 dated 12-6-85 w.e.f. 1-9-81 for "Note-1" vide FD Order No. F. 1 (27) FD/Gr.2/85 dated 22-6-1985.

appointment through direct recruitment until the date of option for the Revised Pay Scales, 1983 on the lower post ; and

- (ii) on the date of option for Revised Pay Scales, 1983, his pay will first be fixed in the Revised Pay Scales prescribed for the lower post and then his fixation of pay on appointment to the other post shall be made with reference to that pay under Rule 26 of the Rajasthan Service Rules.
- (3) Option will be exercised and conveyed to the Appointing Authority within a period of two months from the date of order of appointment to the other post through direct recruitment or date of publication of his order in the Rajasthan Rajpatra whichever is latter. In case no option is received within the stipulated period, fixation of pay on appointment to the other post through direct recruitment shall be made under alternative (a) above. Option once exercised shall be final."

Audit Instructions.

@(1) Deleted.

(2) A time-scale may be of recent introduction, whereas the cadre or class to which it is attached may have been in existence on a graded scale before the time-scale came into force, or it may be that one time-scale has taken the place of another. If a Government servant has held substantively, or officiated in, a post in the cadre or class prior to the introduction of a new time-scale, and has drawn during the period salary or pay equal to a stage or intermediate between two stages, in the new time-scale then the initial pay in the new time-scale may be fixed at the salary or pay last drawn and the period during which it was drawn may be counted for increment in the same stage, or if the salary or pay was intermediate between two stages, in the lower stage of that time-scale

@(3) Deleted.

@ Deleted vide F.D. Notification No. F.1 (94) F.D. (Rules)/66-I dated 16-8-1969. w.e.f. 1-1-1967.

"(1) A temporary post which is converted into a permanent post on a different rate of pay is not to be, regarded as the "same post" as the permanent post for the purpose of this rule even though the duties remain the same. In other words, the temporary post is, of this purpose, to be regarded as having ceased to exist and to have been replaced by the permanent post. The incumbent of the temporary post is thus entitled only to the pay of the permanent post if it is on a fixed rate of pay, or to the minimum of the time scale of the permanent post of it is on a time-scale, unless his case is covered by the concession admissible under provisos (1) (ii) and (1) (iii) to Rule 26. The right of the holder of a temporary post which eventually becomes permanent to count for pension service in the temporary post is not affected by the provisions of this Note."

@ Deleted vide FD Notification No. F.1(94) F. D. (Rules)66-I; dated 16-8-1969. Effective from 1-1-1967, following:-

"(3) The expression "If he holds a lien on a permanent post" occurring in clause (a) of this rule includes the lien on a permanent post to which a Government servant is appointed in a provisional substantive capacity, and the expression "Substantive pay in respect of the old post" occurring in that rule includes his substantive pay in respect of that provisional substantive appointment. Clause, (a) of this rule thus permits the substantive pay in respect of a provisional substantive appointment being taken into account in determining his initial pay in another post to which he is appointed. When the

@(4) Deleted.

%(5) Deleted.

^x(6) Deleted.

initial pay of a Government servant in a post is thus fixed, it will not be affected, even if during the tenure of his appointment to that post he reverts from his provisional appointment."

"(4) When a Government servant is appointed to officiate in a post on time-scale of pay but his pay fixed below the minimum of the time-scale, he must not be treated as having effectually officiated in that post within the meaning of this Rule or having rendered duty in it within the meaning of Rule 31. The initial pay of such an officer on confirmation should be fixed under clause (b) of this rule and he should draw the next increment after he has put in duty for the usual period required, calculated from the date of his confirmation."

[%] Deleted vide Notification No. F.I (a) (28)FD/Gr. 2/77, dated 28-9-1984, the following :-

"(5) In the case of a Government servant in receipt of personal pay under this rule, when the next increment in the time-scale of either the new or the old falls due, the Government servant should draw the next increment in the time-scale of the new post, and forthwith lose the personal pay and all connection with the time-scale of the old cost. The personal pay is given to Government servant only for the purpose of initial pay and not at any subsequent stage in the new time-scale in which the Government servant might draw less pay than he would have drawn had he remained in old time-scale."

^x Deleted vide FD Notification No. 1(94) (F.D.) Rules/66-1; dated 16-8-1969. Eff. from 1-1-1967—

"(6) A declaration as to the relative degrees of responsibility of two posts may, when necessary, be obtained from the administrative Head of the Department or Government, according as the posts are in the same or different departments. Such declaration should, however, be insisted upon only in cases where there is some doubts as to the relative degree of responsibilities attaching to the two posts,"

Government of Rajasthan's Decision

*1. The Family pension under Rule 261 to 286 is allowed for a limited period only, the fact of his being in receipt of the same under these Rules shall not be taken into account while regulating the pay of an officer employed by Government,

%2. The undersigned is directed to say that the Rajasthan Civil Services (Revised New Pay Scale) Rules, 1976 were promulgated with effect from 1-9-1976. The pay of the existing Government servants as defined in Rules 5(2) of the aforesaid rules were fixed in the Revised New Pay Scales with reference to the existing emoluments as defined in Rule 5(4) of the Rajasthan Civil Services (Revised New Pay Scales) Rules, 1976. Thus the entire amount of dearness allowance, dearness pay, *ad-hoc* relief and additional dearness allowance etc. admissible, on 1-9-1976 was treated as part of pay for the purpose of fixation of pay in Revised New Pay Scales.

A question has been raised how the pay of a Government servant drawing pay in Revised New Pay Scales, 1976 shall, on his appointment as a teacher in Government College where U.G.C. pay scale have been introduced with effect from 1-9-1976, be fixed. The matter has been considered and it has been decided that for the purpose of fixation of pay in such cases the elements of Additional Dearness Allowance equal to nine installments of Dearness Allowances granted by the State Government between 1-1-1973 and 1-9-1976 and merged in the Revised New Pay Scales shall be deducted from the pay which a Government servant is drawing on the date on which he is appointed as a teacher in Government College in U.G.C. Scale. The pay thus arrived at after excluding the amount of Additional Dearness Allowance will be treated as pay with reference to which his pay shall be fixed in the U.G.C. pay Scale. The pay in the U.G.C. pay scale shall be fixed at a stage corresponding to his pay, and if there is no equal stage in U.G.C. pay scale, his pay shall be fixed at a stage next above his pay. In addition to pay so fixed in U.G.C. pay scale he shall be entitled to Dearness Allowance admissible with U.G.C. pay in the Government/Universities in Rajasthan as the case may be.

These orders shall also apply to officers of the Agriculture Department transferred to the University of Udaipur as a result of transfer of certain schemes to the University and whose pay in the University of Udaipur consequent to their absorption will be fixed in the U. G. C. pay scales.

@3. The undersigned is directed to say that the Rajasthan Civil Services (Revised Pay Scales) Rules, 1983 were promulgated with effect from 1-9-1981. The pay of the existing Government servants as defined in Rule 5(2) of the aforesaid rules were fixed in the Revised Pay Scales with reference to the prefixation emoluments as defined in Rule 5(4) of the Rajasthan Civil Services (Revised Pay Scales) Rules, 1983 treating the

* Inserted vide F.D. Order No. D 3400 F.I (69) R/56 dated 10-7-1956.

% Inserted vide F.D. Memo No. F.I (39) FD (Gr.2) /78, dated 21-2-1979.

@ Inserted vide F. D. Memo. No. F. 1 (39) FD/Gr. 2/78, dated 12-1-1984,

amount of Dearness Allowance at the rates in force as on 1-7-1980 as part of pay for the purposes of fixation of pay in Revised Pay Scales.

A question has been raised as to how the Pay of a Government servant drawing pay in Revised Pay Scales, 1983 shall, on his appointment as a teacher in a Government College where U.G.C. Pay Scales have been introduced with effect from 1-9-1976, be fixed. The matter has been considered and it has been decided that for the purpose of fixation of pay in such cases the elements of Additional Dearness Allowance granted by the State Government between 1-1-1973 and 1-9-1976 equivalent to nine installments of Dearness Allowance and Dearness Allowance at the rates in force as on 1-7-1980 shall be deducted from the pay under Revised Pay Scales, 1983 which a Government servant is drawing on the date on which he is appointed as a teacher in Government College in U. G. C. Scale. The pay thus arrived at after excluding the amount of Additional Dearness Allowance and Dearness Allowance will be treated as pay with reference to which his pay shall be fixed in the U.G.C. Pay Scale. The pay in the U.G.C. Pay Scale shall be fixed, at a stage corresponding to his pay, and if there is no equal stage in U.G.C Pay Scale, his pay shall be fixed at a stage next above his pay. In addition to pay so fixed in U.G.C. pay Scale he shall be entitled to Dearness Allowance admissible with U.G.C. Pay in the Government/Universities in Rajasthan as the case may be.

** Clarification-Deleted*

*26 A. (1) When a Government servant holding a post in a substantive, temporary or officiating capacity is promoted to a post in the regular line of

* Deleted vide FD Notification No. F. 1 (94) F. D.(Rules)/66-I, dated 16-8-1969 Eff. from 1-1-1967:—
"Clarification.

Under Audit Instruction No. 6 below Rule 26 of Rajasthan Service Rules a declaration as to the relative degree of responsibility of two posts in case of doubt is to be issued by the Head of the Department or Administrative Department of the Government. Doubts have been raised as to whether pay alone should be regarded as sole criterion for issuing such declaration. The question has been examined and it is clarified for the information of all concerned that pay alone should not be regarded as the criterion for declaring relative degrees of responsibility of the posts, but other factors such as nature of work should also, be kept in view. In case of doubt reference may be made to Finance Department"

* Substituted vide F. D. Notification No. F. 1 (55) FD/Gr. 2/82, dated 22-2-1983 effective from 1-9-1981, for the existing Rule 26A together with Clarifications, Government of Rajasthan Decisions, Schedule, Notes and Explanation appearing thereunder :—

@26A-(1) When a Government servant holding a post in a substantive. temporary or officiating capacity is promoted to a post in the regular line of promotion in his service, cadre or department, in a substantive, temporary or officiating capacity, his initial pay in the time scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing the actual pay drawn by him in the lower post by one increment at the stage at which such pay is drawn: provided:

£(i) That where a Government servant is immediately before his Promotion to a higher post, drawing pay at the maximum of the time scale of the lower post his initial pay in the. time scale of the higher post shall he fixed at the stage next above the pay notionally arrived at by increasing the pay drawn at the maximum by him in the lower post by an amount equivalent to the last increment in the lower post.

promotion in his service, cadre or department, in a substantive, temporary or officiating capacity, his initial pay in the time scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing the actual pay drawn by him in the lower post by one increment at the stage at which such pay is drawn.

Provided that where a Government servant is, immediately before his promotion to a higher post, drawing pay at the maximum of the time scale of the lower post, his initial pay in the time scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing the pay drawn at the maximum in the lower post by an amount equivalent to the last increment in the lower post.

(2) (i) Notwithstanding the provisions of Rule 31, where the pay of a Government servant is fixed under sub-rule (1) above, the next increment shall be granted on the date he would have drawn his increment had he continued in the lower post, provided that where the pay is fixed at the minimum of the time scale and the pay so fixed is more than the pay drawn in the lower post by an amount equal to the amount of the next increment in the lower post plus the amount of first increment in the higher post, the next

(ii) that provision of this rule shall not apply in cases enumerated in the schedule below this rule in respect of which the Government may provide such other method of pay fixation as may be deemed appropriate; and

(iii) that the provisions of sub- rule (2) of Rule 35- A shall not be applicable in any case where the initial pay is fixed under this rule.

[£]*Explanation:—* The expression "in the regular line of promotion" means appointment by promotion in a service or cadre in accordance with the method of appointment provided in recruitment rules framed under the proviso to Article 309 of the Constitution of India"

[£]Added vide Finance Deptt Notification F.1(a)(17)FD/Gr.2/77 dated 5.11.1980

Clarification

* A doubt has been raised whether the provisions of rule 26-A of the Rajasthan Service Rules should be attracted in the case of a Government servant who had held the higher post on some previous occasion/ occasions and was in receipt of pay higher than that to which he is entitled under 'Rule 26-A, on re promotion to the same higher post or whether the pay in such case would be fixed in accordance with the proviso to Rule 26 (b).

The matter has been considered and it is hereby clarified that pay of Government servants on promotion to higher post from 1-4-1961 is strictly required to be fixed under the provisions of Rule 26-A of the Rajasthan Service Rules and their pay cannot be fixed under Rule 26 if the same happens to be more advantageous than the pay fixed under Rule 26-A,

* Inserted Vide FD Memo No. F.1(20)FD(A)Rules/61 dated 16.1.1965.

% Past cases already decided before the issue of these orders will not be reopened.

% Inserted Vide FD Memo No. F.1(20)FD(A)Rules/61 dated 7.6.1965.

(2) @ [Notwithstanding the provisions of Rule 3J, where the pay of a Government servant is fixed under sub-rule (1)] above the next increment shall be granted on the date he would have drawn his increment had he continued in the lower post, provided that where the pay is fixed at the minimum of the time scale and the pay so fixed exceeds the pay drawn in the lower post by the amount equal to the amount of the next increment in the Lower post plus the first amount of increment in the highest post, the next increment shall be admissible after completion of service for the full incremental period counting for increment under Rule 31 of Rajasthan Service Rules.

@ Substituted vide FD Notification No. F.1(8)FD/Exp./Rules/67 dated 22.1.68 for "where the pay of government servant is fixed under sub rule (i).

increment shall be admissible after completion of service for the full incremental period of one year under Rule 31 of Rajasthan Service Rules.

(ii) Where a Government servant while drawing pay at the maximum of the pay scale of the post is promoted to a post in regular line of his promotion and his pay is fixed under sub rule (1) of this rule, the next increment subject to clause (i) of this sub-rule shall accrue to him on the date he would have drawn his increment had he continued in the lower post.

Explanation:—The expression "in the regular line of promotion" means appointment by promotion in a service or cadre in accordance with the method of appointment provided in recruitment rules framed under the proviso to Article 309 of the Constitution of India.

(3) The Provisions of sub-rule (2) of Rule 35 A shall not be applicable in any case where the initial pay is fixed under this rule.

Note:-1. Notwithstanding the provisions contained in Rule 26-A specific provision made in Rajasthan Administrative Service Rules, 1954 and Rajasthan Higher Judicial Service Rules, 1959 for regulation of pay on promotion in the service or cadre shall be applicable.

2. In cases of promotions in departments having no cadre/service rules or where cadre/service rules exist but certain posts to which or from which promotion is made are not included in the Schedule appended to relevant recruitment rules framed under proviso to Article 309 of the Constitution, the fixation of pay in such cases shall be regulated in accordance with the provisions contained in Rule 26 of Rajasthan Service Rules. However, if after promulgation of recruitment rules or inclusion of the posts in the Schedule appended to such rules, as the case may be, re-fixation of pay shall be permissible under rule 26 A from the date of incorporation of the post in the Schedule of respective recruitment rules or from the date from which the relevant rules are promulgated afresh or from actual date of promotion whichever is later.

3. (i) In the case of first promotion of an existing Government Servant as defined in Rule 5(2) of Rajasthan Civil Services (Revised Pay Scales) Rules, 1983 made on or after 1-9-1981 under the recruitment rules, the provisions contained in the note appearing below the fixation tables appended to Schedule III of the aforesaid rules shall be applicable for the purpose of grant of notional increment admissible in the lower post only ("i.e. not on the higher post) in the case of fixation of pay under Rule 26A of Rajasthan Service Rules

(ii) The provisions of para (i) above of this note shall not be applicable in case of first promotion of an employee who has been newly appointed to a post/service on or after 1-9-1981 because he is neither an existing Government servant as defined in Rule 5(2) of the aforesaid rules nor his pay will be fixed in accordance with the fixation tables appended to Schedule III of the aforesaid rules.

#4(i) In case where a Government servant gets his regular promotion after getting the Selection grade (identical to or lower than the pay scale of the

F.D. Notification No, F.1 (55) FD (Gr.2)/82, dated 18-8-1992 w.e.f 25.1.1992 for -

promotion post) his pay shall be fixed in the pay scale of the promotion post at the equal stage and if there is no equal stage at the next higher stage.

(ii) In case where the Selection Grade (second or third) already granted to a Government servant is higher, than the pay scale of the promotion post the Government servant shall continue to draw pay in the selection grade and his pay shall not be fixed in the pay scale of the promotion post,

@5.(i) In the case of first promotion of an existing Government servant as defined in Rule 5(2) of Rajasthan Civil Services (Revised Pay Scales) Rules,

+ In case where a Government servant gets his regular promotion after getting the Selection grade (identical to or lower than the pay scale of the promotion post) has pay shall be fixed in the pay scale of the promotion post at the equal stage and if there is no equal stage at the next higher stage.

+ Inserted vide FD Notification No.F.1(55)FD (Gr.2)/82 dated 19-03-1985 w.e.f. 1-1-1985.

@ Inserted vide F.D. Notification No. F. 1 (68) FD/(Gr.-2)/86 dated 2-2-1987 w.e.f. 1-9-1986.

Clarification

*2 Doubts have been raised as to what would be the normal date of increment of a Government servant who draws pay at the maximum of the pay scale of the post. It is clarified that by drawing pay at the maximum of the pay scale of the post the Government servant does not actually draw further increments, on the date of normal date of increment, but this cannot *be* interpreted to mean that there is no date of normal increment in his case. It will continue to be the same subject to provisions of Rule 31 of Rajasthan Service Rules.

Thus in a case where a Government servant while drawing pay at the maximum of the pay scale of the post is promoted in regular line and his pay is fixed under Rule 26A of Rajasthan Service Rules, the next increment subject to provisions of sub-rule (2) of Rule 26-A shall accrue to him on the date he would have drawn his increment had he continued in the lower post.

These orders take effect from 1-1-1967. Claims already decided other-wise may be re-opened and decided under these orders.

* Added vide F.D. Memo No. F. 1 (20) FD/(Rules)/72 dated 26-8-1972.

@3. In a number of cases when a person while serving the Government on a post on urgent temporary appointment basis is selected for that post by the Rajasthan Public Service Commission or other selecting authority or the Departmental Promotion Committee, as the case may be, fresh appointment orders are issued by the Department concerned. A doubt has been raised whether on issue of the appointment orders after regular selection, these persons are entitled to protection of the *ad hoc* pay drawn by them and such *ad hoc* service could be counted for increment under Rule 31 of Rajasthan Service Rules.

The matter has been considered and the Governor has been pleased to order that once a person is appointed to a post on urgent temporary appointment basis, his pay shall be fixed in accordance with relevant rules applicable in his case and he shall draw pay and increments till he holds that post. The fact that the incumbent is subsequently selected approved by the Rajasthan Public Service Commission or other selecting authority for appointment to the same post and fresh orders for appointment issued to that effect will not alter the position and no refixation of pay is required to be done. The same position will hold good in the case of a person who being regular in the lower post and while working on *ad hoc* basis on the higher post is regularly appointed to the higher post against direct recruitment quota as a result of selection by Rajasthan Public Service Commission. In such cases also the benefit of protection of pay drawn on urgent temporary appointment basis will be admissible and no refixation of pay will be necessary. Again, in the case of above *ad hoc* promotion made in regular line, relevant provisions of Rajasthan Service Rules regarding fixation of pay or grant of increment will apply and no refixation of pay is necessitated on regular selection for appointment to that post by the Departmental Promotion Committee.

It is further laid down that the cases already decided otherwise than in accordance with the above clarification may be reopened and regularised under these orders,

@ Added vide F.D. Notification No. F. 1 (94) FD/(Rules)/66-II dated 20-11-1975.

@Government of Rajasthan's Decision.

@1. It has been ordered that the pay of a Government Servant holding the posts of a Lower Division Clerk or of a @@(Stenographer) on 31-8-1961 in the Secretariat/Rajasthan Public Service Commission/Rajasthan High Court/Rajasthan Legislative Assembly *(Governor's Secretariat) in a substantive, temporary or officiating capacity, shall, on promotion *() in a substantive temporary or officiating capacity to the post of Upper Division Clerk or @@Senior stenographer respectively, in the aforesaid departments/offices, be fixed at the stage next above the pay notionally arrived at by increasing the actual pay drawn by him in the lower post by two increments at the stage at which such pay is drawn.

@ Inserted vide F.D. order No. F. 1 (20) FD/(A Rules)/61 dated 1-2-1962 w.e.f. 1-9-1961.

* Added vide FD order No/ F-1(20)FD (A Rules)/61, dated 14-3-1962 w.e.f. 1-9-1961.

@@ Substituted vide FD order No.F-2(b) (11) FD (ER)66 dated 29-1-1966 w.e.f. 1-3-1965. for the words "stenographers Grade III" and for the words "stenographer Grade II/III grade stenographer".

£2. In supersession of Government of Rajasthan's decision No. 1 below Rule 26 it has been ordered that pay of an officer holding the post Additional Chief Engineer in substantive or officiating capacity on promotion *[] in a substantive or officiating capacity to the post of Chief Engineer in the (B & R) Branch (or Chief Engineer Rajasthan Canal Project) or Chief Engineer (Headquarters) of the Irrigation Branch of the Public Works Department shall be fixed under Rule 26 or 35A of the Rajasthan Service Rules as the case may be.

£ Inserted vide F.D. order No. F. 1 (20) FD/(A)(Rules)/61 dated 1-6-1962 w.e.f. 1-9-1961.

* Deleted the words "on appointment" vide FD Notification No.F.1(94)FD(Exp. Rules)-I/66 dated 31-12-1996 w.e.f. 01-01-1967.

%3. Deleted. (Look end of the Chapter)

@4. The pay of a Government servant, holding a post in substantive temporary or officiating capacity when he is promoted to a post in the regular line of promotion in his service, cadre or department in a substantive, temporary or officiating capacity, is fixed in accordance with the provisions of Rule 26 A of Rajasthan Service Rules. A question has been raised as to whether benefit of fixation of pay under Rule 26 A of Rajasthan Service Rules would be admissible in cases of promotion in departments having no cadre/service rules or where some service rules exist but certain posts to which or from which promotion is made are not included in the schedule appended with, relevant service rules, refixation is not permissible under the provisions of new Rule 26(A) It has been brought to notice of Finance Department that this leads to fixation of pay in the pay scale of the higher post at a stage less than one if he was appointed to officiate with effect from the date of his next increment in the pay scale of the lower post.

Government have considered the matter. It has been decided that in cases where a Government servant is to officiate on a higher post, it is for the appointing authority to decide whether the appointment of the Government servant concerned on higher post can be postponed till the date of his next increment if it falls, within two months of the intended date of promotion so as to enable him to get the advantage of fixation at a higher stage under Rule 26(A) of the Rajasthan Service Rules. This is however, purely an administrative matter and each case will have to be decided by the appointing authority on its merits and looking to the exigencies of the circumstances.

Selection grades of pay were sanctioned with effect from 1-9-1961 under Finance Department Order No. F. 2(b) (1) FD-Rules/62, dated 29-1-1962. In case where a person could not drive to maximum advantage on appointment to the selection grade post with effect from 1-9-1961 owing to the fact in increment occurred in the lower post just after some time the appointing authority may change the date of promotion from 1-9-1961 to the date of next increment in the pay scale of lower post if the date of next increment happens to fall prior to 1-12-1961

In cases where Government servants drawing pay in the ordinary time scale of pay have been promoted on or after 1-4-1961 in the senior time scale of pay in the same cadre/service without involving any material change in the nature of duties performed before and after such appointment, the Appointing Authority may, after taking into consideration merits and circumstances of each individuals case decide whether the, appointment of such a Government servant can be postponed till the date of his next increment in the lower scale if it falls within a period of two months of the date of appointment on the higher post. Where the orders of promotion already issued have been made

effective from a date earlier than the date of order but not before 1-4-1961 the period of two months will be reckoned from the date of order of the promotion. The promotions already brought into effect would not be deferred where an appointment to the higher post involved exercising of statutory powers/duties.

@ Aided vide FD order No. F.1(94)FD/Rules/66-II dated 17.12.1975.

The matter has been duly considered. It has been decided that in such cases, benefit of fixation of pay under Rule 26 A of Rajasthan Service Rules would not be admissible. However, if after promulgation of service or inclusion of the posts in the service schedule, as the case may be, if it could be certified by the appointing authority that promotion earlier made would have been in the regular line had the service rules been promulgated earlier or the left out posts had been included in the schedule appended with the relevant service rules earlier then pay may be refixed under Rule 26-A of Rajasthan Service Rules retrospectively from the date the promotion had taken place.

The orders shall take effect from 1-12-1975. Past such cases in which benefit of fixation under Rule 26-A have been give may not be re-opened but pending cases may be decided in accordance with these orders.

*5. The matter regarding treatment to be accorded to personal pay granted as a result of fixation of pay under Rule 12 (2) and 12 (3) of Rajasthan Civil Services (Revised New Pay Scales) Rules, 1976 at the time of appointment or promotion to the higher post in regular line on or after 1-9-76 for the purpose of fixation of pay under Rule 26A of R.S.R. has been under consideration of the Government for some time past.

The matter has been considered and the Governor has now been pleased to order that personal pay drawn with pay in the type of cases referred to above, shall be taken into account and treated as part of pay for the purpose of fixation of pay under Rule 26A of Rajasthan Service Rules.

This order comes into force with effect from 1-9-1976.

* Aided vide FD order No. F.1(a)(11)FD/Gr.2/77 dated 16.5.1977.

£6. The matter regarding applicability of the provisions contained in Note 1 appearing below the Fixation Tables appended a; Schedule III to the Rajasthan Civil Services (Revised New Pay Scales) Rules, 1976 for the purpose of grant of notional increment on the lower post as envisaged in Rules 26A of Rajasthan Service Rules was under consideration of the Government for some time past. . The matter has been considered and the Governor is pleased to order that the prevision contained in the Note 1 appearing below the Fixation Tables No. 1 to 21 appended as Schedule III to the Rajasthan Civil Services (Revised New Pay Scales) Rules, 1976 shall be applicable in the case of first promotion made on or after 1-9-1976 of "existing Government servant" as defined, in Rule 5 (2) of Rajasthan Civil Services (Revised New Pay Scales) Rules, 1976 for the purpose of grant of notional increment admissible in the lower post only (i.e. not on the higher post in the case of fixation of pay under Rule 26A of Rajasthan Service Rules).

The provisions of para 2 above shall not be applicable in the case of first promotion of an employee who has been appointed on or after 1-9-1976 in the Government service.

These orders shall be deemed to have come into force with effect from 1-9-1976.

£ Aided vide FD Memo No. F.1(a)(17)FD/Gr.2/77 dated. 20.12.1977.

%7. The undersigned is directed to refer to this department Memo of even number dated. 17th December, 1975 which for bids the benefit of fixation of pay under Rule 26-A of Rajasthan Service Rules in cases where a Government servant is promoted to a post in a department having no cadre or service rule or where cadre/service rules exist but certain posts to which or from such promotion is made are not included in the schedule appended to the relevant recruitment rules framed under proviso to Article 309 of the Constitution. However, the benefit of fixation of pay under Rule 26A of Rajasthan Service Rules was allowed retrospectively from the date of promotion in such cases if after the promulgation of the service rules encadring the post in the service or inclusion of the posts in the service schedule if it was certified by the appointing authority, that the promotion made earlier would have been in regular line had the service rules been promulgated earlier or the left out post had been encadred in the service or the schedule appended to the relevant service rules earlier. The Department of Personnel & Administrative Reforms (Department of Personnel Gr. II) have now taken a decision vide Circular No. F. 1 (15) DOP (A.II)/73-H dated 27-9-1978 that promotion made on the higher post prior to inclusion of the post in the service or schedule attached to the respective service rules shall be treated as promotion in regular line from the date of inclusion of the post in the service and consequently the benefit of fixation of pay under Rule 26A of

1987, made on or after 1-9-1986 under the recruitment rules, the provisions contained in the note appearing below the fixation tables appended to Schedule III of the aforesaid rules shall be applicable for the purpose of grant of notional increment admissible in the pay scale for the lower post only (i.e. not on the higher post) in the case of fixation of pay under Rule 26A of Rajasthan Service Rules.

(ii) The provisions of para (i) above of this note shall not be applicable in case of first promotion of an employee who has been newly appointed to a post/service on or after 1-9-1986 because he is neither an existing Government servant as defined in Rule 5(2) of the aforesaid rules nor

Rajasthan Service Rules shall be admissible from the date of incorporation of the post in the Schedule attached to the respective service rules.

The matter has been examined and it has been decided that pay of a Government servant who is promoted to a higher post which is not encadred in a service or which has not been included in the schedule appended to respective service rules shall be regulated in accordance with the provisions contained in Rule 26 (1) of Rajasthan Service Rules but in such cases re-fixation of pay under Rule 26A of Rajasthan Service Rules shall be admissible from the date of incorporation of the post in the schedule of respective service rules or from the date from which the relevant service rules are promulgated afresh.

It has been further decided that in case where benefit of pay fixation under Rule 26 A of Rajasthan Service Rules has already been allowed prior to the issue of Department of Personnel & Administrative Reforms (Department of Personnel-A Gr.II Circular No. F.1(15) DOP/A-II73-II dated 27-9-1978 the recovery of overpayment, if any resulting there-from as a result of application of these orders, shall be deemed to have been waived upon the date of issue of that order. Pending cases shall also be regularised in accordance with the provisions of these orders.

% Inserted vide FD Memo No. F.1(94)FD/Rules/66-II dated 14.12.1978.

@ SCHEDULE

1. Officers of the RAS, promoted to Selection Grade posts in the R.A.S. Cadre.
2. Officers of Rajasthan Higher Judicial Service promoted from the post of Civil and Additional Sessions judge (and equivalent post) to the post of District and Sessions judge (and equivalent post).
- [£]3. Deleted.
4. Lower Division Clerks in service on 1-9-1961 and promoted as Upper Division Clerks on or after 1-9-1961 in the Secretariat Rajasthan High Court, Rajasthan Public Service Commission, Governor's, to Secretariat and Rajasthan Legislative Assembly.
5. £[Stenographer grade III] in service 1-9-61 and promoted on or after 1-9-61 as \$[Senior Stenographer] in the Secretariat, Rajasthan High Court, Rajasthan Public Service Commission, Governor's, Secretariat and Rajasthan Legislative Assembly. (Schedule Item 5)
- @6. Additional Chief Engineer in the Public Works Department promoted as Chief Engineer in the B & R Branch or as Chief Engineer, Rajasthan Canal Project or as Chief Engineers (Headquarters) of the Irrigation branch of Public Works Department. (Schedule Item 6)
7. Assistant Secretary promoted to the post of Deputy Secretary to Government in R.S.S. Cadre.
8. Substantive Assistants and Stenographers in the Secretariat promoted to the post of Section Officer.

@ Inserted vide FD Memo No. F.1(20)FD-A(Rules)(61-III) dated 1.2.1962.

£ Deleted vide FD Notification No. F.1(38)FD/Rules/72 dated 27.9.1972 from 1.9.1969 the following- "3 Nayab Tehsildar" promoted as "Tehsildar"

%NOTE:-- In respect of promotions mentioned at items 7 and 8 proviso to Rule 26-A shall be deemed to be effective during the period from 1-4-1961 to 31-8-1961. From 1-9-1961 pay shall be regulated under the provision of the main rule. In respect of items 3 to 6 pay on promotion shall be deemed to have been regulated in accordance with provision of the main rule during the period from 1-4-1961 to 31-8-1961 and proviso to rule shall be deemed to be effective from 1-9-1961.

his pay will be fixed in accordance with the fixation tables appended to Schedule III of aforesaid rules.

Government of Rajasthan's Decision

* The undersigned is directed to invite attention to the order No. F(7) Karmik/Kr-II/75 dated 7-11-1975 and 28-2-1981(copies enclosed) issued by the Department of Personnel, laying down the method of fixation of pay of Government servants, who do not possess requisite qualification or experience prescribed for promotion and who are promoted/ appointed on urgent temporary (ad-hoc) basis on higher posts. This order provides that benefit of fixation under Rule 26-A of Rajasthan Service Rules is not admissible in such cases. The Order further stipulates that: -

- (a) Government servants who do not possess the basic academic qualification prescribed under the rules/orders regulating such appointments/ promotions, shall continue to draw their pay, annual grade increments, etc. of the lower posts only while working on the higher posts; and
- (b) Government servants who do not possess the minimum experience prescribed for regular promotion shall be fixed at the minimum of the scale of the higher post or at the stage of the time scale of that post next above the last pay in lower post whichever is higher. The annual increments shall not accrue in the higher post but will be allowed in respect of lower post and the pay re-fixed as above on each such occasion. The benefit of fixation of pay under Rule 26-A of Rajasthan Service Rules will not be allowed till requisite experience has been acquired.

It has been noticed that in many cases fixation of pay has been permitted by various appointing authorities in contravention of the Department of Personnel orders referred to above which has resulted in recovery of over payments. To avoid such a contingency in future it is enjoined upon all appointing authorities that compliance of provisions contained in Department of Personnel orders referred to above be ensured and no erroneous fixation is permitted in any case. If any doubt arises, a reference for clarification should be made to the Finance Department through the Head of the Department/ Administrative Department as the case may be. The Government shall not entertain the request or claims of Government servants for waiving of recovery of over payment caused due to wrong fixation. Fixation of pay made otherwise than under the provisions contained in the aforesaid orders be reviewed and pay be refixed correctly.

Copy of the Department of Personnel (A-Group-II) Order No. F.7(7) Karmik/Ka-II/75, dated 7-11-1975.

**Sub: Making of adhoc/urgent/temporary appointments of persons, who do not fulfill the conditions of eligibility for promotion-
Regularisation of pay and allowances of such officers.**

Most of the Service Rules prescribe the conditions of minimum qualification for making one eligible or qualified for promotions to next higher

* Inserted vide FD Memo No. F.1(94)FD/Rules/66-III dated 2.5.1986.

category of posts in the Service. The term "Qualification-;" connotes (i) academic qualifications, including Training, if *any*, and (ii) experience of service on lower post for making urgent temporary (ad hoc) appointments generally the same conditions of eligibility apply as for regular recruitment. These conditions are statutory and are required to be adhered to strictly by all the Appointing Authorities. It may be pointed out here that there is no general provisions in any of the existing Service Rules for relaxation of the prescribed qualifications.

2. There are numerous cases in the various Departments wherein the persons, who did not possess the requisite qualifications, including experience, prescribed in the respective Service Rules have not only been appointed on ad hoc/urgent temporary basis but have also been continued for quite a long period. In the cases the officials lacked prescribed experience also because regular promotions did not take place for number of years and they could not acquire experience on intermediate posts although they were the senior most. Such appointments do not fulfill the requirement of the recruitment Rules and are open to challenge by the Accountant General etc.

3. However, there might be some genuine difficulties of *the* Departments where at times qualified or persons eligible for promotion in the next below grade might not be available but at the same time the posts can not be left vacant for an indefinite period. Filling of such vacancies alternatively by direct recruitment cannot also be feasible on all the lateral and senior post and it would also be against the prescribed quota for promotion. Processing of any amendment of the prescribed qualifications also takes considerable time and it may not be desirable to lower the qualification for a temporary phase. To meet with such exigencies in cases where persons who fulfill conditions prescribed for eligibility for promotions are not available in the next below grade and it is absolutely necessary to fill the vacant posts out of departmental experienced officials and the efficiency is not likely to be impaired it has been agreed by the Government that in such cases appointment may be made in urgent temporary capacity only on the basis of seniority-cum-merit, with the concurrence of Department of Personnel (A-Group-II) and the Rajasthan Public Service Commission also, where consultation is necessary after 1 year, according to existing procedure under the rule relating to urgent/temporary appointments in the respective Service Rules. But it has *been* considered that such officials who lack in prescribed experience service should not be allowed the full benefit of pay on promotion. The whole matter has, therefore, been examined and it has been decided in consultation with the Finance Department as under:—

4.(1) That in no circumstances *the* persons, who do not possess the basic academic qualifications prescribed under the Rules or order issued from time to time should be appointed on whole time basis either by promotion or directly from the open market and the provision of giving additional charge of the current duties to some officer, already available in the Department or at the same position may as far as possible be resorted to. In case it is inevitable, due to proved and definite non-availability of qualified hands, to appoint a person on whole-time basis (e.g. post being at different stations) who does not fulfill the academic qualifications it should be done in urgent temporary capacity only after obtaining the concurrence of the Department of

Personal and the Finance Department for making appointments out of the persons who held on regular basis lower posts from which promotions is made, on the basis of seniority-cum-merit. In such cases the incumbents would continue to draw their pay, annual grade increments etc. of the lower post only even while working on the higher post.

(2) That in the case of persons who fulfill academic qualifications prescribed for the post or where no academic qualifications are prescribed for promotion but who do not fulfill minimum period of experience/Service prescribed in the Service Rules for promotion and as such if no officer is validly eligible for promotion for short term advertisements, as far as possible, the general provision in the Rules relating to additional current charge can be availed of and the alternative general provision available in the Service Rules for making appointment by the other method e.g. direct recruitment should be resorted to. But in cases where it is not considered feasible to make dual arrangement or to fill such posts alternatively by just recruitment etc. and if it is inevitable, due to definite unavailability of suitable and qualified officers with requisite experience to fill this posts, on whole time basis, subject to maintenance of efficiency of service, such posts may be filled on urgent temporary basis with the concurrence of Department of Personnel out of persons holding the lower post from which promotion is made, provided that they possess the required academic qualification, if any, even if they do not possess; the prescribed period of experience, But in such cases benefit of fixation of pay under Rules 26-A of the Rajasthan Service Rules will not be allowed till requisite experience has been acquired. Instead, pay will be fixed at the minimum of the scale of the higher post or at the stage of the time scale of that post next above the last pay in lower post, whichever ever is higher. It is further provided that in such cases annual increments shall not accrue in the higher post but will be allowed in respect of the lower post and the pay re-fixed as above on each such occasion. Such appointments should be reviewed periodically as the Department of Personnel may fix.

(3) The period of appointment during which a person does not qualify for appointment to a post shall be treated as urgent temporary (*ad hoc*) appointment and shall not confer any benefit in seniority or confirmation, unless specifically provided.

(4) Past pending cases may also be decided accordingly but in case where a person not only lacked the prescribed qualifications, including experience of the post and either of the conditions mentioned above i.e. non-availability of qualified officers in the, next lower post (ii) and the conditions of being the senior most available person or non impairment of efficiency are also not fulfilled, such officers should get pay only of the lower post on which they would have worked but for appointment to the higher post in an irregular manner.

(5) Where none of the officer fulfils the qualifications or are not expected to fulfill the qualification prescribed under the Rules for 2- 3 years in future also, it may be desirable to review such qualification and to examine whether the prescribed qualifications are realistic or not. But any lowering of standards requires to be carefully checked

(6) The above provisions would apply to appointment made against, (i) vacancies irrespective of quota i.e. by direct recruitment or promotion and (ii) even if person is not substantive in the lower post provided he is the senior most available official in the lower post in the normal line of promotion.

(7) The above relaxed provision shall not apply to qualification which have been prescribed by any law or University or Board of Education etc. unless there is a provision of relaxation thereunder and sanction of competent authority under such law or statute has been obtained.

Necessary amendments to the rule relating to urgent temporary Appointments in the Various Services Rules are being made accordingly in the meantime, it is requested that immediate action may kindly be taken to regularise all such pending cases in accordance with the above decisions.

Sd/-

T V RAMAN

Special Secretary to Government

Copy of the Department of Personnel & Administrative Reforms Order No. 7 (7) Karmik/Ka-II/75 dated 28th Feb, 1981.

Sub:— Making Urgent/Temporary appointment of person who do not fulfill the conditions of eligibility for promotion- Regularisation of pay and allowances of such officers.

Attention is invited. to the instructions contained in para 4(2) and (4) of this Department order of even number dated 7th Nov. 1975 on the subject noted above, according to which, persons who possessed academic qualifications but did not fulfill minimum period of experience prescribed for promotion to a post but were promoted to hold a post on urgent temporary basis as no officer was validly eligible for promotion and it was considered inviteable to fill in such posts out of persons holding lower posts from which promotion is made. The benefit of pay fixation under Rules 26 A of the RSR was not to be allowed till requisite experience has *been* acquired and their pay was required to be fixed in the manner laid down therein. It has also been referred to in para 4(4) of the said order that pending cases may also be decided accordingly.

The matter has been examined. Since there are a large number of Government servant whose pay has been fixed in a manner otherwise than provided in this Department's circular dated the 7th Nov., 1975 and that the operation of the above provision in such cases would prove harsh, it has now, been decided by the Government that the past cases already decided shall not be re-opened and the recovery of overpayment, if any, due to fixation of pay of a Government servant on higher post on urgent/temporary basis/adhoc basis in a manner otherwise than provided in the order dated 7-11-75 shall stand waived.

This issues with the concurrence of F.D. (Rules) vide their endt. No. 10/81 dated 5-1-81.

*26-B. Notwithstanding anything contained in these rules where a Government servant has drawn a special pay granted for higher responsibilities or specially arduous nature of duties under Rule 7 (31) (a) continuously for a period of not less than two years and his pay, on promotion or appointment on or after 1-9-1961 to a post carrying duties and responsibilities of greater importance than those attached to the post held by him, under the provisions of other rules in this chapter plus special pay attached to the higher post, if any, works out to less than the pay of the post held by him the difference shall be allowed as personal pay to be absorbed in future increments.

Clarifications

@1. In accordance with Rule 26-B of the Rajasthan Service Rules, a Government servant who has drawn a special pay under Rule 7(31) (a) continuously for a period of not less than 2 years, the special pay is taken into account for the purpose of fixation of pay on promotion or appointment to a higher post on or after 1-9-1961. A question has been raised whether the continuous period of 2 years includes the period of leave taken by an officer for the purpose of reckoning 2 years limit.

The matter has been examined and it is clarified that continuous period of 2 years referred to in Rule 26-B will include all periods of leave taken by an officer provided it is certified by the appointing authority that the officer would have continued to draw special pay but for his proceeding on leave.

%2. Attention is invited to Rule 26-B of Rajasthan Service Rules according to which where a Government servant who has drawn a special pay granted for higher responsibilities or specially arduous nature of duties continuously for a period of not less than two years, it is protected at the time of promotion by granting personal pay to be absorbed in future increments.

A case has been referred to the Finance Department in which an officer before his promotion was in receipt of special pay which was drawn by him for a period of not less than two years. The rate of special pay drawn was, however, changed during the said period. A question has been raised as to which rate of special pay (whether revised or at old rate) should be taken into account for the purpose of Rule 26-B.

The matter has been examined and it is clarified that the amount of special pay drawn immediately before promotion should be taken into account for the purpose of Rule 26-B.

Exceptions

*1 The question of protection of special pay of Rs. 10/- drawn by Accounts Clerks on their promotion to the post of Accountant in accordance with provisions contained in Rule 27 of the Rajasthan Subordinate Accounts Service Rules, 1963 has been under consideration of the Government for some time past.

* Inserted vide F.D. Notification No. F.I (20) F.D.A, (Rules) 61, dated 30-8-1962, w.e.f. 1-9-1961.

@ Inserted vide F.D. Memo No.F.1(20)FD(R)61-II,dated 20-7-1963.

% Inserted vide F.D. Memo No. F. 1(90) FD (Exp-Rules)66, dated 23-12-1966,

* Inserted vide FD Memo No. F. l(29)FD(Rules)68, dated 18-7-1968,

The matter has been considered and it has been decided that special pay of Rs. 10/- drawn by Accounts Clerks who on their passing the Accountants Qualifying Examination are promoted to the post of Accountants under the aforesaid rule, may be notionally treated as pay for the purpose of pay drawn in the scale of pay of the post of Accounts Clerk, provided that where the pay so arrived at (i.e. pay plus special pay) does not correspond to a stage in the time scale of the post of Accounts Clerk such notional pay shall be fixed at the higher stage in the said time scale of the post of Accounts Clerk.

Fixation of pay on promotion to the post of Accountant will be made under the provisions of rule 26-A of Rajasthan Service Rules on the basis of the pay arrived at by merging of special pay into pay in the manner indicated in para 2 above.

These orders take effect from 1-1-1967.

The decision contained in paragraphs 2 and 3 above will not apply to Accounts Clerks who are appointed Accountants on passing Accountants Competitive Examination.

@2. In accordance with paragraphs 2 and 3 of Finance Department Memo No. F. 1(29) FD(Rules)/68, dated 18-7-1968, pay and special pay of Rs. 10/- drawn by Accounts Clerks who on their passing the Accountants Qualifying Examination are promoted to the post of Accountant is taken into account for the purpose of fixation of pay on the post of Accountant.

A question has been raised as to what treatment would be accorded to Commercial Accounts Clerks who, on their passing Accountants Qualifying Examination are promoted to the post of Accountant.

The matter has been considered and it has been decided that although Commercial Accounts Clerks draw special pay of Rs. 15/- yet for the purpose of fixation of pay on the post of Accountants on passing the aforesaid qualifying Examination, only special pay of Rs. 10/- will be treated as pay and accordingly the provisions of the aforesaid order will apply in their case. These orders take effect from 1-1-1967.

These orders will not apply to Commercial Accounts Clerks who are appointed/promoted as Commercial Accountants and also those appointed as accountants on passing Accountants Competitive Examination.

*3. Under the Finance Department Memo No. F. 1(29)FD(Rules)/ 68, dated 18-7-1968 and 15-5-1969 special pay of Rs. 10/- drawn by Accounts Clerk/Commercial Accounts Clerk was ordered to be taken into account while fixing pay in respect of an Accounts Clerk/Commercial Accounts Clerk who is promoted on or after 1-1-1967 as Accountant on passing Accountants Qualifying Examination.

It has been represented by Accounts Clerks /Commercial Accounts Clerks promoted as Accountant before 1-1-1967 on passing Accountants

@ Inserted vide FD Memo No.F 1(29) FD(Rules)/68 dated 15-5-1969.

* Inserted vide FD Memo No. 1 (29) FD(Rules)/68, dated 24-7-1971.

** Added vide FD(Rules)Order No.F.1(29) FD/Rules/68, dated 5-1-1973.

Qualifying Examination in accordance with provisions contained in Rule 27 of the Rajasthan Subordinate Accounts Service Rules, 1963, that the aforesaid order be given retrospective effect so that they may also get similar benefit of pay fixation.

The matter has been considered and it has been decided that in the case of an Accounts Clerk/Commercial Accounts Clerk who was promoted as Accountant before 1-1-1967 on passing the Accountants Qualifying Examination, the provisions of Rule 32 of the Rajasthan Service Rules may be invoked in individual cases where it is found that a stage has been reached where pay drawn as Accountant happens to be less than the pay plus special pay as Accounts Clerk or Commercial Accounts Clerk which would have been admissible to him had he remained as Accounts Clerk/ Commercial Accounts Clerk.

Such cases may be referred to Finance Department through usual channel for appropriate action.

These orders will not apply to Accounts Clerk/Commercial Accounts Clerk who has been appointed promoted as Accountant/Commercial Accountant, on passing Accountants Competitive Examination.

** 4. Under Finance Department Order No. F. 1(29) FD(Rules)/ 68, dated 24-7-1971 it was decided that in the case of an Accounts Clerk/ Commercial Accounts Clerk who was promoted as Accountant before 1-1-1967 on passing the Accountant's qualifying Examination the provisions of Rule 32 of the Rajasthan Service Rules may be invoked in individual cases where it is found that a stage has been reached where pay drawn as Accountant happens to be less than the pay plus special pay as Accounts Clerk or Commercial Account Clerk which would have been admissible to him had he remained as Accounts Clerk/Commercial Accounts Clerk.

The Governor has been pleased to delegate powers to the Chief Accounts Officer, Rajasthan, Jaipur to refix pay of all such Accountants who are covered by the aforesaid orders by invoking the provisions of Rule 32 of Rajasthan Service Rules in individual cases subject to the conditions that:—

Where the pay plus special pay admissible as Accounts Clerk is more than the pay/pay plus personal pay if any, as the case may be, drawn as Accountant, the pay as Accountant shall be refixed at the stage next above the pay plus special pay admissible as Accounts Clerk. In all cases where refixation of pay is allowed under these orders the next increment shall accrue to the individual concerned on completion of full incremental period counting from the date of refixation of pay under rule 31 of Rajasthan Service Rules.

#26C. A work-charged employee already serving in one department and is drawing pay in prescribed pay scale in semi permanent/ permanent capacity and who is absorbed/appointed on direct recruitment basis/on conversion of work - charged post into regular post in accordance with the provisions contained in relevant recruitment rules, in the same pay scale either in the same department or in another department shall have his initial

Inserted vide FD Notification No.F.1(32)FD(Group-2)79 dated 16.8.1994

pay fixed at the stage at which he was last drawing as work-employee. In such a case the next date of increment shall remain unchanged.

Note: 1. Cases pending on the date of issue of this notification may be finalised in accordance with these provisions.

2. The authority competent to make substantive appointment shall be competent to issue orders under this rule. Before issue of orders, the case may be got checked from the member of the Accounts Service of the department not below the rank of Accounts Officer,"

27. Regradation of initial pay on substantive appointment to a post on a time scale of pay, which has been reduced.—The initial substantive pay of a Government servant who is appointed substantively to a post on a time scale of pay, which has been reduced for reasons other than a diminution in the duties or responsibilities attached to post thereon and who is not entitled to draw pay on the time scale as it stood prior to reduction is regulated by Rule 26 provided, both in cases covered by clause (a) of that rule and in cases, other than those of re-employment after resignation or removal or dismissal from the public service, covered by clause (b), that if he either —

- (1) has previously held substantively or officiated in—
 - (i) the same post prior to reduction of its time-scale, or
 - (ii) a permanent or temporary post on the same time-scale as the unreduced time-scale of the post, or
 - (iii) a permanent post other than a tenure post or a temporary post on a time-scale of pay identical with the unreduced time-scale of the post, such temporary post being on the same time scale as a permanent post, or
- (2) is appointed substantively to a tenure post the time-scale of which has been reduced without diminution in the duties or responsibilities attached to it and has previously held substantively or officiated in another tenure post on a time-scale identical with the unreduced time-scale of the tenure post, then the initial pay shall not be less than the pay other than special pay, personal pay or emoluments classed as pay which he would have drawn under Rule 26 on the last such occasion, if the reduced time-scale of pay had been in force from the beginning and he shall count for increment the period during which he would have drawn that pay on such last and any previous occasions.

@27-A. Pay during Probation.—Where Service Rules promulgated under proviso to Article 309 of the Constitution, or orders and

@ Substituted vide F.D. Notification No. F. 1(94)F.D.(Exp,Rules)/66, dated 31-12-1966. Effective from 1-1-1967.

instructions of Government provide for appointment on probation or as a probationer, drawal of increments shall be regulated as follows:—

- (i) No increments shall be allowed during the period of probation.
- (ii) If the Service Rules or Orders of appointment prescribe a fixed period of probation and due to departmental examination not being held, or assessment of suitability for confirmation not being completed or for any other reason, no specific order is issued regarding either confirmation or extension of probation, drawal of pay at the initial rate shall be allowed beyond the prescribed period of probation until issue of specific order of confirmation, extension of probation or termination of Service.
- (iii) On issue of orders of confirmation effective from the completion of the prescribed period of probation, increments as normally due shall be allowed retrospectively.
- (iv) On issue of orders of confirmation effective from a date beyond the prescribed period of probation, constituting thereby an extension in the period of probation, increments as normally due shall be allowed retrospectively except that the normal date of drawal of first increment shall be extended by the number of days equal to the period of extension of probation.

27-A. Notwithstanding anything contained in these Rules the following provisions shall govern the pay of Government servant who is appointed as a probationer in another service or cadre and subsequently confirmed in that service or cadre:—

- (a) during the period of probation he shall draw pay at the minimum of the time-scale or at the probationary stages of the time-scale of the service or post, as the case may be :

Provided that if the presumptive pay of the permanent post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended, should at any time be greater than the pay fixed under this clause, he shall draw the presumptive pay of the permanent post.

- (b) on confirmation in the service or post after the expiry of the period of probation, the pay of the Government servant shall be fixed in the time-scale of the service or post in accordance with the provisions of Rule 26.
- (2) The provisions contained in sub-rule (1) shall apply *mutatis mutandis* to cases of Government servants appointed on probation with definite conditions against temporary posts in another service or cadre where recruitment to permanent posts of such service or cadre is made as probationers, except that in such cases the fixation of pay in the manner indicated in clause (b) of sub-rule (1) shall be done under Rule 30-A of these Rules immediately on expiry of the period of probation and on regular officiating appointment to a post either permanent or temporary, in the Service or Cadre.
- (3) Notwithstanding anything contained in these Rules a Government servant appointed as an apprentice in another Service or Cadre shall draw:—
 - (a) during the period of apprenticeship the stipend or pay prescribed for such period provided that if the presumptive pay of the permanent post other than a tenure post, on which he holds a lien or would hold a lieu had his lien not been suspended, should at any time be greater than the stipend or pay fixed under this clause, he shall draw the presumptive pay of the permanent post.
 - (4) on satisfactory completion of the apprenticeship and regular appointment to a post in the Service or cadre, the pay as fixed in the time-scale of the Service or post under Rule 26 or 35—A of these Rules.

[%](v) Subject to paragraph (iv) above a person whose initial pay is fixed under paragraphs (a) (ii) and (b) (ii) of sub-rule (1) of rule 26 of the Rajasthan Service Rules the service rendered on his previous post since the drawal of last increment shall be counted for purposes of grant of increment in the new post.

^{*}27B. Notwithstanding anything contained in Rule 27-A of Rajasthan Service Rules, a Government servant who has satisfactorily completed the period of probation, increments as normally due may be allowed to him even if no specific order of confirmation or extension in the period of probation has been issued on the expiry of the period of probation for one or the other reason, provided it is certified by the authority competent to order his substantive appointment that on communication about unsatisfactory progress during the period of probation was sent to the probationers.

⁼27C. The provisions of Rule 27A and 27B shall not be applicable to the probationer-trainee. After successful completion of period of probation training, the probationer-trainee shall not earn annual grade increment(s) for the period of probation training."

28. ***Regulation of pay when pay of a post is changed.***—The holder of a post, the pay of which is changed, shall be treated as if he was transferred to a new post on the new pay, provided that he may at his option retain his old pay until the date on which he has earned his next or any subsequent increment on the old scale, or until he vacates his post or ceases to draw pay on that time-scale. The option once exercised is final.

NOTE

In respect of a Government Servant officiating in a higher scale on the date from which different posts on different scales in the same cadre were merged in a common scale, the words "his old pay" in the proviso of the rule should be held to include not only the rate at which he was drawing his officiating pay on the crucial date but also the time-scale of pay in which he was drawing that pay. Thus for the period of option the old scale in which he was drawing his officiating pay should be treated as continuing for the individual concerned and since he is entitled to retain his old pay during that period his drawing of that pay under the option need not depend on whether the constructive officiating appointment after the crucial date does or does not involve the assumption of duties and responsibilities of greater importance. The option, however, ceases to operate once the individual concerned constructively ceases to officiate in the post or ceases to draw pay in the particular scale in which he was drawing the officiating pay.

Both the substantive part of this rule and its proviso cannot be operative at one and the same time. For the period during which the option exercised under the proviso operates, the substantive portion of the rule

[%] Inserted vide F. D. Notification No.F. 1 (94) F D (Rules)/66-I dated 31-12-1966 and substituted vide order dated 16-8-1969 effective from 1-1-1967 for—"Subject to paragraph (iv) above a person whose, initial pay is fixed under (a) (ii) and (b) (ii) of sub-rule (1) of Rule 26 of the R.S.R. shall receive annual increments on the anniversary of the date on which he received his last increment on his previous post."

⁺ Inserted vide F. D. Notification No. F. 1 (a) (16) F. D. (Gr-2) 77, dated 25-11-85.

⁼ Inserted vide FD Notification No. F.1(2)FD/Rules/2006 dated 13.3.2006 w.e.f 20.1.2006

remains inoperative. Failure to exercise the option from whatever cause arising entails forfeiture of the benefits of the rule.

Audit Instructions

(1) This rule applies to an officiating as well as to the substantive holder of a post.

(2) If the maximum pay of a post is altered with no change in the rate of increment and the minimum, the initial pay of the holder of that post should be fixed under Rule 26(b) and not under Rule 26(a), even though he may be holding the post substantively.

(3) The expression 'subsequent increment on the old scale' in the proviso to this rule includes grade promotion in cases in which a time-scale of pay has been substituted for a graded scale of pay,

(4) See also Audit Instruction (1) below Rule 26.

Government of Rajasthan's Decision

%A question has arisen whether a Government servant under suspension can be allowed to elect the revised scale of pay under Rule 28 of the Rajasthan Service Rules if the scale of pay of the post held by him immediately prior to suspension is revised. The Government have decided that such cases should be governed in the following manner:—

(i) *Cases in which the revised Scale of pay takes effect from a date prior to the date of suspension.*

In such cases the Government servant should be allowed to exercise the option under Rule 28, or any other specific rule regarding exercise of option for the Revised Scales of pay, even if the period during which he is to exercise option falls within the period of suspension. He will be entitled to the benefit of increase in pay, if any, in respect of the duty period before suspension, and also in the subsistence allowance, for the period of suspension, as a result of such option.

(ii) *Cases in which the revised scale of pay takes effect from a date falling within the period of suspension.*

(a) Under suspension a Government servant retains a lien on his substantive post. As the expression "holder of a post" occurring in Rule 28 of Rajasthan Service Rules includes also a person who holds a lien or a suspended lien on the post even though he may not be actually holding the post such a Government servant should be allowed the option under Rule 28 of Rajasthan Service Rules, or under any other specific rule regarding the exercise of option for Revised scales of pay, even while under suspension. The benefit of option, will however, practically accrue to him in respect of the period of suspension, only after his reinstatement depending on the fact whether the period of suspension is treated as duty or not.

(b) A Government servant who does not retain a lien on a post the pay of which is changed, is not entitled to exercise the option under Rule 28 of

% Inserted vide FD Memo No. 5155F, 7A(35)FD-A/Rules/58, dated 13-2-1959

Rajasthan Service Rules or under any other specific rule regarding the exercise of option for the Revised Pay Scale. If, however, he is reinstated in the post and the period of suspension is treated as duty he may be allowed to exercise the option after such reinstatement. In such cases, if there, is a time limit prescribed for exercising the option and such period has already expired during the period of suspension a relaxation may be made by the Government in each individual case for extending the period during which the option may be exercised.

[@]29. **Increment to be drawn as a matter of course unless withheld.*** (Subject to the provisions of Rules 26-A, 27-A and 30), an increment shall ordinarily be drawn as a matter of course unless it is withheld by the authority empowered to withhold such increment in accordance with the relevant provisions of the Classification, Control and Appeal Rules. Any order withholding an increment shall state the period for which it is withheld and whether the postponement shall have the effect of postponing future increments.

(For procedure in regard to drawing of increment by (1) Gazetted Government servants and (2) non-Gazetted Government servants refer to Rules 162 and 196-198 of the General Financial and Account Rules respectively).

Government of Rajasthan's Decision

^xThe question whether an increment should be granted from the 1st of the month in which it falls due instead of from the actual date on which it accrues, has been examined.

The Governor has been pleased to order that the increment of Government servants may be admitted from the 1st of the month in which it would fall due under the operation of the normal rules and orders regulating increments.

These orders shall come into force with effect from 1st April, 1974

Clarification

⁺¹. I am directed to invite a reference to this Department Order No. F. 1 (31) FD (Gr. 2)/74, dated 23-7-1974 on the subject mentioned above. Certain doubts have been raised in some quarters about the application of these orders. The following statement indicates the points of doubt and clarifications thereof :-

[@] Substituted vide F. D. Order F. 7A (22) FD-A (Rules)/58, dated 9-7-1958 for the existing Rule 29.

["]29. *Ordinary increment.*—An increment in a time-scale shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withheld from a Government servant by Government or by any authority to whom Government may delegate this power, if his conduct has not been good or his work has not been satisfactory. In ordering the withholding of an increment, the withholding authority shall state the period for which it is withheld, and whether the postponement shall have the effect of postponing future increments."

^{*} Substituted vide FD Order No. F. 1(8) FD(Exp. Rules)/67, dated 21-3-1967. Effective from 1-1-1967, for—"Subject to the provisions of Rule 30."

^x Added vide F.D. Order No. F. 1(31) FD(Gr.2)/74, dated 23-7-1974.

⁺ Added vide F.D. Order No. F 1(31) FD/Gr.2/74, dated 18-9-1974.

	Point of doubt	Clarification
1.	How the increment will be regulated if the employee happens to be on leave on the first of the month.	An employee during leave draws leave salary and not duty pay. An increment accruing during leave cannot, therefore, be drawn during leave. The increment in such cases will be drawn from the date of resumption of duty on return from leave.
2.	How the increment will be regulated in cases in which there is postponement due to employee's proceeding on leave without pay which is not counted for increment.	The postponement of normal increment will be worked out as per existing rules and orders. If the postpone increment falls on any date of a month it will be granted from the first of that month.
3.	When the date of appointment of an employee is 19-5-1974, can he be given increment on 1.5.1975 before completing 12 month service ?	In the case of initial appointment according after 1-4-1974 it is inherent in the orders that the first increment will be drawn earlier before completing the normal incremental period of 12 months
4.	Periods of service at the same stage count for increment. If by counting those broken periods the date of next increment falls on a date later than 1st of the month whether the increment is to be allowed on the specific date when the employee completes one year service at the same stage or on the first of the month if the broken periods together become less than one complete year.	Increment will be payable from the first of the month in which the next increment falls due after counting the broken periods equal to one year, provided the Government servant has also been holding the post from the first of that month to the date it falls due. In case he is not holding the post on the first of the month, the increment will be granted from the date it falls due.
5.	How to regulate the grant of increment when the normal increment is withheld for specified period and the period of such penalty expired after 1st of the month.	These orders will not apply to cases where increments are withheld as a measure of penalty. Increments in such cases, will be granted/restarted from the date the penalty ceases.
6.	Advance increment are allowed on the date of passing certain examination. Will these increments be allowed from the 1st of the month in which these become due.	These orders relate to only drawal of normal increments in the prescribed scale and are not applicable to advance increments, due to passing of certain examinations. Such increments, if permissible, will

		be governed by the rules and orders.
7.	How the increment will be regulated in cases of promotion when increment accrues during the same month.	These orders will not apply to such cases i.e. in such cases the increment will be granted from the date it falls due.

@ 2. References from some quarters are being received in Finance Department about the actual manner in which date of increment, according to item No. 2 of Finance Department Clarification No F.1(31)FD/(Gr.2)/ 74, dated 18.9.1974 is to be fixed in cases where there is postponement of increment due to employee's being on leave without pay and the period of such leave is not to be counted for purposes of increment.

The matter was examined and it is clarified that for fixing the date of increment after 1-4-1974, first due date of increment will be arrived at by adding the period of non-qualifying service with reference to the last date of increment in the previous year; then the individual will be granted the increment from the first of the month in which this due date of the increment falls. For deciding the date of increment next year, the first of the above month will be the normal date of increment with reference to which periods of non qualifying service for the increment shall be added and the individual will be granted the increment from the first of the month in which this due date of increment falls. The position will be clear from the following illustration:—

ILLUSTRATION

- | | | |
|-----|--|-----------------------|
| (1) | Date of last increment before issue of Finance Department Order dated 23-7-1974 (Effective from 1-4-1974). | 30-8-1973 |
| (2) | Date of next increment under the normal rules but for the period from 7-7-1974 to 19-7-1974. | 30-8-1974 |
| (3) | Date of increment postponed by the above period of 13 days. | 12-4-1974 |
| (4) | Actual date of increment advanced to the first of the month under the latest orders. | 1-9-1974 |
| (5) | Next date of increment but for the period from 1-1-1975 to 25-1-1975. | 1-9-1975 |
| (6) | Date of increment after excluding the period of 25 days. | 26-9-1975 |
| (7) | Actual date of increment advance to first of the month. | 1-9-1975 |
| | Next due date of increments. | 1-9-1976
and so on |

In regard to item 7 of Finance Department Order dated 18-9-1974 referred to above it is hereby clarified that whereas in the month and year of promotion, the increment will be allowed from a date other than 1st of the month, but from next year onwards the increment will be brought over to the first of the month.

*3. It has been laid down in the Finance Department Order No. F 1 (31) FD/(Gr.2)/74, dated 23-7-1974 and subsequent clarifications dated 18-9-1974 and 20-8-1975 that the increment of Government servants may be admitted from

@ Inserted vide F.D. Order No. F.1(31) F.D. (Gr.2)/74, dated 20-8-1975

* "Inserted vide F.D. Memorandum No. F. 1 (31) FD (Gr.2)/74, dated 23-5-1977.

the 1st of the month in which it falls due under the operation of the normal rules and orders regulating increment.

Frequent references are being received in this Department as to how the date of increment is to be shown in the Service Book, increment certificate, fixation Statement, on promotion etc. and whether it should be mentioned as first of the month or actual date of increment. Audit has also expressed difficulty in verifying the date of increment in the relevant records without any specific indication.

To allay all doubts it is clarified that in accordance with the Finance Department Order of even No. dated 23-7-1974 payment becoming due on the date of normal increment is admitted from 1st of the month under rules and orders regulating increments under R.S.R. The actual date of increment under Rule 31 of R.S.R. or other relevant rules or orders regulating increment remains unchanged. Accordingly the actual date of increment shall be shown in all records, as only payment due to increment is made from 1st of the month.

In the Finance Department Clarification of even number dated 20-8-1975 the manner in which date of increment is to be regulated in cases of postponement of date of increment on account of a Government servant remaining on extra-ordinary leave was laid down. In view of the position of rules stated in para 3 above the matter has been examined and it is further clarified that the due date of increment will be arrived at by adding the period of non-qualifying service with reference to last date of increment in the previous year and only the payment being due on the normal date of increment under rule 31 of R.S.R. so arrived at will be admitted from 1st of the month in which it falls due. The following illustration will make the position clear :-

Illustration

- | | | |
|----|---|-------------------------|
| 1. | Date of last increment before issue of
Finance Department Order dated 23-7-1974
(Effective from 1-4-1974) | 30-8-1973 |
| 2. | Date of next normal increment under rules but for
the period from 7-7-1974 to 19-7-1974. | 30-8-1974 |
| 3. | Date of normal increment postponed by above
period of 13 days. | 12-9-1974 |
| 4. | Actual date from which payment of increment to
be admitted. | 1-9-1974 |
| 5. | Next date of normal increment but for the period
from 1-1-1975 to 25-1-1975. | 12-9-1975 |
| 6. | Date of normal increment after excluding the period
of 25 days. | 7-10-1975 |
| 7. | Actual date from which payment of increment to be
admitted. | 1-10-1975 |
| 8. | Next due date of normal increment. | 7-10-1976
& onwards. |

%30. **Crossing of efficiency bar.**— Efficiency bars.--Where an efficiency bar is prescribed in any time-scale, the increment next above that bar shall not be given to a Government servant without specific sanction of the authority empowered to withhold increments when a Government servant is allowed to cross an efficiency bar which has, previously been enforced against him, he shall draw the pay in the time-scale at such stage as the authority empowered to withhold increments may fix, provided that the pay so fixed shall not exceed the pay that he would have drawn had he not been stopped at the efficiency bar.

NOTES

1. On each occasion on which a Government servant is allowed to pass an efficiency bar which had previously been enforced against him, he should come on to the time-scale at such stage as the authority competent to declare the bar removed may fix for him, subject to the pay admissible according to his length of service.

2. The cases of all Government servants held up at an efficiency bar should be reviewed annually with a view to determine whether the quality of their work has improved and generally, whether the defects for which they were stopped at the bar have been remedied, to an extent sufficient to warrant the removal of the bar. If they are subsequently allowed to cross the bar it should not be given retrospective effect.

Government of Rajasthan's Decision.

@1. According to rule 30 of the Rajasthan Service Rules the increment next above the efficiency bar is not to be given to a Government servant except with specific sanction of authority empowered to withhold increment. Stoppage at Efficiency Bar is not a penalty under the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958. Where a Departmental Enquiry is pending against a Government servant at the time when he is due to cross Efficiency Bar, the following alternative steps may be taken:—

(a) If the Departmental Enquiry is on a specific matter unconnected with the general efficiency or integrity of the Government servant, e.g.' particular instance of negligence of duty, or non-compliance with a Government order, than he can be allowed to cross Efficiency Bar, as he is liable to have suitable penalty imposed upon him later.

(b) If the Departmental Enquiry relates to general inefficiency or embezzlement or criminal offence which, in the opinion of the Authority empowered to withhold increments, is of a serious nature, then there should be specific order for stoppage at Efficiency Bar alongwith order imposing penalty. If Departmental Enquiry is pending when crossing of Efficiency Bar becomes due, order regarding stoppage of crossing of Efficiency Bar should issue. On conclusion of Departmental Enquiry, if the Government servant is acquitted or serious charges are not proved, the question of allowing the Government

% Substituted vide FD. Order No. F.7A(22)FD-A(Rules)/58, dated 9-7-1958'.

"30 *Efficiency bars.*— Where an efficiency bar is prescribed in a time-scale the increment next above the bar shall not be given to a Govern merit servant without the specific sanction of the authority empowered to withhold increments."

@ Inserted vide F.D. Notification No. F.1(98)FD (Exp.-Rules)/66, dated 6-2-1967.

servant to cross the Efficiency Bar may be examined and crossing of Efficiency Bar and earning of increments may be allowed retrospectively commensurate with charges proved in the Departmental Enquiry.

⁺2. Where Government servants are authorised payment of salary on provisional basis and grade increments, they may also be permitted to cross Efficiency Bar if operating in the scale provided service rendered by the Government servant concerned till reaching the stage of E.B. is satisfactory and conditions of crossing E.B. (if any) are fulfilled.

^{*}31. **Service counting for increment in time-scales.**—The following provisions prescribe the conditions on which service counts for increments in a time-scale:-

[%](a) All duty in a post on a time-scale counts for increments in that time-scale; provided that, for the purpose of arriving at the date of the next increment in that time-scale, the total of all such periods as do not count for increment in that time-scale shall be added to the normal date of increment. An illustration explaining the method of reckoning the date of increment under this rule is given below:—

Illustration.

Date of last increment 23-4-1964
Extraordinary leave taken which does not count for increment.

<i>Days</i>	<i>From</i>	<i>To</i>
3	29-5-64	31-5-64
6	15-7-64,	20-7-64
9	7-10-64	15-10-64
4	18-12-64	21-12-64
3	26-1-65	28-1-65
4	16-3-65	19-3-65

29

The date of next increment according to the old rule and the amended Rule will be determined as under :— *Old Rule*

<i>Period of duty</i>	<i>Months</i>	<i>Days</i>
From 23-4-64 to 28-5-64	1	6
From 1-6-64 to 14-7-64	1	14
From 21-7-64 to 6-10-64	2	16
From 16-10-64 to 17-12-64	2	2
From 22-12-64 to 25-1-65	1	4
From 29-1-65 to 15-3-65	1	15
From 20-3-65 to 22-5-65	2	3
	-----	-----
	10	60
	-----	-----

⁺ Inserted vide F.D. Memo. No. F.1(39)FD(Rules)/65, dated 9-7-1968.

^{*} Substituted vide F.D. Notification No. F.7A(4) FDA(Rules)/59-1, dated 31-3-1961. Previous Rules 31 the seen at the end of this chapter.

[%] Substituted vide F.D. Notification No.F.1(55)F.D.(Rules)/68, dated 16-11-1968 and 21-12-1968 for "(a) all duty in a post on a time-scale counts for increment in that time-scale."

Date of next increment:	23-5-65
<i>Amended Rule</i>	
Dated of last increment	23-4-64
Dated of next increment (but for taking extraordinary leave)	23-4-65
Total days of extraordinary leave.	29
Date of next increment	23-4-65 plus 29 days i. e. 22-5-1965.

@(b)(i) Service in another post other than a post carrying less pay referred to in clause (a) of Rule 20, whether in a substantive or officiating capacity, service on deputation out of India and * [leave except extraordinary leave taken otherwise than on medical certificate] shall count for increment in the time-scale applicable to the post % [on] which the Government servants holds a lien as well as in the time-scale applicable to the post, or posts, if any, on which he would hold a lien had his lien not been suspended.

(ii) All * [leave except extraordinary leave taken otherwise than on medical certificate] and the period of deputation out of India shall count in the time-scale applicable to a post in which a Government servant was officiating at the time he proceeded on leave or deputation out of India and would have continued to officiate but for his proceeding on leave or deputation out of India:

@ Substituted vide F.D. Notification No. F. 1 (44) F.D.-A (Rules)/62 dated 17-7-1962.

“(b) Service in another post, other than a post carrying less pay referred to in clause (a) of Rule 20 whether in substantive or officiating capacity, service on deputation and leave other than extraordinary leave counts for increments in the time-scale applicable to the post on which the Government servant holds a lien as well as in the time-scale applicable to the post or posts, if any on which he would hold a lien on such post had his lien not been suspended. In the case of Government servant who holds a lien on a permanent post or would hold a lien not been suspended and who has been continuously officiating in another post for more than three years at the time he proceeded on leave, and would have continued to officiate in that post but for his proceeding on leave, leave other than extraordinary leave counts for increments in the time-scale applicable to such other post. For the purpose of reckoning the three years' limit service in the other post will include periods of leave during which the Government servant would have officiated in the other post and officiating service in a higher post that counts for increment in the other post under clause (c):

Provided that the Government may in any case in which they are satisfied that the leave was taken on account of illness or for any other cause beyond the Government servant's control or for prosecuting higher scientific and technical studies direct subject to such conditions as they may impose that extraordinary leave shall be counted for increments under this clause.

* Substituted for the words "leave other than extraordinary leave" and deleted the words "on account of illness or" and "other" Vide F. D. Order No. F. 1 (30) FD (Exp: Rules)/64, dated 29-7-1964.

% Substituted for the word "from" vide F.D. Corrigendum No F. 1 (44), F.D(A) Rules/62, dated 4-12-1962.

* Substituted for the words "leave other than extraordinary leave" and deleted the words "on account of illness or" and "other" Vide F.D. Order No. F1(30) FD (Exp: Rules)/64, dated 29-7-1964.

§ Provided that the competent authority to whom the powers are delegated may order that the extraordinary leave shall count for increments under clauses (i) and (ii) above.

Government of Rajasthan's Decision

% [Deleted.]

§ Substituted vide F.D.Notification No. F.1(14)FD/Gr.2/79, dt 27-3-1979 for the following :-

@ Provided that the Government may direct by a general order or by special order relating to individual cases, that extraordinary leave shall count for increments under clauses (i) or (ii) if such leave is available for any of the following reasons:—

- (i) Any cause beyond the Government servant's control;
- (ii) Prosecution of higher scientific study beyond the stage of Master's degree in Science or Arts by any Government servant;
- (iii) Prosecution of higher Technical or Scientific study beyond the stage of Bachelor's degree in Engineering, Mines, Architecture, Veterinary Science and Medicine;
- (v) Acquiring of the degree/diplomas/certificates mentioned below by Teachers of the Education Department [£][and in the case of Librarian and Assistant Librarian that mentioned in (g) below including Master's Degree in Library Science]:—
 - (a) Master's degree in Education.
 - (b) Master's degree in Physical Education.
 - (c) Bachelor's degree in Education/Teaching.
 - (d) Shiksha Shastri degree.
 - (e) Certificate in teaching.
 - (f) Degree/Diploma/Certificate in Physical Education.
 - (g) Degree/Diploma/Certificate in Library Science.
 - (h) Post-graduate diploma/certificate in the Teaching of English organised by the Central Institute of English, Hyderabad (9 months course).
 - (i) *Diploma/Certificate in Craft teaching.*
- (v) Undergoing any training mentioned below by teachers of the Education Department:—
 - (a) Basic S.T.C. Training.
 - (b) Montessori Training.
 - (c) Training in teaching the deaf, dumb and blind.
 - (d) Training in sports organised by the National Institute of Sports, Patiala (9 months course).

Training in Research and Methodology organised by the National Council of Educational Research and Training, Delhi (9 months course.)

@ Inserted vide FD Notification No. F.1(71)FD/Exp.Rules/66 dated 28.10.1966.

£ Inserted vide FD Notification No. F.1(4)FD/2/75 dated 7.1.1975.

% Deleted vide F.D. Notification No. F. 1 (14) F.D./Gr. 2/79 dated 27-3-1979, the following:—

Government of Rajasthan's Decision.

* According to 'Proviso' below Rule 31 (b) (ii) of Rajasthan Service Rules [inserted vide Finance Department Notification No. F. 1 (71) FD (Exp.-Rules)/66, dated 28-10-1966], extraordinary leave in individual cases is allowed to count for increment, if such leave is availed of for any of the reasons specified in clause (i) or (ii) of the said rule.

It has been observed that such cases are referred to Finance Department long after the leave is sanctioned. The matter has been considered and it has been decided that the authority competent to sanction leave while sanctioning extraordinary leave should also decide at the same time and not later, whether such period of leave should count for increment and specific recommendation to that effect should be made simultaneously to Government in the Administrative Department which will take decision with approval of Finance Department.

Recommendations for period of Extraordinary leave granted in future counting for increment will not be entertained by the Department, if it was not made simultaneously while granting leave.

@(bb) omitted.

(c) If a Government servant while officiating in a post or holding a temporary post on a time-scale of pay is appointed to officiate in a higher post or to hold a higher temporary post, his officiating or temporary service in the higher post shall, if he is re-appointed to the lower post or is appointed or re-appointed to a post on the same time-

* Inserted vide FD Memo No. F.1(87)FD(A)(Rules)/71 dated 13.12.1971.

@ Omitted vide F.D. Notification No. F. 1 (44) FD-(Rules)/62, dated 17-7-1962.

"(bb) (i) The period of privilege leave upto a maximum of 120 days taken at a time counts for increments in the time-scale applicable to a post in which a Government servant was officiating at the time he proceeded on leave and would have continued to officiate but for his proceeding on leave. The period which count for increments under this clause is, however, restricted to the period during which the Government servant would have actually officiated in the post.

(ii) The period of deputation out of India on full pay, the study leave granted under Section VI of Chapter XI or special leave granted under the Orders of the Government for studies abroad shall count for increment in the post in which the Government servant was officiating at the time of proceeding on deputation out of India, study leave or special leave subject to the condition that the Government servant would have so officiated in that post or a post on the same time-scale but for his proceeding on deputation, study leave or special leave.

(iii) The period of extraordinary leave without pay granted for prosecuting higher scientific and technical studies may be allowed by the Government to count for increment in the post in which the Government servant was officiating at the time of proceeding on extraordinary leave subject to the condition that the Government servant would have so officiated in that post or a post on the same time-scale but for proceeding on extraordinary leave :

Provided that the study leave, special leave or extraordinary leave shall count for increment under sub-clause (ii) or (iii) only, if the Government servant had put in at least three years service under the Government at the time of proceeding on such leave.

Government of Rajasthan's Decision

The question for counting the Maternity leave allowed to officiating female Government Servant under sub-section IV of chapter XI of Rajasthan Service Rules for increments has been under consideration of the Government for some time past. The matter has been carefully considered by the Government and it has been decided that Maternity leave granted to female Government Servants may be allowed to count for increments in the post in which the Government Servant was officiating at the time of proceeding on such leave provided it is certified by the leave sanctioning authority in accordance with the Government of Rajasthan's Order No. 3 appearing below Rule 31 (bb) of the Rajasthan Service Rules that the Government servant concerned would have continued to officiate in that post or a post on the same time-scale but for proceeding on such leave.

Reference is invited to Finance Department Memo dated 12-6-1957 (inserted as Government of Rajasthan's Decision No. 3 under Rule 31 of Rajasthan Service Rules) wherein inter alia it was decided that the certificates prescribed under rule 31 (bb) be recorded by the leave sanctioning authority while issuing orders sanctioning the leave. It has been brought to the notice of the Government by the Accountant General, Rajasthan that in a number of cases certificates prescribed under Rule 31(bb) of Rajasthan Service Rules are being issued very late by the competent authorities. In some cases such certificates have been issued even after eleven years after the event.

This is not such a certificate which can not be issued alongwith the sanction to leave as it merely States the factual position at that particular moment. Issuing of such certificates after so long an interval puts an unnecessary burden on Accountant General's Office in the form of revision of pay etc. for the entire period.

The attention of all concerned is once again invited to the Memo, referred to above and they are requested to issue such certificates along with the sanction to leave."

scale of pay count for increments in the time-scale applicable to such lower post. The period of officiating service in the higher post which counts for increment in the lower post is, however, restricted to the period during which the Government servant would have officiated in the lower post but for his appointment to the higher post. This clause applies also to a Government servant who is not actually officiating in the lower post at the time of his appointment to the higher post but who would have so officiated in such lower post or in a post on the same time-scale of pay had he not been appointed to the higher post.

(d) Foreign Service counts for increments in the time scale applicable to:-

- (i) the post in Government service on which the Government servant concerned holds a lien as well as the post, posts or, if any on which he would hold a lien had his lien not been suspended;
- (ii) the post in Government service in which the Government servant was officiating immediately before his transfer to foreign service, for so long as he would have continued to officiate in that post or a post on the same time-scale but for his going on foreign service; and
- (iii) any post to which he may receive officiating promotion under Rule 143 below for the duration of such promotion.

(e) Joining time counts for increment:—

- (i) If it is under clause (a) of rule 127 in the time-scale applicable to the post on which a Government servant holds a lien or would hold a lien had his lien not been suspended as well as in the time-scale applicable to the post, the pay of which is received by a Government servant during the period; and
- (ii) If it is under clause (b) of rule 127 in the time-scale applicable to the post/posts on which the last day of leave before commencement of the joining time counts for increments.

Explanation.—For the purpose of this rule the period treated as duty under sub-clause (b) clause (8) of rule 7 shall be deemed to be duty in a post if the Government servant draws pay of that post during such period.

Audit Instructions.

(1) A period of overstayal of leave does not count for increments in a time -scale unless it is, by an order of a competent authority commuted into extraordinary leave and under the proviso to sub-rule (b) of Rule 31 the extraordinary leave is specially allowed to count for increments.

@(2) In the case of a Government servant who while officiating in one post, is appointed to officiate in another, the period of joining time spent in proceeding from one post to other should be treated as duty in the post the pay of which Government servant draws during the period and will count in the same post under Rule 31(a) of Rajasthan Service Rules. If however, the rate of pay admissible in both the posts

@ Substituted vide F. D. Memo. No. F.1(36)FD(E.R.)/63, Dated 4-11-1963.

happens to be the same, the period of joining time spent in proceeding from one post to the other should be treated as duty in the lower of two posts and will count for increment in the lower post under rule 31(c).

(3) In the case of a Government servant who, while officiating on a post, proceeds on training or to attend a course of instruction, and who is treated as on duty while under training, the period of such duty will count for increment in the post which he was officiating prior to his being sent for training or instruction if he is allowed the pay of officiating post during such period.

% (4) Deleted.

* (5) Deleted.

* Clarification-Deleted.

"(2) In the case of Government servant who, while officiating in one post, is appointed to officiate in another, the period of joining time spent on proceeding from one post to the other should be treated as duty in the post, the pay of which the Government servant draws during the period, and will count for increment in the same post under sub-rule (a) of Rule 31"

% Deleted vide F.D. Memo. No. F.I (36) FD (E.R.)/63, dated 4-11-1963.

"(4) Although joining time allowed to join a new post on return from leave is treated as duty, it cannot be treated as duty for the purposes of increment in any officiating posts in as much as only leave salary is drawn for the period."

* Deleted vide FD Notification No.1(94) FD(Rules)66-1, dated 16-1-1969, w.e.f. 1-1-1967.

"(5) If a probationer is confirmed at the end of a period of probation exceeding twelve months, he is entitled to claim retrospectively the increments which, but for his probation, he would have received in the ordinary course.

* Clarification deleted vide- FD Notification No.1 (94) FD(Rules)66-1, dated 16-1-1969, effective from 1-1-1967.

Clarification

Attention is invited to the provisions contained in Audit Instruction (5) below Rule 31 of the Rajasthan Service Rules in accordance with which if a probationer is confirmed at the end of a period of probation exceeding twelve months, he is entitled to claim retrospectively the increments which; but for his probation he would have received in the ordinary course. Doubts have been expressed whether the above provisions would apply in cases where the normal probationary period of a probationer is extended on account of his failure to pass the departmental examination within the time limit prescribed for the purpose.

It is clarified that the provisions contained in the said Audit Instruction are applicable only to cases where the normal probationary period itself is more than twelve months, and not to the type of cases mentioned in the preceding paragraph. In other words in cases where the normal probationary period is itself more than twelve months, on confirmation the officer may be given the increments which he would have drawn but for his probation and arrears in this regard may also be allowed to the officer. On the other hand in cases where the period of probation is extended on account of failure to pass the departmental examination as Stated in the previous paragraph, while there is no objection to regulate the pay and increments on confirmation at the end of the extended probationary period on the basis of what the officer would have drawn but for his probation, no arrears on this account should be allowed to him for the period prior to the date of confirmation. This would mean that the increment of the officer is withheld without cumulative effect for failure to pass the departmental examination and cannot be considered as a penalty within the meaning of Rule 14 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 vide Explanation below that rule."

(6) See also Audit Instruction (5) below Rule 26.

* (f) Service rendered on ex-cadre post will count for increment in the time scale, applicable to—

- (i) the post in Government service on which the Government servant concerned holds a lien as well as the post or posts, if any, on which he would hold a lien had his lien not been suspended,
- (ii) the post in Government service in which the Government servant was officiating immediately before his transfer to ex-cadre post for so long as he would have continued to officiate in that post or a post on the same time-scale but for his appointment on ex-cadre post; and
- (iii) any post to which he may receive officiating promotion according to service rules for the duration of such promotion.

32. **Premature Increments.**—An authority which has the power to create a post in a cadre on a particular scale of pay may grant a premature increment to a Government servant on that time-scale of pay.

NOTES

1. In the case of increments granted in advance, it is usually the intention that the Government servant should be entitled to future increments in the same manner as if he had reached the position in the scale resulting from the grant of advance increments in the ordinary course and in the absence of special orders to the contrary, he should be placed on exactly the same footing as regards future increments as a Government servant who has so risen, i.e. he must serve for a full year or (two years in the case of biennial increments) on the new rate before he earns another increment.

2. Rule 32 provides for the fixation of initial rates of pay otherwise than in the manner enunciated in Rule 26.

3. The maximum of the scale is to be taken into account for determining the authority competent to sanction increments under this rule.

4. It is contrary to the ordinary principle or time-scale of pay to grant a premature increment and such increment is not to be allowed, except under special circumstances which would justify the grant of personal pay to an officer.

* 5. A proposal to grant an increment in advance of the due date should always be scrutinised with special jealousy as it is contrary to the principle of a time-scale of pay to grant an increment before it is due.

* Added vide F. D. Notification No. F. 1 (65) FD/Gr. 2/75 Dated 13-8-1975 & 1-12-1975 effective from 1-1-1967.

* Inserted by FD. Order No. F. 5 (1) F(R)/56, dated 11-1-1956.

*6. Government have decided that they are not prepared to state the reasons for their action under any of these rules when the said rules themselves contain no such conditions and stipulations.

Government of Rajasthan's Decision

@1. Consequent upon introduction of Rule 26-A of the Rajasthan Service Rules, Rajasthan Civil Services (Revised Pay) Rules, 1961, and New Pay Scales Rules, 1969 occasions have arisen where Government servant's pay was fixed at a lower stage than the pay of a Government servant junior to him, by application of any of the rules mentioned above. In order to remove anomalies arising as a result of fixation of pay of senior/junior Government servants, it has been decided that the pay of the senior Government servant may be stepped up to a figure equal to the pay as fixed for the junior Government servant. The stepping up should be done by the authority competent to make substantive appointment on the post held by the Senior officer, with effect from the date the junior official started getting more pay subject to the following conditions:—

(i) The anomaly should be directly as a result of introduction of the aforesaid rules and stepping up of pay should be done only in cases where the appointment/promotion of the junior officer is regular and in accordance with provisions if relevant service rules issued under proviso to Article 309 of the Constitution of India or on ad hoc basis.

(ii) The senior and junior Government servant should belong to the same cadre/class of posts, and serving in the same department service and drawing pay in the same scale before their respective promotions.

(iii) Both the Government servants should be under the Administrative Control of one and the same Head of Department/Administrative Department.

(iv) The benefit under this decision will be allowed only when it is certified that there is no dispute about the inter se seniority of senior/junior Government servants and the seniority is not provisional.

(v) Where the pay of the senior Government servant is stepped up under these orders on account of junior Government servant being promoted on adhoc basis, it may be done with this condition that if the junior Government servant's adhoc promotion is not converted into a regular promotion according to rules and he is reverted, then from the date of reversion of the junior Government servant the pay of the senior officer would be re-fixed at the stage at which he would have drawn had his pay not been stepped up.

The provisions contained in this decision shall not be invoked to step up pay of the senior Government servant in the following cases:—

(a) Where the junior Government servant is holding the higher post during leave vacancy a short term vacancy caused due to

@ Inserted vidd F.D. Memo. No. F1(8) F.D) ,(Exp.Rules)/67 dt/ 28-4-1969.

the holder of the higher post proceeding for training for a period not exceeding 120 days, or in any other situation where the higher post is held for a period of 120 days only.

- (b) Where junior Government servant already draws higher rate of pay than the senior by virtue of grant of advance increment or grant of higher initial pay for possessing qualifications or passing prescribed examinations or for any other reason not attributable to fixation of pay under Rule 26-A of Rajasthan Service Rules or under Rajasthan Civil Services (Revised pay) Rules, 1961 or New pay Scales Rules, 1969.
- (c) Where the junior Government Servant holds a post in a different cadre and is appointed to another cadre/class of posts other than the cadre/class of post to which senior Government servant is already appointed. For example 'A' (senior) L.D.C. was promoted to the post of U.D.C. and subsequently appointed as Accountant on or before the date on which B (junior) was promoted as U.D.C. then there will be no comparison between the pay of the senior as Accountant and junior as U.D.C.
- (d) Where the junior Government servant is allowed one advance increment in view of his prospective retirement within 10 years under rule 12 of the Rajasthan Civil Services (New Pay Scales) Rules, 1969.

The orders re-fixing the pay of senior officer in accordance with this decision shall be issued under Rule 32 of the Rajasthan Service Rules. The next increment of the senior Government servant will be drawn on completion of the full requisite qualifying service counting under Rule 31, *ibid* with effect from the date of re-fixation of pay.

£2. It has further decided that the provisions of the aforesaid Government of Rajasthan's Decision No. (1) shall not be invoked to step up pay of the senior Government servant if the junior Government servant is allowed one advance increment under Rule 13 of the Rajasthan Civil Services (New pay scales) Rules, 1969.

@3. The undersigned directed to invite a reference to the Finance Department Order No. F 1 (8)F.D.(Exp-Rules) 67, dated 28th April, 1969 appearing as Government of Rajasthan decision below Rule 32 of Rajasthan Service Rules which provides that pay of a senior Government servant can be stepped up equal to the pay of a junior Government servant in order to remove anomalies arising as a result of fixation of pay under rule 26-A subject to fulfillment of certain specified conditions. One of the conditions for stepping up of pay in the aforesaid cases envisages that the senior and junior Government servants should belong to the same cadre/class of post and serving in the same department/service and drawing pay in the same scale before their respective promotions. Cases have come to notice

£ Inserted vide F.D, Memo No. Fl.(8) FD (Rules)/67, date 15-4-1971

@ Inserted vide F.D. Memo No. F.1(a) (13)FD(Gr-2)/77 dated 26-11-1977.

wherein a senior Government servant, while drawing pay under Rajasthan Civil Services (New Pay Scales) Rules, 1969, when promoted to a higher post before 1-9-1976 draws less pay in the Revised New Pay Scale introduced with effect from 1-9-1976 than his junior who is promoted to the higher post after than crucial date.

The matter has been examined and the Governor is pleased to decide that in such cases the pay of a senior Government servant in the Revised New Pay Scales in the higher post should be stepped up to a figure equal to the pay of the Junior Government Servant in that higher post equal to the pay as fixed for the Junior Government Servant in that higher post promoted on or after 1-9-1976. The stepping up should be done with effect from the date of promotion of the Junior Government Servant subject to the following conditions:--

- (a) Both the junior and senior Government servants should belong to the same cadre and the post to which they have been promoted should be in identical scale in the same cadre
- (b) The pay scale in force prior to 1-9-1976, and its corresponding pay scales under Revised New Pay Scales 1976 of the lower and higher post in which they are entitled to draw pay should be identical.
- (c) The anomaly should be directly as a result of application of the provisions of rule 26A of Rajasthan Service Rules in the Revised New Pay Scales, 1976.
- (d) Other conditions laid down in the Finance Department Order referred to in para (1) as amended from time to time shall mutatis mutandis be also applicable.

Order re-fixing pay of senior Government servants in accordance with this decision shall be issued under Rule 32 of Rajasthan Service Rules and the next increment of the senior Government servant will be drawn on completion of the full requisite qualifying service under Rule 31 with effect from the date of refixation of pay.

These orders take effect from 1-9-1976.

* 4. The undersigned is directed to invite a reference to the Finance Department Order No. F. 1(8) FD/(Exp-Rules)/67 dated 28th April, 1969, appearing as Government of Rajasthan decision below Rule 32 of Rajasthan Service Rules which provides that pay of a Senior Government servant can be stepped up equal to the pay of Junior Government servant in order to remove anomalies arising as a result of fixation of pay under rule 26A subject to fulfillment of certain specific conditions. One of the conditions for stepping up of pay in the aforesaid cases envisages that the Senior and Junior Government servants should belong to the same cadre/class of post and serving in the same department/service and drawing pay in the same scale before their respective promotions. Cases have come to notice wherein a senior Government servant, while drawing pay under Rajasthan Civil Services

* Inserted vide F.D. Memo. No, F.1(57)F.D.(Gr,2)/82 dated 17-3-1983.

(Revised New Pay Scale) Rules, 1976 when promoted to a higher post before 1-9-1981 draws less pay in the Revised Pay Scales introduced with effect from 1-9-1981 than his Junior who is promoted to the higher post after than crucial date.

The matter has been examined and the Governor is pleased to decide that in such cases the pay of a Senior Government servant in the Revised Pay Scales in the higher post should be stepped up to a figure equal to the pay of the junior Government servant in that higher post equal to the pay as fixed for the Junior Government servant in that higher post promoted on or after 1-9-1981. The stepping up should be done with effect from the date of promotion of the Junior Government servant subject to the following conditions ' . —

- (a) Both the junior and senior Government servants should belong to the same cadre and the post to which they have been promoted should be in identical scale in the same cadre.
- (b) The pay scale in force prior to 1-9-1981 and its corresponding pay scales under Revised Pay Scales, 1983 of the lower and higher posts in which they are entitled to draw pay should be identical.
- (c) The anomaly should be directly as a result of application of the provisions of Rule 26A. of Rajasthan Service Rules in the Revised Pay Scales, 1983.
- (d) Other conditions laid down in the Finance Department Order referred to in para (1) as amended from time to time shall mutatis-mutandis be also applicable.

Orders re-fixing the pay of senior Government servants in accordance with this decision shall be issued under Rule 32 of Rajasthan Service Rules and the next increment of the senior Government servant will be drawn on completion of the full requisite qualifying service under Rule 31 with effect from the date of re-fixation of pay.

These orders take effect from 1-9-1981.

#5. The undersigned is directed to invite reference to the Finance Department Memorandum of even number dated 17-3-1983 which regulates the stepping up of pay of a senior Government servant equal to his junior if due to fixation of pay under Rule 26A of Rajasthan Service Rules, Pay of a junior Government servant exceeds the pay of a Senior Government servant. Government vide Finance Department Notification No.F17(9)FD (Gr 2)/83 dated 3-2-1984 have permitted an option for fixation of pay on promotion under Rule 26A of Rajasthan Service Rules to a Government servant who has opted Revised Pay Scales prescribed under Rajasthan Civil Services (Revised Pay Scales) Rules, 1983 from a date subsequent to 1-9-1981 i.e. on the date of option for Revised Pay Scales for the lower post held by him immediately before the date of promotion while in cases where a senior Government servant promoted prior to 1-9-1981 this facility of option for

Inserted vide FD Memorandum No. F.1(57)FD(Group-2)/82 dated 12.4.1985

fixation of pay on promotion from a date subsequent to the date of promotion could not be availed of by him. Cases have come to the notice of the Government where in due to fixation of pay of a junior Government's Servant from a date subsequent to the date of promotion the junior Government servant begins to draw more pay than his senior.

2. The matter has been considered and the Governor has been pleased to order that in cases where junior Government servant begins to draw more pay due to fixation of pay under Rule 26A of Rajasthan Service Rules from a date subsequent to the date of promotion in accordance with the Finance Department, Notification dated 3-2-1984 referred to above the pay of a senior Government servant may be stepped up equal to the pay of a junior Government servant subject to the fulfillment of other conditions as laid down under Finance Department Memorandum of even number dated 17-3-1983.

⁶6. The undersigned is directed to invite a reference to the Finance Department Order No.F.1(8)FD(Exp-Rules)/67 dated 28th April, 1969, appearing as Govt. of Rajasthan decision below Rule 32 of Rajasthan Service Rules which provides that pay of a Senior Government Servant can be stepped up equal to the pay of junior Government servant in order to remove anomalies arising as a result of fixation of pay under Rules 26A subject to fulfillment of certain specified conditions. One of the conditions for stepping up of pay in the aforesaid cases envisages that the senior and junior Government servants should belong to the same cadre/class of post, and serving in the same department/service and drawing pay in the same scale before their respective promotions. Cases have come to notice where in a senior Government servant, while drawing pay under Rajasthan Civil Services (Revised Pay Scales) Rules, 1983 when promoted to a higher post before 1-9-1986 draws less pay in the Revised Pay Scales introduced with effect from 1-9-1986 than his junior who is promoted to the higher post after this crucial date,

The matter has been examined and the Governor is pleased to decide that in such cases the pay of a senior Government servant in the Revised Pay Scales for the higher post should be stepped up to the figure equal to the pay as fixed for the junior Government servant on promotion to higher post on or after 1-9-1986. The stepping up should be done with effect from the date of promotion of the junior Government servant subject to the following conditions:-

- (a) Both the junior and senior Government servants should belong to the same cadre and the post to which they have been promoted should be in identical scale in the same cadre.
- (b) The pay scale in force prior to 1-9-1986 and its corresponding pay scales under Revised Pay Scales, 1987 of the lower and higher posts in which they are entitled to draw pay should be identical.
- (c) The anomaly should be directly as a result of application of the provisions of Rule 26A of Rajasthan Service Rules.

⁶ Inserted vide FD Memorandum No. F.1(19)FD(Group-2)87 dated 10.3.1989

- (d) Other conditions laid down in the Finance Department order referred to in para (1) as amended from time to time shall mutatis-mutandis be also applicable.

Orders re-fixing the pay of senior Government servants in accordance with this decision shall be issued under Rule 32 of Rajasthan Servant Rules and the next increment of the senior Government servant will be drawn on completion of the full requisite qualifying service counting under Rule 31 of Rajasthan Service Rules from the date of refixation of pay.

These orders take effect from 1-9-1986.

@7. The undersigned is directed to say that consequent upon introduction of the Selection Scales for low paid employees vide Finance Department Order No. F.17(5)FD(Gr.2)/84 dated 23-1-1985 as amended from time to time, the cases have been brought to the notice of the Government wherein as a result of fixation of pay of junior Government servant on promotion to the higher post after availing of the benefit of Selection Scale on lower post has exceeded the pay of the senior Government servant who had been promoted from lower post to higher post prior to introduction of Selection Scale. Under existing provisions as contained in Government of Rajasthan Decisions appearing below Rule 32 of Rajasthan Service Rules in such cases stepping up of pay of senior Government servant is not permissible;

Accordingly, the matter has been considered and it has been decided that in the cases referred to as stepping up of pay of the senior Government servant may be allowed equal to the pay of junior Government servant from the date he begins to get higher pay, if otherwise covered under the provisions contained in Government of Rajasthan Decisions appearing below Rule 32 of Rajasthan Service Rules.

@8. The undersigned is directed to invite a reference to the Finance Department Order No. F.1(8)FD(Exp.-Rules)/67 dated 28th April, 1969, appearing as Government of Rajasthan decision below Rule 32 of Rajasthan Service Rules which provide that pay of a senior Government servant can be stepped up equal to the pay of a junior Government servant in order to remove anomaly arising as a result of fixation of pay of the junior Government servant on promotion under Rule 26A of Rajasthan Service Rules subject to the fulfilment of so specified conditions.

Selection Grades were introduced for lowest posts Subordinate/ Ministerial/ Class IV Services in the year 1985. Selection grades are admissible to the eligible incumbents of such posts on fulfilment of specified conditions. Cases have come to notice where in a junior Government servant as a result of ;—

- (a) grant of Selection Grade after fixation of his pay in the revised pay scales which came into force with effect from 1-9-1986 or 1-9-1988, or

@ Inserted vide FD Memo No. F. 1 (क)(13)FD(Gr-2)/77-I dt.9-6-87.

@ Inserted vide FD Order No. F.1(11)FD(Gr.2)/91 dated 24.6.1991.

- (b) promotion to higher post after revision of pay scales with effect from 1-9-1988,

starts to get pay higher than that of the senior Government servant who was granted Selection Grade prior to revision of pay scales in the year 1986 or 1988 or was promoted to the higher post prior to the revision of pay scales with effect from 1-9-1988.

The matter has been examined and the Governor is pleased decide that in the cases referred to in above paragraph, the pay of the senior Government servant in the Revised Pay Scale for the higher post should be stepped up to the stage equal to the pay of the junior Government Servant. The stepping up should be done with effect from the date from which the junior Government servant starts to get higher pay subject to the following conditions:—

- (a) Both the junior and senior Government servants should belong to the same cadre and the post to which they have been promoted should be in identical scale in the same cadre.
- (b) The pay scale in force prior to 1-9-1986/1-9-1988 and its corresponding pay scale under Rajasthan Civil services (Revised Pay Scales) Rules, 1987/1989, of the lower and higher posts in which they are entitled to draw pay should be identical.
- (c) The anomaly should be directly as a result of application of the provisions of Rule 26A of Rajasthan Service. Rules or grant of Selection Grade.
- (d) Other conditions laid down in the Finance Department order referred to in para (1) as amended from time to time shall mutatis-mutandis be also applicable.

Order re fixing the pay of senior Government servant in accordance with this decision shall be issued under Rule 32 of Rajasthan Service Rules and the next increment of the senior Government servant will be drawn on completion of the full requisite qualifying service counting under Rule 31 of Rajasthan Service Rules from the date of re-fixation of pay.

These orders take effect from 1-9-1986 in respect of anomaly arising as a result of grant of Selection Grade and 1-9-1988 in respect of other cases.

\$9. The undersigned is directed to say that consequent upon fixation of pay in the Selection Grades introduced vide Finance Department Order No. F.20(I)FD(Gr.2)/92 dated 25-1-1992 as amended from time to time, it has been brought to the notice of the Government that pay of a Senior Government Servant has been fixed at a Stage lower than the Pay fixed of a Government servant junior to him in his cadre/service either on the date of grant of selection grade or on the date of next increment.

2. The matter has accordingly been considered and the Governor has been pleased to order that the stepping up of pay of a senior Government servant equal to the pay of the junior Government servant may be allowed

^s Inseted vide FD Memo No. F.1(11)FD(Gr.2)/91-II dated 26.7.1993.

from the date from which junior Government servant begins to draw more pay in the following types of cases:—

(a) Both senior & junior Government servants belong to same cadre/service and both are holding the same post, but the senior Government servant on having completed 18 years of service on 25-1-1992, his pay was fixed straightway in second selection grade in terms of the provisions contained in para 1(10) of the aforesaid order while junior Government servant having completed slightly less service than 18 year on 25.1.1992, his pay has been fixed in first selection grade; and again on completion of 18 years of service in second selection grade in terms of the provisions contained in para 1(11) and /or (12) of the aforesaid order and as such junior Government servant begins to draw more pay than his senior from the date of fixation of his pay in the second selection grade.

(b) Both senior and junior Government servants belong to same cadre/service and are holding the same post, but the senior Government servant having completed 27 years of service on 25-1-1992, his pay was fixed straightway in third selection grade in terms of the provisions contained in para 1 (10) of the aforesaid order, while junior Government Servant having completed slightly less service than 27 years on 25-1-1992, his pay has been fixed first in the second selection grade and again on completion of 27 years of service in the third selection grade in terms of the provisions contained in para 1 (11) of the aforesaid order and as such, junior Government servant begins, to draw more pay than his senior from the date of fixation of his pay in the third selection grade.

(c) Both senior and junior Government servants belong to same cadre/service and holding the same post, were drawing pay at the maximum of the pay scale before grant of selection grade. but on fixation of pay in the selection grade the next date of increment of the junior Government servant happens to fall earlier than that of his senior.

*(d) Both senior and junior Government servants belong to the same cadre/service and holding the same post, were drawing pay in the same pay scale before grant of selection grade and senior Government servant was either drawing equal or higher pay than his junior, but on fixation of pay in the selection grade the next date of increment of the junior Government servant happens to fall earlier than that of his senior."

3. The stepping up of pay in the aforesaid cases shall be subject to fulfillment of the following conditions:—

- (i) The anomaly in pay should be directly as a result of fixation of pay in the selection grade under the aforesaid order as amended from time to time.
- (ii) The senior and junior Government servant should belong to same cadre/class of post and serving in the same department/ service and drawing pay in the same scale before the grant of selection grade.

* Inserted vide FD Memo No. F.1(11)FD(Gr.2)/91-II dated 2.4.1994

- (iii) Both the Government servant should be under the Administrative control of one and the same Head of Department/ Administrative Department.
- (iv) It should be certified by the competent authority that there is no dispute about the inter-se-seniority of senior/junior Govt. servant and the seniority is not provisional.
- (v) The other conditions as laid down in the Finance Department Memo. No. F. 1(8) FD(Exp.-Rules)/67 dated 28-4-1969 shall mutatis-mutandis be also applicable.

4. The provisions of this order shall not be invoked to step-up pay of senior Government servant if junior Government servant already draws higher rate of pay for what-so-ever reason.

5. the next increment of the senior Government servant will be drawn on completion of the full requisite qualifying service counting under Rule 31 of Rajasthan Service Rules, ibid with effect from the date of re-fixation of pay.

#10. The undersigned is directed to invite a reference to the Finance Department Order No.F.1(8)FD(Exp-Rules)/67 dated 28.04.1969, appearing as Government of Rajasthan decision below Rule 32 of Rajasthan Service Rules which provides that the pay of a senior Government servant can be stepped up equal to the pay of a junior Government servant in order to remove anomaly arising as a result of fixation of pay of the junior Government servant on promotion under Rule 26A of Rajasthan Service Rules subject to fulfilment of specified conditions.

Selection grades are admissible to the eligible incumbents of subordinate/Ministerial/Class IV services on fulfilment of specified conditions. Cases have come to notice wherein a junior Government servant as a result of;

- (a) grant of Selection Grade after fixation of his pay in the revised pay scale which came into force with effect from 1.9.1996 or :-
- (b) promotion to higher post after revision of pay scales with effect from 1.9.1996.

starts to get pay higher than that of the senior Government servant who was either granted selection grade or was promoted to the higher post, prior to the revision of pay scales with effect from 1.9.1996.

The matter has been examined and the Governor is pleased to decide that in the cases referred to in above paragraph, the pay of the senior Government servant in the Revised Pay Scales for the higher post should be stepped up to the stage equal to the pay of the junior Government servant. The stepping up should be done with effect from the date from which the junior Government servant starts to get higher pay subject to the following conditions:-

Inserted vide FD Memo No. F.1(17)FD/Rules/98 dated 23.12.1998

- (a) Both the junior and senior Government servant should belong to the same cadre and the post to which they have been promoted, should be in identical scale in the same cadre.
- (b) The pay scale in force prior to 1.9.1996 and its corresponding pay scale under Rajasthan Civil Services (Revised Pay Scales) Rules, 1998 of the lower and higher posts in which they are entitled to draw pay should be identical.
- (c) The anomaly should be directly as a result of application of the provisions of Rule 26A of Rajasthan Service Rules or grant of Selection Grade.
- (d) Other conditions laid down in the Finance Department order referred to in para (1) as amended from time to time shall mutatis-mutandis be also applicable.

Order re-fixing the pay of senior Government servant in accordance with this decision shall be issued under Rule 32 of Rajasthan Service Rules and the next increment of the senior Government servant will be drawn on completion of the full requisite qualifying service counting under Rule 31 of Rajasthan Service Rules from the date of re-fixation of pay.

These orders take effect from 1.9.1996.

#11. The undersigned is directed to say that consequent upon fixation of pay in the Selection Grades introduced vide FD Order No.F20(1)FD(Gr.2)/92 dated 25.1.1992 and Finance Department Order No. F.16(2)FD(Rules)/98 dated 17.2.1998 as amended from time to time, it has been brought to the notice of the Government that both senior and junior Government servants belonging to the same cadre/service and both are holding the same post, but the senior Government servant was promoted to the higher post in the State Service before being eligible of first, second and third selection grade, while junior Government servant has been promoted in the State Service after availing the benefit of first, second, third selection grade, as the case may be, and begins to draw more pay than his senior, though the senior has also completed the respective period of requisite service required for grant of selection grades on the date junior Government servant was granted selection grade before promotion to the post of State Service.

2. Accordingly the matter has been considered and the Governor is pleased to order that in the aforesaid cases the stepping up of pay of a senior Government servant equal to the pay of the junior Government servant may be allowed from the date from which junior Government servant begin to draw more pay subject to fulfilment of the following conditions:-

- (i) The anomaly in pay should have arisen directly as a result of fixation of pay in the selection grade under the aforesaid order as amended from time to time.
- (ii) The senior and junior Government servants should belong to same cadre/class of post and should be serving in the same

Inserted vide FD Memo No. F.1(18)FD/Rules/98 dated 28.12.1998

department/service and drawing pay in the same scale before the grant of selection grade.

- (iii) Both the Government servants should be under the Administrative control of one and the same Head of Department/Administrative Department.
 - (iv) It should be certified by the competent authority that there is no dispute about the inter-se-seniority of senior/junior Government servants and the seniority is not provisional.
 - (v) The other conditions as laid down in the Finance Department Memo No.F.1(8)FD(Exp.Rules)/67 dated 28.4.1969 shall mutatis-mutandis be also applicable.
3. The provisions of this order shall not be invoked to step-up pay of senior Government servant if junior Government servant already draws higher rate of pay for any other reason.
4. The next increment of the senior Government servant will be drawn on completion of the full requisite qualifying service counting under Rule 31 of Rajasthan Service Rules, *ibid* with effect from the date of re-fixation of pay.

Clarification

* 1. The undersigned is directed to draw attention to Finance Department Order No. F. 1 (8) FD(Exp-Rules)/67 dated 28-4-1969 appearing below Rule 32 of Rajasthan Service Rules according to which the pay of a Senior Government servant can be stepped up equal to the pay of a Junior Government servant in order to remove anomalies arising as a result of fixation of pay subject to fulfillment of certain specified conditions. Although it has been mentioned in the aforesaid order that these provisions shall not be invoked to step up pay of a Senior where Junior Government servant was already drawing higher rate of pay or any other reason not attributable to fixation of pay under Rule 26A of Rajasthan Service Rules or under the Rajasthan Civil Services (Revised Pay) Rules, 1961 or the Rajasthan Civil Services (New Pay Scales) Rules, 1969, yet some doubts have been raised as to whether the provisions of aforesaid order be invoked to in cases where pay of a Junior Government servant has been fixed under the Rajasthan Civil Services (Revised Pay) Rules, 1961 after treating Special Pay as part of basic pay under the aforesaid rules on account of abolition of special pays given in Part-I of Schedule II of the Rajasthan Civil Services (Revised Pay) Rules, 1961 by merger into pay.

The matter has been examined and it is hereby clarified that in cases where special pay has been treated as part of pay for the purpose of fixation under Rajasthan Civil Services (Revised Pay) Rules, 1961 or otherwise under any rule or order of Government, the provision of Finance Department Order dated 28-4-1969 appearing below Rule 32 of Rajasthan Service Rules, shall not apply. Likewise aforesaid provisions shall not be invoked in case where pay fixed after treating personal pay allowed as a result of fixation of pay under rule 12 (2) or

* Added vide F.D. Memo No. P. 1 (a) (1 3) FD/(Gr 2)/77, dated 5-7-1977

12(3) of Rajasthan Civil Services (Revised New Pay Scales) Rules, 1976, as part of pay under rule 26 A of Rajasthan Service Rules, vide Finance Department Memo No.F.1(a) (11) FD (Gr.2)/77dated 16-5-1977.

33. Pay on transfer to lower grade or post.— The authority which orders the transfer of a Government servant as a penalty from a higher to a lower grade or post may allow him to draw any pay not exceeding the maximum of the lower grade or post, which it may think proper.

%Provided that the pay allowed to be drawn by a Government servant under this rule shall not exceed the pay which he would have drawn by the operation of rule 26 read with clause (b) or (c), as the case may be, of rule 31.

^x34. Future increments on reduction to lower grade or post.— (a) if a Government servant is reduced as a measure of penalty to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective and whether on restoration @ [the period of reduction shall operate] to postpone future increments and if so, to what extent.

(b) If a Government servant is reduced as a measure of penalty ** [to a lower service grade or post or to lower time-scale] the authority ordering the reduction may or may not specify the period for which reduction shall be effective; but where the period is specified, that authority shall also state whether on restoration , the period of reduction shall operate to postpone future increments and if so, to what extent.

Explanation.

Rule 34 (a) of Rajasthan Service Rules covers cases of restoration after a period of reduction to a lower stage in the time scale, and Rule 34 (b) relates to cases of restoration after a specified period of reduction to lower grade post. Reduction to a lower stage in a time scale can be ordered only for a specified period. Hence the authority ordering such reduction is required to specify the period in the order of reduction. Reduction to a lower grade or post can be either for any specified period in which case the period has to be indicated in the order of reduction or for an unspecified or indefinite period. In the latter case on re-appointment to the higher post or grade, the pay of the Government servant will be regulated under the normal rules and not under Rule 34 of R.S.R.

% Inserted vide Order No. 7A (33) F.D. A (Rules) 60, dated 3-10-1960.

^x Rule 34 substituted for "If a Government servant is, on account of misconduct or inefficiency, reduced to a lower grade or post, or to a lower stage in his time scale, the authority ordering such reduction shall state the period for which it shall be effective and whether on restoration it shall operate to postpone future increments and if so to what extent" by, F.D.Order No1661/F. 7A (1) F.D./Rules/57 dated 19-6-1957,

@ Substituted for the words, "It shall operate " by F.D. Orde No F. 7 A (1) F.D.A. (Rules) 57, dated 22-1-1959.

** Substituted vide F.D. Order No. F. 7A (27) F.D.A. (R)/60-II, dated 3-10-1960 for the words "to lower grade or post"

Audit Instruction

The question as to whether an increment falling due during the period of reduction should or should not be allowed is one necessarily to be decided with reference to exact terms of the order of the punishing authority. If any doubt is felt about the intention underlying the orders of the punishing authority, a reference should be made to the authority concerned for a clarification.

Clarification

@@ Doubts have been expressed in regard to the exact interpretation of sub-rule (a) of rule 34 of Rajasthan Service Rules. The following clarifications are issued:—

(a) Every orders passed by a competent authority imposing on a Government servant the penalty of the reduction to a lower stage in a time scale should indicate:—

- (i) the date from which it will take effect and the period (in terms of years and months) for which the penalty shall be operative;
- (ii) the stage in the time-scale (in terms of rupees) to which the Government servant is reduced; and
- (iii) the extent (in terms of years and months) if any, to which the period referred to at (i) above should operate to postpone future increments.

It should be noted that reduction to a lower stage in a time scale is not permissible under the rules either for an unspecified period or as a permanent measure. Also when a Government servant is reduced to a particular stage, his pay will remain constant at that stage for the entire period of reduction. The period to be specified under (iii) should in no case exceed the period specified under (i).

%(b) The question as to what should be the pay of Government servant on the expiry of the period of reduction should be decided as follows :-

- (i) if the order of reduction lays down that the period of reduction shall not operate to postpone future increments, the Government servant should be allowed the pay which

@@ Inserted vide F.D. Memo. No.D.5792/F. 7A(27) F.D.A. (Rules)/59 dated 30-10-1959.

% Substituted vide F.D. Office Memorandum No. F. 7A (27)F.D.A. (Rules)/60-l. dated 3-10-1960 for—

"(b) The question as to what should be the pay of a government servant on the expiry of the period of reduction should be decided as follows :—

- (i) If the original order of reduction lays down that the period of reduction shall not operate to postpone future increments or is silent on this point, the Government servant should be allowed the pay which he would have drawn in the normal course but for the reduction. If, however, the pay drawn by him immediately before reduction was below the efficiency bar, he should not be allowed to cross the bar except in accordance with the provisions of Rule 30 of the Rajasthan Service Rules.

he would have drawn in the normal course but for the reduction. If however, the pay drawn by him immediately before reduction was below the efficiency bar, he should not be allowed to cross the bar except in accordance with the provisions of Rule 30 of Rajasthan Service Rules.

- (ii) if the order specifies that the period of reduction was to operate to postpone future increments for any specified period, the pay of the Government servant shall be fixed in accordance with (i) above but after treating the period for which the increments were to be postponed as not counting for increments.

Government of Rajasthan's Decision

@1. The undersigned is directed to state that some doubts have been raised regarding the fixation of pay of Government servant who have exercised option to come over to Revised New Pay Scales with effect from 1-9-1976 but were drawing reduced pay on that date as a result of some penalty with a provision for restoration of their pay on the expiry of the period of penalty e.g. stoppage of increments without cumulative effect and reduction to a lower stage in the time scale without cumulative effect. It has been decided that in such cases the individuals pay should be fixed both:—

- (a) on the basis of pay actually drawn on 1-9-1976 and
- (b) on the basis of pay which would have been drawn but for the penalty.

The revised pay as fixed at (a) above may be allowed from 1-9-76 to the date of expiry of the penalty and the revised pay fixed as in (b) above from the date following the date of the expiry of the penalty after allowing increments, if any, that might have notionally fallen due in the revised scales during the period from 1-9-1976 to the date of the expiry of the penalty.

Past cases decided otherwise prior to 1-9-1976 shall also be reopened and regulated in the manner indicated above, but in such cases, if any, question of recovery of over payments arises, the recovery may be deemed to have been waived.

*2. The undersigned is directed to state that some doubts have been raised regarding the fixation of pay of Government servants who have exercised option to come over to Revised Pay Scales with effect from 1-9-1981 but were drawing reduced pay on the date as a result of some penalty with a provision for restoration of their pay on the expiry of the period of penalty e.g. stoppage of increments without cumulative

@ Inserted vide FD Memo No.F.I(a)(25) FD(Gr.-2)/77 dated 27-12-1977.

(ii) If the original order specifies that the period of reduction was to operate to postpone future increments for any specified period, the pay of the Government servant shall be fixed in accordance with (I) above but after treating the period for which the increments were to be postponed as not counting for increments.

* Inserted vide F. D. Order No.F1(13) FD(Gr.2)/83 dated 2-4-1983.

effect and reduction to a lower stage in the time scale without cumulative effect. It has been decided that in such cases the individuals pay should be fixed both:—

- (a) on the basis of pay actually drawn on 1-9-1981 and
- (b) on the basis of pay which would have been drawn but for the penalty.

The revised pay as fixed at (a) above may be allowed from 1-9-81 to the date of expiry of the penalty and the revised pay fixed as in (b) above from the date following the date of the expiry of the penalty after allowing increments, if any, that might have notionally fallen due in the revised pay scales during the period from 1-9-1981 to the date of the expiry of the penalty.

*3. The undersigned is directed to state that some doubts have been raised regarding the fixation of pay of Government servants who have exercised option to come over to Revised Pay Scales with effect from 1-9-1986 but were drawing reduced pay on the date as a result of some penalty with a provision for restoration of their pay on the expiry of the period of penalty e.g. stoppage of increments without cumulative effect and reduction to a lower stage in the time scale without cumulative effect. It has been decided that in such cases the individuals pay should be fixed both :-

- (a) on the basis of pay actually drawn on 1-9-1986 and
- (b) on the basis of pay which would have been drawn but for the penalty.

The revised pay as fixed at (a) above may be allowed from 1-9-1986 to the date of expiry of the period of penalty and the revised pay fixed as in (b) above from the date following the date of expiry of the period of penalty after allowing increments, if any that might have notionally fallen due in the revised pay scales during the period from 1-9-1986 to the date of the expiry of the period of penalty.

#4. The undersigned is directed to state that some doubts have been raised regarding the fixation of pay of Government servants who have exercised option to come over to Revised Pay Scales with effect from 1-9-1988 but were drawing reduced pay on the date as a result of some penalty with a provision for restoration of their pay on the expiry of the period of penalty e.g. stoppage of increments without cumulative effect and reduction to a lower stage in the time scale without cumulative effect. It has been decided that in such cases the individuals pay should be fixed both:—

- (a) on the basis of pay actually drawn on 1-9-1988 and
- (b) on the basis of pay which would have been drawn but for the penalty.

The revised pay as fixed at (a) above may be allowed from 1-9-1988 to the date of expiry of the period of a penalty and the revised pay fixed as in (b) above from the date following the date of the expiry of the period of penalty

⁺ Inserted vide F. D. Memo No.F1(13) FD(Gr.2)/83 dated 4-6-1987.

[#] Insert vide FD Memo No. F.1(13)FD(Group-2)83 dated 23.9.1991

after allowing increments, if any, that might have notionally fallen due in the revised pay scales during the period from 1-9-1988 to the date of the expiry of the period of penalty.

⁼5. The undersigned is directed to state that the pay of Government servants who have exercised option to come over to Revised Pay Scales with effect from 1.9.1996 but were drawing reduced pay on the date as a result of some penalty with a provision for restoration of their pay on the expiry of the period of penalty e.g. stoppage of increments without cumulative effect and reduction to a lower stage in the time scale without cumulative effect should be fixed both:-

- (a) on the basis of pay actually drawn on 1.9.1996; and
- (b) on the basis of pay which would have been drawn but for the penalty.

The revised pay as fixed at (a) above may be allowed from 1.9.1996 to the date of expiry of the period of penalty and the revised pay fixed as in (b) above from the date following the date of the expiry of the period of penalty after allowing increments, if any, that might have notionally fallen due in the revised pay scales during the period from 1.9.1996 to the date of the expiry of the period of penalty.

In cases where a Government servant opts for the revised pay scale from a date subsequent 1.9.1996 as per Rule 15 of Revised Pay Scales, 1998, pay fixation shall be done on the same lines as indicated above from the date of option instead of 1.9.1996.

@34-A.—Where an order of penalty of with-holding of increments of a Government servant or his reduction to a lower service, grade or post, or to a lower time-scale, or to a lower stage in a time scale, is set aside or modified by a competent authority on appeal or review, the pay of the Government servant shall not withstanding anything contained in these Rules, be regulated in the following manner:—

- (a) if the said order is set aside, he shall be given for the period such order has been in force, the difference between the pay to which he would have been entitled had that order not been made and the pay he had actually drawn ;
- (b) if the said order is modified, the pay shall be regulated as if the order as so modified had been made in the first instance.

Explanation:—If the pay drawn by a Government servant in respect of any period prior to the issue of the orders of the competent authority under this rule is revised, the leave salary and allowances (other than travelling allowances), if any, admissible to him during that period shall be revised on the basis of the revised pay.

@@35. **Pay of officiating Government Servants.**—Officiating appointment—(1) Subject to the provisions of Chapter VI, a Government

⁼ Insert vide FD Memo No. F.1(3)FD/Rules/98 dated 28.3.1998.

@ Inserted vide FD order No. F.7 A(27) FD/A/R/60-II dated 3-10-1960.

@@ Substituted vide F.D. Order No. F. 7A (35)F.D.(A Rules)60, dated 31-3-1961 for—

servant who is appointed to officiate in post shall not draw pay higher than his substantive pay in respect of a permanent post, other than a tenure post, unless the officiating appointment involves the assumption of duties and responsibilities of greater importance than those attaching to the post, other than a tenure post on which he holds a lien or would hold a lien had his lien not been suspended.

35. Officiating appointments.— The pay of a Government servant who is appointed to officiate in a post be regulated as follows:—

(a) (i) If the officiating appointment involves the assumption of duties and responsibilities of greater importance than those attached to the post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended, he will, subject to the provisions of Rule 31 (c) and Rule 36 draw the presumptive pay of that post.

(ii) On an enhancement in the substantive pay, as result of increment or otherwise, the pay of such Government servant shall be re-fixed under sub-para (a) (i) above from the date of such enhancement as if he was appointed to officiate in that post on that date where such fixation is to his advantage.

Government of Rajasthan's Decision

A doubt has been raised whether in the case of a Government servant whose officiating pay on re-fixation under Rule 35(a)(ii) carries his pay above the efficiency bar stage in the time scale of the officiating post, the efficiency bar should be applied.

Since the re-fixation to officiating pay under Rule 35(a)(ii) is to be done in the same manner as initial fixation to pay under Rule 35(a) (i), it has been decided that in the type of cases mentioned in para 1 above the Government servant concerned should be deemed to have automatically crossed the efficiency bar at the time of re-fixation of officiating pay and the question of application of efficiency bar will not arise.

In the case of Government servant officiating in a post and whose pay had been re-fixed under Rule 35(a)(ii) of the Rajasthan Service Rule, if he is confirmed in that post from a retrospective date, the re-fixation of pay done under Rule 35(a)(ii) after the date of his confirmation will have to be revised and consequently over-payments, if any would be recoverable.

(iii). In case where re-fixation of officiating pay under sub-para(a)(ii) above is of immediate advantage to the Government servant concerned the pay may be re-fixed from the date of a commencement of sub-para(a)(ii) above without waiting for a further enhancement in his substantive Pay.

(b) If the officiating appointment does not involve the assumption of duties and responsibilities of greater importance than those attached to the post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended he shall not draw pay higher than his substantive pay in respect of the permanent post other than a tenure post.

%Notes 1, 2 and 6 deleted remaining Notes 3, 4 and 7 renumbered as No. 1,2 and 3 respectively vide F. D. Order No. F. 8 (28) F. 11/55, dated 9-8-1962.

NOTES

"1. This rule does not apply to arrangements which may have to be made in connection with short vacancies, lasting for less than a month, and no claim for increased pay is admissible in respect of such arrangements. In case of vacancies likely to last a month or more but less than two months, the arrangements should ordinarily take the form of appointments to hold charge of current duties. Full officiating appointments may, however, at the discretion of the authority to fill the post, be made in vacancies lasting a month or more.

2. This rule does not also apply to cases of officiating appointments in addition to one's own duties. Such cases will be governed by rules relating to combination of appointments.

5. If a Government servant is appointed merely to hold charge of the current duties and does not perform the full duties of the post officiating, pay will be restricted to 1 /10th of the presumptive pay.

6. A Government servant without a permanent post and therefore, having no substantive pay in respect of such a post is entitled to have his pay regulated exclusively under this rule read with Rule 26(b)"

Note:--Government may by order specify the circumstance under which officiating promotions in the ordinary line may be given to the Government servants working outside the cadre.

(2). For the purpose of this rule, the officiating appointment shall not be deemed to involve the assumption of duties or responsibilities, of greater importance if the post, to which it is made is on the same scale of pay as the permanent post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended, or on a scale of pay identical therewith.

%NOTES.

1. For the purpose of this rule the officiating appointment shall not be deemed to involve the assumption of duties or responsibilities of greater importance if the post to which it is made is on the same scale of pay as the permanent post on which he holds a lien or would hold a lien had his lien not been suspended or on a scale of pay identical therewith

2. Higher officiating pay is not permissible to present incumbents in cases where different posts on different scales of pay have been merged into a single time-scale for new entrants.

@3, **Next below Rule.**—The following guiding principles shall be adopted for purpose of working of the convention usually known as the 'Next Below Rule' :—

@ Substituted vide F.D. Notification No. F.1(45) F.D /Rules/68, dated 22-4-1970 for-

3. Government have Sanctioned the adoption of the following guiding principles for purpose of clarifying the position and for the working of the convention usually known as the 'next below rule' :—

(1) A Government servant out of his regular line should not suffer by forfeiting officiating promotion which he would otherwise have received had he remained in his regular line.

(2) The fortuitous officiating promotion of some one junior to a Government servant who is out of the regular line does not in itself give rise to a claim under the next below rule.

(3) Before such a claim is established, it should be necessary that all the Government servants senior to the Government servant, who are out of the regular line have been given officiating promotion.

(4) It is also necessary that the Government servant next below him should have been given promotion unless in any case the officiating promotion is not given because of inefficiency, unsuitability or leave.

(5) In the event of one or more of these bars mentioned above, being applicable to the Government servant immediately below the Government servant outside his regular line, some Government servant even more junior should have received officiating promotion and the Government servants, if any, in between that should have been passed over for one of these reason's.

(6) In cases where an officer is deprived of officiating promotion to a higher paid/post owing to it being impracticable for the time being to release him from the special post outside the ordinary line no compensation shall be granted in respect of the first three months of his retention in the lower paid post unless the conditions of the next below rule are satisfied.

- (1) A Government servant out of his regular line should not suffer by forfeiting officiating promotion which he would otherwise have received had he remained in his regular line.
- (2) The fortuitous officiating promotion of some one junior to a Government servant who is out of regular line does not in itself give rise to a claim under the next below rule
- (3) Before such a claim is established it should be necessary that all the Government servants senior to the Government servant, who are out of the regular line have been given officiating promotion.
- (4) It is also necessary that the Government servant next below him should have been given promotion unless in any case the officiating promotion is not given because of inefficiency, unsuitability or leave.
- (5) The benefit of officiating promotion under this rule should be allowed only against promotion in a cadre in vacancies of more than 120 days duration. In other words the initial vacancy as well as subsequent vacancies on the basis of which the benefit is to be allowed should each be of more than 120 days duration. The benefit should not be allowed in respect of promotion against a chain of vacancies which taken together extend beyond 120 days.
- (6) The benefit of Next Below Rule should be given only to one Government servant against one post. In other words if the senior most persons as well persons immediately junior to him are serving out of regular line, then on promotion of the junior person, the benefit of next below rule will be admissible only to one person i.e. the senior most one and not to others who may be senior to the junior person promoted.
- (7) Where a Government servant out of regular line is due for promotion and has been granted benefit of higher pay under the next below rule and such pay exceeds the maximum of scale of the post actually held by him while remaining outside his regular line he should ordinarily be reverted to his regular line within six months of the date he started getting higher pay than the maximum of the scale of the post.
- (8) The benefit of next below rule shall not be given to a Government servant who has been appointed as a direct recruit on a post outside his regular line either under Government or elsewhere.

(7) In cases where the period for which officiating promotion is lost exceeds three months the officer concerned may be granted the pay of the higher paid post for the excess period but arrangement should be made wherever possible to avoid depriving officers of lengthy period of officiating promotions.

(8) Save in exceptional circumstances, no officers to whom the next below rule would apply should be retained in a lower paid post for more than six months beyond the date on which he becomes entitled to officiate continuously in a higher post.

(9) In the case of officers who in the public interest have to be deprived of officiating promotions whether they are serving outside the ordinary line or in the ordinary line and in which case the conditions laid down in the next below rule are not satisfied the instructions contained in clause (6) and (7) above will apply”.

Mere retention of his lien so long he is not confirmed on the post on which he has been directly recruited will not justify consideration of his claim under this rule.

Government of Rajasthan's Decision.

%A number of cases are being referred to the Finance Department at present, regarding the grant of additional emoluments for officiating in higher posts or additional posts.

- (2)(i) Emoluments due to Government servants in respect of officiating tenure of higher posts are governed by rule 35 of the R.S.R. In accordance with clause (a) of this rule, when the officiating appointment involves the assumption of duties and responsibility of greater importance than those attached to the post on which the Government servant holds a lien, he is entitled to the presumptive pay of that post.
- (ii) In accordance with Note 2 under this rule, full officiating appointment can, however, be made only in vacancies lasting two months or more in ordinary cases and one month or more, where necessary for special reasons.
- (iii) No formal arrangements involving a claim for higher or additional emolument should be made for periods of less than a *[months] a period of a *[month] or more but less than the limits mentioned in (ii) the arrangement should take the shape of an appointment to hold charge of current duties and not an officiating appointment **[If a Government servant is appointed merely to hold charge of current duties only, his pay may be fixed under "Note" below Rule 36.]
- (iv) Rule 36 provides that the pay of an officiating Government servant can be fixed at less than what may be admissible under rule 35. This rule is designed to prevent the full pay of the post being given to Government servants who would not ordinarily be promoted, but who owing to special circumstances are appointed to officiate in higher post. It is intended that the appointing authority should, when making officiating appointments, consider whether the Government servant concerned should be allowed the presumptive pay of the post that is, the pay which he would be entitled to if he was appointed in a substantive capacity, or a lower rate of pay under Rule 35. Power to fix pay at lower rates has been delegated to authorities which have power to make substantive appointments to post concerned vide item 7 of the schedule of powers.

(3) The authorities competent to make the arrangements should issue clear orders in terms of rule 35 of R.S.R. and the Notes

% inserted by F.D. Circular No.F.35(5) R/51 dated 21-7-1951.

* Substituted for "fortnight" by F.D. Order No. 5952/F.1 (135) F.D.(R)/56, dated 26-11-1956.

** Substituted vide F.D. Order No. 3188/58 F.7A (16) F.D. A/Rules/57 dated 2-1-1959 for:--

"If a Government servant is appointed merely to hold charge of the current duties only 1/10th of the presumptive pay may be given in addition to his substantive pay in accordance with Note 5 under the rule."

thereunder whether an appointment is an officiating appointment or merely an appointment to hold charge of current duties. If an "officiating appointment" is made for a period of less than 2 months, reasons should be recorded in the appointment order, and if pay is to be fixed at a rate lower than that admissible under rule 35, a specific order under item 7 of the Schedule of Powers should be passed.

Clarification.

@Doubts have been expressed regarding the scope of Rule 35 and 50 of the Rajasthan Service Rules and the circumstance under which dual arrangements can be made by a competent authority. In order to remove all doubts in this connection the following are the clarification and directions of the Government.

Whenever a post falls vacant the following courses are open to a competent authority:—

1. To distribute the work among other members of the staff and to keep the post unfilled.
2. To fill the post by making fresh appointment or promotion.
3. To appoint any Government servant on the post in addition to the duties of his post.

On occurrence of a vacancy, the competent authority should decide as to which of the courses as indicated above is best suited in the circumstances of a case. If the post is likely to remain vacant for a period not exceeding one month, the work connected with the post should, as far as possible, be distributed among other members of the staff. Where a post has statutory functions/duties attached, to it or where for other pressing reasons, it is not feasible to leave the post unfilled, although the vacancy is likely to last for a period not exceeding one month, or, where a post is expected to remain vacant for a period exceeding one month, a person may be appointed/promoted to the post.

Where a person is appointed to the post from the market, his pay shall be fixed under Rule 35 (A) of the Rajasthan Service Rules read with Rule 26 thereof.

When a Government servant is appointed to the vacant post, his pay shall be regulated in accordance with Rule 26 (A) or Rule 35 (A) of the Rajasthan Service Rules, according as appointment involves the assumption of duties or responsibilities of greater importance or not.

(1) Where a Government servant is appointed to the post in addition to his own duties, there may be the following three possibilities:—

- (i) The post may be subordinate to the post he is holding.
- (ii) The post may be equal to or lower (but not subordinate) than the post he is holding.

@ Inserted vide F.D. Order No. F. 8(28) F.I 1(55) dated 9-8-1962.

Explanation:—'Equal posts' means posts in the [] carrying identical time scales of pay.

(iii) The post may be higher than the post he is holding.

In all these cases appointment and grant of additional pay will be regulated under Rule 50 of the Rajasthan Service Rules.

- (2) In the first case, the Government servant shall not be entitled to any emoluments in addition to what he is drawing.
- (3) In the second case, the Government servant may be allowed to draw his own pay under % [Rule 50(1) (i)] of the Rajasthan Service Rules for his own post and special pay not exceeding # [3%] of the presumptive pay of the other post under + [Rule 50(I)(ii)] of the Rajasthan Service Rules, if the period of dual charge is @ [upto 60 days] but 30 days or more and special pay not exceeding # (6%) of the presumptive pay of the other post if the period of dual charge is @ (more than 60 days}.
- (4) In the third case, if the charge of the higher post is to be held @ [upto 60 days] but for 30 days or more and the Government servant is qualified to hold the higher post or is senior enough for regular or even for fortuitous promotion he may be appointed to officiate (a post is deemed to be higher by virtue of special pay also) on the higher post and allowed to draw pay on the higher post under % [Rule 50(1) (i)] of the Rajasthan Service Rules. For discharging the duties of the lower post, he shall not be entitled to any remuneration if the lower post is subordinate to the higher post. If, however, the lower post is not a subordinate post the Government servant may be allowed under + [Rule 50(I)(ii)] of the Rajasthan Service Rules, a special pay not exceeding # [3%] of the presumptive pay of that post.

Where, however, in the above case the charge of the higher post is to be hold for @ [more than 60 days] the special pay to be allowed under + [Rule 50(1) (ii)] of the Rajasthan Service Rules may be # [6%] of the presumptive pay of the lower post.

Note:--If the Government servant is not qualified to hold the higher post or is not senior enough for regular or even for fortuitous promotion appointment may be made to hold the current charge of the duties of that post and the Government servant be allowed a special pay not exceeding # [3%] of his own pay if the charge of the higher post is held

* Deleted the words "Same cadre" vide FD order No. F.1(46)FD(Gr.2)/82-I dated 2-2-1985.

% Substituted for words "Rules 50(a)" vide FD Order No.F.1(46)FD(Gr.2)/82-I dt. 2-2-1985.

Substituted for the existing expression ^5% & 10% vide FD Notification No. F.1(5)FD/Rules/96 dated 2.4.1998 w.e.f. from 1.1.1998.

^ Substituted for the existing expression \$ 8% & 16% vide FD Notification No. F.1(68)FD/Gr.2/86 dated 2.2.1987 w.e.f. from 9.9.1986.

\$ Substituted for the existing expression "10%" and "20%" respectively Vide FD Order No. F. 1(46) FD/Gr.2/82-H dated 17-2-1983 effective from 1-9-1981

+ Substituted for words "Rule 50(b)" vide FD Order No.F.1(46) FD(Gr.2)/81-I, dt. 2-2-1985.

@ Substituted for the words "less than 60 days", "60 days or more", "for less than 60 days" and "60 days or more" vide FD Order No. F.8(28)F.11/55-1, dated 11-1-1963.

for 30 days or more [£][but upto 60 days and special pay not exceeding #6% of his own pay if the period of dual charge be more than 60 days.]

Dual arrangement should not be allowed to continue beyond a period of £[six] months in any case. No additional remuneration of any kind will be admissible beyond a period of **[six] months. After **[six] months regular appointment or promotion should be made to fill up the post failing which the vacant post shall be deemed to be in abeyance.

NOTE

A post will be treated 'subordinate' to the other post, if the work of the incumbent of one post is looked after or supervised by the holder of the other post and also both the posts are located in the same office. In cases where Gazetted Government servant happens to hold charge of a non-gazetted post it should be treated as a case of holding charge of a post subordinate to the post, he is holding, provided the non-gazetted post is under direct subordination of the Gazetted post.

Government of Rajasthan's Decision

*1. According to provisions contained in clarification appearing below Rule 35 of Rajasthan Service Rules, one of the course open to the competent authority to fill a vacant post is to make fresh appointment as a result of allowing concession of encashment of privilege leave to Government servant vide Finance Department Order dated 12-9-1974 (appearing as Govt. of Rajasthan's Decision below Rule 91 of R.S.R.) continuous vacancies would now be available in offices, due to employees proceeding on Privilege Leave with a view to get encashment benefit. If these vacancies are filled by competent authorities by making fresh appointments, it would entail additional expenditure.

The matter has, therefore, been considered and it has been decided that henceforth whenever a post falls vacant due to the Government servant proceeding on leave, it should not be filled in by making fresh appointment and the competent authority should either (i) distribute the work among other members of the staff and keep the post unfilled or (ii) appoint any Government servant on the post in addition to his own duties or (iii) promote any Government servant on the post thereon. In case the last course, viz filling of vacancies by promotion, is adopted, the consequential vacancy in the lower cadre should not be filled up by making fresh appointment.

@2. A case has been referred to the Finance Department in which a Government officer while on deputation to foreign service was asked to hold charge of a post under the Government. Occasions also arise

[£] Substituted vide F.D. Notification No. F.1(69) FD(E-R)/65, dated 14-12-1965 for "three months". Effective from 1-11-1965 but in respect of a Government servant who was holding dual charge immediately before 1-11-1965 this is effective from the date the Government servant began to hold the charge.

Added vide F.D. Order NO. F.1(46) FD(Gr.2)/82-I, dated 2-2-1985.

* Inserted vide FD Menu No.F.1(38)FD(ER)65-II, dated 9-12-1974

@ Inserted vide F.D. Order No. F.1(57)F.D.(Gr-2) 74, dated 30-12-74 and supercited vide FD Order No. F.1(57)FD(Gr.2)/74 dt. 23.5.1979 w.e.f. 1.10.1978.

where a Government Officer is required to hold additional charge of a post under a foreign body. The question arose as to what remuneration should be allowed in such cases. The matter has been examined and it is ordered that in case the Government servant, while on deputation to foreign service, is required to hold charge of a post under the Government, he may be allowed honorarium for discharging the duties of the post under the Government. Similarly in the case of a Government officer who is required to hold additional charge of a post under foreign body, he may be allowed to accept 'Fee' paid by the foreign body concerned. In both the cases the amount of honorarium/fee payable to the officer concerned should be determined keeping in view the principles laid down in 'Clarification' appearing below Rule 35 of the Rajasthan Service Rules and in no case the amount of honorarium/fee payable should exceed the monetary limits provided in the aforesaid 'Clarification'.

It has further been decided to exempt the amount of fee received on this account from the operation of the provisions of Rule 47 of the Rajasthan Service Rules.

*3. Attention is invited to Finance Department Memo of even number dated 9th December, 1974 placing ban on fresh appointments against leave vacancies due to the Government servant proceeding on privilege leave along with surrender of leave for encashment. In order to ensure the observance of these instructions it has been decided that as and when the name of a new entrant to Government service appears for the first time in the establishment bill, it should be supported by a certificate to the effect that the appointment has not been made against a vacancy caused by any Government servant of the same or higher cadre proceeding on leave with a view to getting encashment benefits. In absence of such a certificate, the Treasury officer will not authorise payment of the bill.

Clarification

*In supersession of Finance Department Memo of even number dated 5-7-1985 the Government has been pleased to order that payment of remuneration to a State Government servant who is required to hold

* Inserted vide F.D. Memo No. F. 1 (38)(ER)65-II dated 11-5-1976.

+ Substituted vide F.D. Memo No. F 1(57) FD(Gr-2) 74dt. 28-4-90 for — (Superced vide FD Memo No. F1(57)FD(Gr.2)74 dt. 9.9.2005)

The Governor has been pleased to order that payment of remuneration to a State Government servant who is required to hold additional charge as Administrator of Krishi Upaj Mandi Samiti or as Urbah improvement Trust or Incharge of any other autonomous body etc. except a cooperative institution/bank may be allowed as a 'Fee' at the rate of 15% of his basic pay subject to a maximum of Rs. 150/- p.m. for the actual period of such dual charge irrespective of any time limit.

When a State Government servant is appointed to hold additional charge of more than one post under a public sector undertaking or other autonomous body in addition to his own duties under the Government at one and the same time, he shall be allowed fee in respect of only one such additional assignment.

The amount of 'Fee' payable to a Government servant for the aforesaid purpose shall be exempted from the operation of Rule 47 of Rajasthan Service Rules.

X Inserted vide F.D. Memo. No. F1(57) FD (Gr.2)/74 dt. 5-7-85 withdrawn vide F.D.Memo No. F.1(57)FD(Gr.2)/74 dt. 5-7-85.

additional charge as Administrator of Krishi Upaj Mandi Samiti or as Chairman of Urban Improvement Trust or incharge of any other autonomous body etc. except a cooperative institution/ bank may be allowed a "Fee" at the rate of 10% of his basic pay subject to a maximum of Rs. 300/- p.m. for the actual period of such dual charge irrespective of any time limit.

When a State Government servant is appointed to hold additional charge of more than one post under public sector undertakings or autonomous bodies in addition to his own duties under the Government at one and the same time, he shall be allowed fee in respect of only one such additional assignment.

The amount of 'Fee' payable to a Govt. servant for the aforesaid purpose shall be exempt from the operation of Rule 47 of R.S.R.

[¶]In supersession of Finance Department Memo No. F.1(57)FD(Gr.2)/74 dated 28.4.1990, the Governor has been pleased to order that payment of remuneration to a State Government servant who is required to hold additional charge as Administrator of Krishi Upaj Mandi Samiti or as Chairman of Urban Improvement Trust or incharge of any other Autonomous body etc. except a cooperative institution/ bank may be allowed a 'Fee' @ 5% of his basic pay subject to a maximum of Rs. 500/- p.m., for the actual period of holding additional charge irrespective of any time limit.

When a State Government servant is appointed to hold additional charge of more than one post under public sector undertakings or autonomous bodies in addition to his own duties under the Government at one and the same time, he shall be allowed fee in respect of only one such additional assignment.

The amount of 'Fee' payable to a Government servant for the aforesaid purpose shall be exempt from the operation of Rule 47 of Rajasthan Service Rules.

*The undersigned is directed to invite attention to Registrar Cooperative Societies, Rajasthan Order No. F. 15 (46) CDR/Rules/76

[¶] Inserted vide FD Memo No. F.1(6) FD/Rules/2005 dated 9.9.2005

* Clarified vide FD Memo No.F.1(57)FD(Gr.-2)74, dated 06-09-1985.

The existing para 1 (i) substituted vide FD Memo No. F.1(57)FD(Gr.2)/74 dated 16-10-1981 and as corrects with FD Memo No. of even no. dated 2-3-1982. These orders take effect from 1st October, 1981 and Finance Department Order of even number dated 17-6-1980 shall stand superseded. Pending cases shall be dealt with in accordance with these orders -

(i)(a) A Government servant belonging to IAS cadre when required to hold additional wholetime charge of the post of Chairman/Managing Director of public sector undertaking or other autonomous bodies like Apex Co-Operative Institution, Agricultural Marketing Board or other State level autonomous bodies, may be allowed fee at the rate Apex Co-operative Institutions, Agricultural Marketing Board or other State level autonomous bodies, may be allowed fee at the rate of 20 % .of basic pay subject to maximum of Rs. 300/- P.M. for performance of duties in addition to his own post under the Government.

(b) If a Government servant covered under clause (i) (a) above while holding additional charge of the post of Chairman/Managing Director or in any other capacity is required primarily to preside over meetings of such public sector undertaking and no day to day active function of responsibility, as there is a whole time Managing Director or General Manager etc. to do the same, he shall not be entitled to remuneration as provided in clause (i)(a)

dated 4-7-1979 and Finance Department order of even number dated 16-10-1981 on the subject and to clarify that Government servants holding charge of the post of Administrator of Apex Cooperative Institution in addition to their normal duties shall continue to be governed for payment of fee in accordance with the provisions contained in the Registrar, Cooperative Department Rajasthan Order dated 4-7-1979 and the provisions of Finance Department Memo of even number dated 16-10-1981 shall not be operative in the case of Administrator, Apex Cooperative Institutions for payment of fee for holding additional charge.

2. The clarification in para 1 above shall be operative upto 4-7-1985 and thereafter the provisions of Registrar, Cooperative Societies Order issued in pursuance of Cooperative Department letter No. F.18(12) Agr. IV/Coop/85 dated 18-7-1985 as may be amended from time to time shall be applicable.

@4. The matter regarding payment of remuneration to a Government servant who is required to hold additional charge of a post under foreign or autonomous body has been under consideration of the Government for some time past. The matter has been considered and the Governor is pleased to order that in such cases the amount of fee payable to the concerned Government servant shall be as follows:--

#(1) (i) (a) A Government servant belonging to I.A.S. cadre, when required to hold additional whole time charge of the post of Chairman/Managing Director/Chief Executive of a public sector undertaking or other autonomous bodies like Apex Co-operative Institution, Agriculture Marketing Board or other State level autonomous bodies will not be entitled to remuneration/fee for additional charge, in following cases:

- (1) When a Secretary/Special Secretary to Government holds the additional charge of a post of Chairman/Managing Director of autonomous body/corporation etc. the administrative control over which is exercised by his department. In such cases the order should clearly state that he "would discharge additional duties in ex-officio capacity,
- (2) Where Managing Director or Chief Executive is required to function as Chairman in the same organization in addition to his own duties.
- (3) Where I.A.S. officer while functioning as Chairman of a Corporation/Autonomous Body on whole time basis is required to hold additional charge of another autonomous body which has similar/identical functions e.g. Chairman of a Cooperative Apex Body is required to hold additional charge of some other cooperative institution.
- (4) Where a member of I.A.S. cadre holds additional charge whether on whole time or part time basis, but is not required to carry out day

above but only conveyance charge shall be admissible in accordance with the provisions contained in item 8 of Rule 26 of Rajasthan Travelling Allowance Rules.

% Corrected vide FD Memo No.F-1(57)FD(Gr.-2)74, dated 02-03-1982.

@ Inserted vide F.D.Memo No. F1(57)FD(Gr.-2)/74 dated 23-5-1979.

to day functions which a Chief Executive or Managing Director is required to perform.

- (5) Where an I.A.S. officer is allowed to hold additional charge of grant-in-aid autonomous bodies like Rajasthan Kala Academy Rajasthan Sangeet Academy, Rajasthan Sports Council, Rajasthan Sahitya Academy etc.
 - (b) If a Government servant covered under (a) above while holding additional charge of the post of Chairman/Managing Director in any other capacity is required primarily to preside over meetings of such public sector undertaking and has no day to day active functional responsibility, as there is a whole time Managing Director or General Manager etc. to do the same, he shall not be entitled to any remuneration, but only conveyance charges shall be admissible in accordance with the provisions contained in item 8 of Rule 26 of Rajasthan Travelling Allowance Rules.
 - (c) In all other cases not falling under clause (a) and (b) above a Government servant belonging to I.A.S. cadre will not be entitled to remuneration or fee for holding additional charge of the post of a Chairman/Managing Director/Chief Executive or in any other capacity as a matter of course unless it has been sanctioned by the Department of Personnel. Each such case for grant of fee for performance of duties in addition to his own post under Government shall be decided on merits; and the officer will not have a right to claim fee or remuneration automatically. The payment of fee where sanctioned by the Government will be allowed at the rate of 20% of basic pay subject to a maximum of Rs. 300/- p. m.
- (ii) Collectors who are required to hold additional charge of the post of Chairman of autonomous bodies like Small Farmers Development Agency, District Development Agency and other like bodies may be allowed fee @ 15% of the basic pay subject to a maximum of Rs. 250/-.
- (iii) A Gazetted Government servant other than those covered under sub-paras (i) & (ii) above, may be allowed fee @ 15% of their basic pay subject to a maximum of Rs. 150/-, when he is required to work as Administrator of Krishi Upaj Mandi Samiti, Primary Land Development Bank or as Chairman of Urban Improvement Trust or incharge of any other autonomous body etc. in addition to duties of his own post under the Government.
- (iv) In all the cases referred to sub-paras (i), (ii) & (iii) above a Government servant, when appointed to hold additional charge of more than one post under a public sector undertaking or other autonomous bodies in addition to duties of his own post under the Government at one and the same time he shall be allowed 'fee' in respect of only one such additional assignment at the above rates applicable to his case.
- (2) The Amount of fee payable to Government Servant shall be for the period for which he holds additional charge of the post under autonomous body, and such fee shall be exempted from the operation of Rule 47 of Rajasthan Service Rules. In other words, it will be admissible for the actual period for which he works irrespective of any time limit.

- (3) A Government servant who is required to hold additional charge of a post under Government while on deputation/foreign service to an autonomous body, corporation, public sector undertaking etc. shall be allowed honorarium at the rates mentioned at para (i) above.
- (4) These orders are in supersession of Finance Department Order No. FI (57) FD (Gr.2)/74, dated 30-12-1974 and shall be effective from 1-10-1978.
- ^(5) The undersigned is directed to refer to the Finance Department Memo. No. F. 1(57) F.D. (Gi.2)/74, dated 23-5-1979 regarding payment of fee to a Government servant holding additional charge of a post under autonomous body in addition to duties of a post under Government and to say that the Governor has been pleased to order that the provisions contained in para 1 (i) of the aforesaid order may be held in abeyance with effect from 1st July, 1980 till further orders. (Superseded vide FD Memo No. F.1(57)FD/(Gr.2)/74 dated 16-10-1981)

Government of Rajasthan's Instructions

@ (1). A question has been raised whether a Government servant holding one post and appointed to hold charge of the current duties of another post in addition to his own duties can legally exercise the statutory powers conferred upon the holder of such other post by an Act of Parliament or State Legislature or by any rule or regulation under the Constitution of India.

The matter has been examined by the Government and the undersigned is directed to clarify that an officer appointed to perform current duties of another appointment in addition to his own duties cannot legally exercise the statutory powers whether conferred by an act of the parliament or the State Legislatures or by any rule framed by the State Government in exercise of the powers conferred by the Constitution of India.

*"There have been cases where a Government servant posted at a particular station has been permitted in the interest of exigencies of public service to take over charge of another post at a station or place different from his own headquarters, and to discharge the functions and responsibilities of the additional post at that station in addition to duties of his own post. A question has been raised to how grant of travelling allowance and special pay for performance of additional duties should be regulated in such cases".

(2) The matter has been considered and it has been decided that in the ordinary course a Government servant should not be allowed to hold additional charge of another post as a temporary measure at a station different from the one where he is posted, as it is not possible for the Government servant to perform duties of his own post and that of additional post at a distant station efficiently and properly, apart from the extra expenditure which such an arrangement entails.

^ Inserted vide FD Memo No.F.1(57)FD(Gr.-2)74, dated 17-06-1980.

@ Added vide F.D. (Exp.-Rules) Memo No. F.8(28)F,11/55, dated 19-4-1963.

* Added Vide Finance (Gr.2) Department Memo. No. F.J(?)FD/ Gr.2/74, dated 24-6-1974.

(3) However if in exceptional circumstances, it is considered necessary in the public interest to make such arrangements, the grant of charge allowance (special pay) and travelling allowance for journeys performed by him shall be regulated as follows :-

- (i) Charge allowance (special pay) for performing duties of additional post shall be allowed in accordance with the clarification below rule 35 of Rajasthan Service Rules.
- (ii). For the journeys undertaken from the station Headquarters of his regular post ,to the other station/Headquarters for performing duties of additional post only mileage allowance (including incidental charges) shall be admissible. No halting allowance for the days of his stay/halt at another station shall be admissible.
- (iii) Past cases, already decided otherwise, shall not be re-opened but pending cases, shall be decided in accordance with these orders.

@35- A. (1) Subject to the provisions of Rules 35 and 36, a Government servant who is appointed to officiate in a post will draw the presumptive pay of that post.

- (2) On an enhancement in the substantive pay, as a result of increment or otherwise, the pay of such Government servant shall be re-fixed under sub-rule (1) from the date of such enhancement as if he was appointed to officiate in that post on that date where such re-fixation is to his advantage.

%Provided that the provisions of Rule 26-A shall not applicable in the matter of re-fixation of pay under sub-rule (2) of this rule.

Note :- Sub-rule (2) takes effect from 1-5-1958.

- * (3) Notwithstanding anything contained in sub-rule(2) from the date the officiating pay of a Government servant becomes equal or lower than the substantive pay, the officiating pay shall be re-fixed at the stage next above the substantive pay. The next increment of the Government servant concerned will be drawn on completion of the requisite qualifying service counting under Rule 31 with effect from the date of such re-fixation of pay.

#Clarification

A point has been raised as to whether the provisions regarding re-fixation of officiating Pay under rule 35A (3) of Rajasthan Service Rules shall be applicable or not, in cases where on promotion, pay of a Government servant drawing pay on the lower post in selection grade has been fixed at the same stage in accordance with the provisions contained in Note 4 of Rule 26 A of Rajasthan Service Rules.

@ Inserted vide F.D. Order No. F. 7A (35) F.D.A/Rules/6, dated 31-3-1961.

% Inserted vide FD Notification No.F.1(20)FD(A)Rules/61, dated 19-07-1962.

* Inserted vide F.D. Notification No. F1(21) FD (Rules)/69, dated 9-5-1969, Effective from 1-4-1966.

Inserted vide F.D. clarification No. F.l(ka) (24) F.D.(Gr. 2) 77, dated 10-9-1993]

The matter has accordingly been considered and it is clarified that the selection grade has been introduced in lieu of promotion and as such in cases where fixation of pay on promotion is made under Note 4 of Rule 26 A of Rajasthan Service Rules, the provisions of re-fixation of officiating pay under Rule 35 A (3) of Rajasthan Service Rules shall not be applicable.

£35-B. Notwithstanding the provisions contained in these rules, the pay of a Government servant whose promotion or appointment to a post is found to be or to have been erroneous, shall be regulated in accordance with any general or special orders issued by the Government in this behalf.

Government of Rajasthan's Decisions.

1. Instance have come to the notice of the Government or competent authorities having issued orders confirming temporary or officiating Government servant in permanent posts even though the Government servant concerned is not qualified in all respects for such confirmation under the relevant statutory/service rules, executive orders or administrative instructions. In almost all these cases, the confirmation so made had the effect of depriving or postponing confirmations of other Government servants who were qualified in all respects for confirmation.

The possibility and the propriety of cancelling the erroneous orders of confirmation already made has been examined and it has been decided as follows:—

- (a) An order of confirmation which is clearly contrary to the relevant statutory/Service rules may be cancelled by the competent authority straight away. Here the order of confirmation was *abinitio* void as it was *ultra vires* of the relevant rules and cancellation of the order would be justified on the ground that there was no valid subsisting order at all and the act of cancellation is a mere formality. The effect of cancellation would be to put the employee concerned in a position of never having been confirmed.
- (b) An order of confirmation which is contrary to executive orders or administrative instructions may be cancelled by the competent authority, if such erroneous order of confirmation has operated to the prejudice of some identifiable person who would otherwise have been confirmed, if the orders had been correctly applied.

Here the order of cancellation would be just and equitable as the confirmation of the employee concerned operates unfairly to the detriment of another employee who would have otherwise been confirmed. Such cancellation will not have the effect of doing any injustice to the employee whose confirmation is cancelled, since he was, under the executive orders or administrative instructions in force, not entitled to confirmation.

It would, however be in consonance with the principles of natural justice that a notice to show cause why the order of confirmation should not be cancelled be given to the affected party in both types of cases specified above.

£ Inserted vide F.D. Order No. F.1(4) FD (Rules) 69, dated 2-2-1971.

2. In pursuance of Rule 35B it has been decided that the following provisions shall govern the pay and increments of a Government servant whose promotion or appointment in a substantive or officiating capacity to a post is later found to be erroneous on the basis of facts.

The orders or notification of promotion or appointment of a Government servant should be cancelled as soon as it is brought to the notice of the appointing authority that such a promotion or appointment has resulted from a factual error and the Government servant concerned should, immediately on such cancellation, be brought to the position which he would have held but for the incorrect order of promotion or appointment.

In the case, however, of a Government servant who has been erroneously promoted and appointed to a post in a substantive capacity the procedure prescribed in the aforesaid Government of Rajasthan's Decision No. 1 for deconfirming the Government servant in that post should be followed and only thereafter the Government servant concerned should be brought down to the position which he would have held but for the erroneous promotion/appointment by the issue of orders as mentioned above. Service rendered by the Government servant concerned in that post to which he was wrongly promoted/appointed as a result of the error should not be reckoned, for the purpose of increments or for any other purpose in that grade/post to which he would not normally be entitled but for the erroneous promotion/appointment.

Any consequential promotions or appointments of other Government servants made on the basis of the incorrect promotion or appointment of particular Government servant will also be regraded as erroneous and such cases also will be regulated on the lines indicated in the preceding paragraph.

Except where the appointing authority is the Government, the question whether promotion/appointment of a particular Government servant to a post was erroneous or not should be decided by an authority next higher than the appointing authority in accordance with the established principles governing promotions/appointments. Where the appointing authority is the Government, the final decision shall rest with the Administrative Departments concerned of the Government. In case of doubt the Administrative Department shall consult the Appointments Departments before taking final decision.

It has also been decided that cases of erroneous promotion/ appointment in a substantive or officiating capacity should be reviewed with serious concern and suitable disciplinary action should be taken against the officers and staff responsible for such erroneous promotion. The orders refixing the pay should be issued expressly under rule 35B and a copy thereof should be endorsed to Finance Department.

36. **Power to fix officiating pay at a lower rate.**—Government may fix the pay of an officiating Government servant at an amount less than that admissible under these rules.

NOTE

* One of the instances, where this rule should be applied is when a Government servant is not carrying out the full duties of a post but is holding charge of the current duties only.

37. Regulation of officiating pay when the pay of the post fixed at a rate personal to another Government Servant.—When a Government servant, officiates in a post, the pay of which has been fixed at a rate personal to another Government servant, Government may permit him to draw pay at any rate so fixed or if the rate so fixed be a time scale, may grant him initial pay not exceeding the lowest stage of that time-scale and future increments not exceeding those of the sanctioned scale.

38. Acting promotions in place of Govt. Servants attending a course of training etc.—Government may issue general or special orders allowing acting promotions to be made in the place of Government servants who are treated as on duty under Rule 7(8)(b).

Government of Rajasthan's Decision

@ Under rule 38 of the Rajasthan Service Rules a competent authority may allow acting promotions to be made in place of Government servants who are treated as on duty under rule 7(8) (b). A doubt has been raised whether formal creation of a new post is necessary in cases where such acting promotions are made, for allowing pay to a Government servant who is sent on a course of instruction or training in India which it treated as duty under Rule 7 (8) (b) (i).

It is decided that in the case of a Government servant sent for training or a course of instruction in India, it is not necessary to create a new post in order to accommodate him during such training course of instruction since the very order posting him for training etc. would be considered a sanction in this behalf. All pending cases may be decided on this basis.

39. Reduction of personal pay.—Except when the authority sanctioning orders otherwise, personal pay shall be reduced by any amount by which the recipient's pay may be increased, and shall cease as soon as his pay is increased by an amount equal to his personal pay.

Government of Rajasthan's Decision

^x1. The matter regarding treatment to be accorded to the personal pay granted under Rule 11 (1)(a) (iii) of the Rajasthan Civil Services (Revised Pay Scales) Rules, 1989 at the time of fixation of pay on promotion to the higher post in the regular line or grant of Selection Grade has been under consideration of the Government and the Governor is pleased to order that personal pay granted under Rule 11(1)(a)(iii) of Rajasthan Civil Services (Revised Pay Scales) Rules, 1989 shall be treated as basic pay for the purpose of fixation of pay in the pay scale of the higher post in the regular line or the Selection Grade.

* Inserted vide F. D. Order No. 9126/F, 7A(16) F.D. A(Rules)/ 57, dated 8-2-1958.

@ Inserted vide F.D. Memo No, F.1(37)F.D. (ER)64, dated 5-10-1964.

^x Inserted vide F.D- Order No. F.1 (37)FD(Gr.-2)/89, dated 12-12-1989.

This order will not be applicable to personal pay granted in terms of provisions of other rules/orders. In such cases treatment to the personal pay shall be given as provided in Rule 39 of the Rajasthan Service Rules.

This order shall take effect from 1-9-1988.

⁼The matter regarding treatment to be accorded to the personal pay granted under Rule 11(1)(a)(iii) of the Rajasthan Civil Services (Revised Pay Scales) Rules, 1998 at the time of fixation of pay on promotion to the higher post in the regular line or grant of Selection Grade has been under consideration of the Government and the Governor is pleased to order that the personal pay granted under Rule 11(1)(a)(iii) of the Rajasthan Civil Services (Revised Pay Scales) Rules, 1998 shall be treated as basic pay for the purpose of fixation of pay in the pay scale of the higher post in the regular line or the Selection Grade.

This order will not be applicable to personal pay granted in terms of provisions of other rules/orders. In such cases treatment to the personal pay shall be given as provided in Rule 39 of the Rajasthan Service Rules.

This order shall take effect from 1.9.1996.

40. Pay of a temporary post.—'When a temporary post is created which may have to be filled by a person not already in Government service, the pay of the post shall be fixed with reference to the minimum that is necessary to secure the services of a person capable of discharging efficiently the duties of the post.

41.—When a temporary post is created, which will probably be filled by a person already in Government service, its pay should be fixed with due regard to—

- (a) the character and responsibility of the works to be performed, and
- (b) the existing pay of Government servants of a status sufficient to warrant their selection for the post.

NOTES

1. A Government servant placed on "special duty" or "on deputation" should have the pay of his temporary post fixed at what his pay would have been from time to time in the regular line, had he not been so deputed. If the sanctioning authority is satisfied that a Government servant so deputed would otherwise have been advanced very shortly afterwards to a post carrying a higher rate of pay than that which he was drawing at the time his "special duty" or "deputation" begins and would continue to hold such a post for approximately the same period as his temporary post is expected to last, it may take this fact into account and fix a uniform pay throughout the period.

⁼ Inserted vide FD Order No. F.1(20)FD/Rules/98 dated 1.1.1999

2. The sole criterion for sanctioning enhanced pay in such cases is proof of a decided increase of work or responsibility in comparison with the duties of the post which the Government servant would otherwise occupy in the regular line. Where the test of comparative responsibility is not practicable Rule 40 may be followed.

3. Any extra remuneration sanctioned because of such increased work or responsibility should not save in very exceptional circumstances, exceed one-fifth of the substantive pay or Rs. 300 per mensem whichever is less.

4. Government servants deputed to posts parallel in work and responsibility to the post which they would otherwise have occupied should receive no increase in pay, though the peculiar circumstances in which their duty is to be performed may justify reasonable compensatory allowances. A good example of this type will be found in the personnel deputed to Committees and Commissions. Government servants deputed as members of Committees and Commissions will ordinarily be performing no more responsible duties than they would have performed had they remained in the ordinary line of their service, and it is only in exceptional cases that any extra remuneration can be justified. The foregoing principles may, however, have to be relaxed in exceptional cases where having regard to the importance of the duties, it is necessary to secure officers with special qualifications on special terms.

5. Temporary posts may be divided into two categories-posts created to perform the ordinary work for which permanent posts already exist in the cadre, the only distinction being that the new posts are temporary and not permanent and isolated posts created for the performance of special tasks unconnected with the ordinary work which a service is called upon to perform. An example of the latter type of posts would be a post on a Commission of enquiry. A distinction by strict verbal definition is difficult, but in practice there should be little difficulty in applying the distinction in individual cases. The former class of post should be considered to be a temporary addition to the cadre of service whoever may be the individual appointed to the post. The latter class of temporary posts should be considered as unclassified and isolated ex-cadre posts.

Temporary posts which by this criterion should be considered as temporary additions to the cadre of a Service should be created in the time-scale of the Service ordinarily without extra remuneration. Incumbents of these posts will, therefore, draw their ordinary time-scale pay. If the posts involve decided increase in work or of responsibility in comparison with the duties of the parent cadre generally, it may be necessary to sanction a special pay in addition.

For isolated ex-cadre posts it may occasionally be desirable to fix consolidated rates of pay. Where, however, the post is to be held by

members of a service it will ordinarily be preferable also to create the post in the time-scale of the holders service.

Audit Instruction

Under these rules special duty will not be recognized. A temporary post will have to be created for the performance of special duty, if special duty is to be undertaken in addition to the duties of the Government servant than Rules 41 and 50 will apply.

Matter End of the Chapter

@ Substituted vide FD Notification No.. F.1(8)FD(Exp. Rules)/67 dated 21-03-1967 w.e.f. 21.01.1967 for -

@ 26A. Notwithstanding anything contained in these Rules, where a Government Servant holding a post in 'a substantive, temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity to another post carrying duties and responsibilities of greater importance than those attaching to the posts (held by him.his initial pay) in the time-scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing the actual pay diawn by him in the lower post by one increment at the stage at which such pay is drawn:

Provided that provisions of this rule shall not apply in cases enumerated in the schedule in respect of which the Government may provide such other method of pay fixation as may be deemed appropriate:

Provided further that the provisions of Sub-Rule (2) of Rule 35-A shall not be applicable in any case where the initial pay is fixed under this rule:

Provided, also that where a Government Servant is immediately before his promotion to a higher post; drawing pay at the maximum of time-scale of the lower post, his initial pay in the time-scale of the higher post shall be fixed at the stage in that time scale next above such maximum in the lower post,"

£ Substituted vide ".FD. Notification No F. 1 (40) FD/Gr. 2/74, dated .; 28-8-74 for -

"(i) that where a Government servant is immediately before his promotion to a higher post, drawing pay at the maximum of the time-scale of lower post, his initial pay in the time-scale of higher post shall fixed be at the stage In that time-scale next above such maximum in the lower post."

@Substituted vide F.D. Order No.F.1 (20) FD (A) Rules/61-1, dated 14-11-1962, for:-

6. Additional Chief Engineer of the Public Works Department promoted as Chief Engineer in the (B.&R) Branch or Chief Engineer Rajasthan Canal Project or Chief Engineer (Headquarters) of the Irrigation Branch of Public Works Department.

%Substituted vide F.D. Order No. F. 1 (20) F.D. (A.-R) 61-1 dated 14-11-1962, for:-

Note:-- Rule 26A may be deemed to be effective from 1-9-1961 in respect of cases mentioned at Serial Nos. 3 to 6 Rule 26-A in respect of case mentioned at Serial Nos. 7 & 8 above may be deemed to be effective only during the period from 1-4-1961 to 31-8-1961.

Deleted vide FD order No. F.1(8)FD (E.R.)/67 dated 21-3-1967 for –

3. "Prior to the insertion of new Rule 26-A in the Rajasthan Service Rules, the pay of a Government servant officiating on a higher post could under Rules 35 (A) of the Rajasthan Service Rules be refixed consequent on increase in his substantive pay. Such refixation is not permissible under the provisions of new Rules 26 (A). It has been brought to notice of Finance Department that this leads to fixation of pay in the pay scale of the higher post at a stage less than one if he was appointed to officiate with effect from the date of his next increment in the pay scale of the lower post.

£Substituted vide F.D. Order No. F.2(b (11) F.D. (E.R.)/66 dated 29-1-1966 Effective from i-3-1965, the words "Stenographer" and "Senior Stenographer" for the words "Stenographer (s) Grade III" and "Stenographers, Grade II/Grade II Stenographers" respectively. (Schedule Item 5)

@Substituted vide F.D. Order No.F.1 (20) FD (A) Rules/61-1, dated 14-11-1962, for:- (Schedule Item 6)

6. Additional Chief Engineer of the Public Works Department promoted as Chief Engineer in the (B.&R) Branch or Chief Engineer Rajasthan Canal Project or Chief Engineer (Headquarters) of the Irrigation Branch of Public Works Department.

%Substituted vide F.D. Order No. F. 1 (20) F.D. (A.-R) 61-1 dated 14-11-1962, for:- (Schedule Item Note)

Note:-- Rule 26A may be deemed to be effective from 1-9-1961 in respect of cases mentioned at Serial Nos. 3 to 6 Rule 26-A in respect of case mentioned at Serial Nos. 7 & 8 above may be deemed to be effective only during the period from 1-4-1961 to 31-8-1961.

Previous Rule 31 as substituted vide F.D Order dated 31-3 1961.

Rules 31

Substituted vide F.D. Notification No. F.7A(4) FDA(Rules)/59-I, dated 31-3-1961.

"31 The following provisions prescribe the conditions on which service counts for increments in a time scale."

(a) All duty in a post on a time-scale counts for increments in that time scale.

(b) Service in another post whether in substantive or officiating capacity, service on deputation and leave other than extraordinary leave count for increments in the time-scale applicable to the post on which the Government servant holds a lien as well as in the time-scale applicable to the post or posts, if any, on which he would hold a lien had his lien not been suspended. In the case of Government servant who holds a lien on a permanent post or would hold a lien on such post had his lien not been suspended and who has been continuously officiating in another post for more than three years at the time he proceeded on leave and would have continued to officiate in that post but for his proceeding on leave other than extra ordinary leave counts for increments in the time-scale applicable to such other post. For the purpose of reckoning the three years limit, service in the other post will include periods of leave during which the Government servant would have officiated in the other post and officiating service in a higher post that counts for increment in the other post under clause (c):

Provided that the Government may in any case in which they are satisfied that the leave was taken on account of illness or for any other cause beyond the Government servant's control direct that extra ordinary leave shall be counted for increments under this clause.

Government of Rajasthan's Decisions

Attention is invited to the proviso to clause (b) of Rule 31 of the Rajasthan Service Rules as per which Government may allow extraordinary leave taken on account of illness or for any other cause beyond the Government servant's control to count for increment in the post on which a Government servant holds a lien or would hold a lien had his lien not been suspended. It has been decided that the extra-ordinary leave availed of by permanent Government servants for the purpose of undertaking higher scientific and technical studies may be allowed to count for increments under the Rule mentioned above.

It has further been decided that extraordinary leave availed of by temporary and officiating Government servants for the purpose of higher scientific and technical studies may be allowed to count for increments in the officiating appointment if an officer has put in at least three years service under the Government at the time of proceeding on such leave, provided that a certificate is given by the appointing authority that an officer would have continued to officiate in that post or the post on the same time-scale for his proceeding on leave.

(bb) The period of privilege leave upto a maximum of 120 days taken at a time counts for increments in the time-scale applicable to a post in which a Government servant was officiating at the time he proceeded on leave and would have continued to officiate but for his proceeding on leave. The period which counts for increments under this clause is however, restricted to the period during which the Government servant would have actually officiated in the post.

Government of Rajasthan's Decisions

1. The status of a Government servant appointed to a post in an integrated service; who has provisionally elected the new rates of pay pending the fixation of his position in one or the other of the cadres in terms of rule 5(iii) of the Rajasthan Civil Services (Unification of pay scales) Rules, has not been defined so far, and a doubt has been expressed whether leave taken by such Government servant counts for increments in the scale in which he draws pay in consequence of such provisional election.

Government have considered the matter and have decided that such a Government servant should be treated as having a provisional lien on the post to which he is thus appointed, and leave availed of during such appointments should count for increments in the same manner as if the scale provisionally opted for were a scale applicable to a post on

which the Government servant holds a lien in accordance with clause (b) of Rule 31 of the Rajasthan Service Rules. The period which counts for increments in such a case will, however, be restricted to the period during which the Government servant would have actually held the post in such provisional capacity, and drawn pay in the scale attached to it but for his proceeding on leave.

2. Under Finance Department Memo No. 365/F.II/54, dated 15-11-1954, the Accountant General was informed that the clarification issued under Finance Department Memo No. F.10(1) F.II.53, dated 5-10-1953, under Rule *31 (b) of R. S. R. is to take effect from 1-4-1951, the date of issue of R. S. R. Cases have come to notice in which periods of leave taken during the period from 1-4-1950 to 31-3-1951 by those who provisionally elected Unified Pay Scale have not been counted for increments in the scale in which they drew pay in consequence of such provisional option in view of the above Memo. The position has further been examined. As benefit of unified pay scale has been allowed to all Government servants from 1-4-1950. His Highness the Rajpramukh has been pleased to extend the decision contained in F.D. Memo No. F. 10(1) F. II/53, dated 5-10-1953 to cover also cases of leave taken during the period from 1-4-1950 to 31-3-1951. Leave availed by officers holding provisional appointments during this period will thereof count for increments in the manner laid down in F.D. Memo No. F.10(1) F.II/53. dated 5-10-1953.

* Substituted for 31(bb) vide F.D. Corrigendum No. F. 1(52) F.D. (Exp Rules) 66 dated 7-11-1969.

3. A question has been raised whether the certificate under Rule 31 (bb) would be necessary in the case of Government servants engaged on contract who are governed by the leave terms mentioned in Appendix II. It has been decided that the certificate under Rule 31 (bb) may be dispensed with in cases where officers are appointed on contract to specific posts and proceed on leave from those posts.

In the case of officers who are given indefinite contracts without specifying any particular post and other contract officers who though appointed initially to specific post are transferred in an officiating capacity to other posts and who proceed on leave thereafter, the certificate under Rule 31(bb) will be necessary to count the period of such leave for increments in the post which they hold in an officiating capacity immediately prior to proceeding on leave.

4. A question has arisen whether the periods of study leave and deputation-cum-special leave on half pay granted under rules 112 to 116 and Government decision below rule 51 of Rajasthan Service Rules will count about for increment in an officiating posts under Rule 31 (bb) *ibid*.

It has been held that the period of study leave and deputation-cum-special leave on half pay may be allowed to count for increments in an officiating post if an officer has put in at least three years of service under Government at the time of proceeding on such leave, provided that a certificate is given by the appointing authority that the officer would have continued to officiate in that post or a post on the same time-scale but for his proceeding on leave.

These orders will take effect from the date of issue. In respect of Government servants already on leave the leave period will count for increment from the date of issue subject to the fulfillment of the conditions laid down above.

Government of Rajasthan's Orders

1. Rule 31(bb) of Rajasthan Service Rules requires that a certificate should be recorded by the officer competent to sanction leave that the officer on leave would have actually officiated on the post during the period of leave, in order to enable the period of leave, to count for increment in the scale relating to the officiating appointment under the rule.

(2) It has been brought to notice that a number of Heads of Departments merely countersign certificates in this respect submitted by Subordinate officer's. Such a certificate

cannot be actually issued unless the whole cadre strength has been verified and checked and such an examination can only be carried out by the Controlling Officer himself.

(3) Absence of such check is likely to result in over payment. Heads of Departments, who are competent to issue such certificates are requested to see that the requirements of the rule 31(bb) of Rajasthan Service Rules are strictly observed and before issue of such certificate it should be fully verified by them that the number of officers holding posts substantively or on officiating basis did not exceed at any time the sanctioned number of posts, and the officer on leave was as a result, likely throughout the period of leave, to continue to officiate in the post in question.

(4) Under Finance Department Memo No. F. 10(15) F.II/54, dated 24-11-1954 the Heads of Departments were requested to see that the requirements of the Rule 31 (bb) of Rajasthan Service Rules are strictly observed and before issue of such certificate it is verified by the authorities competent to issue such certificates that the number of officers holding posts substantively or on officiating basis does not exceed at any time the sanctioned number of posts etc. etc. After issue of above Memo, it was brought to notice that until leave reserves are created in all the Departments there is likely to be difficulties in the issue of such certificates. The matter has, therefore, again been examined in consultation with the Accountant General and it has been held that as the excess in the cadre over the sanctioned strength as a result of an employee proceeding on leave is a permissible excess and no separate sanction to cover this is necessary the certificate required under rule 31(bb) Rajasthan Service Rules can be issued without creating any leave reserve in the Department where the same does not exist at present provided there is no excess in the cadre other than the permissible excess referred to above.

(5) A question has been raised whether certificate to the effect that the Officer would have continued on the post during the period of leave required under Rule 31 (bb) of R. S. R. should be recorded by the authority sanctioning the leave or by the authority controlling the cadre.

The question has been examined. In cases where entire cadre is under the control of an officer, who is also the leave sanctioning Authority, it would be possible for the leave sanctioning authority to ascertain beyond doubt whether a particular officer would have officiated in the post but for his proceeding on leave. There would however, also be cases where the entire cadre is not controlled by the leave sanctioning authority and in such cases the leave sanctioning Authority would not be in a position to record a correct certificate regarding continuance but for proceeding on leave of an officer on a post in which he was officiating at the time of proceeding on leave. It has, therefore, been decided that in the later type of cases subordinate leave sanctioning authority should enquire from the authorities controlling the cadre whether a particular officer will continue on the same post during leave and the certificate may then be recorded by the leave sanctioning authority while issuing orders sanctioning the leave.

4. A question has been raised whether in the case of non-gazetted Government servants, it is necessary that a certificate under Rule 31(bb) should be recorded in the Service Book of the Government servant concerned. It has been decided that whenever the certificate is issued by the Administrative authority, a very concise entry such as "certificate under Rule 31(bb) issued for the period from".....to....."should also be recorded after the entry regarding leave in service book.

(bbb) Joining time under Rule 127 (b) following leave should count for increments in the scale attached to the post, whether temporary or permanent in which a Government servant is officiating at the time of proceeding on leave and would have continued to officiate but for his proceeding on leave and joining time taken, if any, subject to the condition that Privilege leave plus joining time does not exceed 120 days.

(c) If a Government servant, while officiating in a post or holding a temporary post on a time-scale of pay, is appointed to officiate in a higher post or to hold a higher temporary post, his officiating or temporary service in the higher post shall, if he is re-appointed to the lower post or is appointed or re-appointed to a post on the same time-scale of pay count for increments in time-scale applicable to such lower post. The period of officiating service in the higher post which counts for increment in the lower is, however, restricted to the period during which the Government servant would have officiated in the

lower post but for is appointment to the higher post. This clause applies also to a Government servant who is not actually officiating in the lower post at the time of his appointment to the higher post, but who would have so officiated in such lower post or in a post on the same time-scale of pay had he not been appointed to the higher post.

Government of Rajasthan's Decision

Under clause (c) of Rule 31 of Rajasthan Service Rules a Government servant officiating in a post or holding a temporary post can count onwards increments in the time-scale applicable to such post, service rendered in an officiating or temporary capacity in any higher post to which he may be appointed while officiating in or holding the lower temporary post, provided he would have continued to officiate in or hold such lower post but for his appointment to the higher post.

As, strictly speaking the rules in the Rajasthan Service Rules are not applicable when both the posts are not under this State in cases where a Government servant of states while officiating in a post or holding a temporary post under this State is appoint to officiate in a higher post or to hold a higher temporary post under the Central Government or other State, the period of service in the higher post under the Central Government or other State cannot count for increment in the lower post in the State unless recourse is had to Rule 32 of Rajasthan Service Rules. After careful consideration, it has been decided that the benefits of Rule 31(c) may be extended to the Government servants of this State officiating in higher posts or holding higher temporary posts under the Central Government or other State also.

(c) The period of officiating and temporary service in the higher post will also include the period of privilege leave for 120 days provided it is certified by the appointing authority that the Government servant concerned would have actually officiated in the lower post but for proceeding on leave from the higher post.

(d) If a Government servant's substantive tenure of a temporary post is interrupted by duty, in another post other than a post carrying less pay referred to in clause (a) of Rule 20, or by leave on average pay, or by foreign service, such duty or the period of such leave upto a maximum of four months taken at a time, or foreign service, as the case may be, counts for increments in the time-scale applicable to the temporary post if the Government servant returns to the temporary post:

Provided that Government may in any case in which they are satisfied that the leave was taken on account of illness or for any other cause beyond the Government servant's control, direct that extraordinary leave shall be counted for increments under this clause:

(e) Foreign service counts for increments in the time-scale applicable to-

(i) the post in Government service on which the Government servant concerned holds a lien as well as the post or posts, if any, on which he would hold a lien had his lien not been suspended, and

(ii) any post to which he may receive officiating promotion under Rule 143 below for the duration of such promotion.

NOTE

Clause (d) of this rule applies to substantive and not to officiating tenure of a temporary post."

CHAPTER V

Addition to Pay

42. Subject to general rule that the allowance is not on the whole a source of profit to the recipient. Government may grant such allowances to a Government servant under its control and may make rules prescribing their amounts and the conditions under which they be drawn.

*(For Rules made under this rule see Appendices
XVI, XVII, XXX and XXXI)*

@43. **Permission for undertaking work and acceptance of fee.**—(a) Subject to any Rules made under Rules 44 to 46, a Government servant may be permitted, if this can be done without detriment to his official duties and responsibilities, to perform a specified service or series of services for a private person or body or for a public body including a body administering local fund and to receive a remuneration therefore, if the service be material, a non-recurring or recurring fee.

%Note-Deleted

(b) **Sanction of competent authority necessary for acceptance of a fee:**—No Government servant may undertake work for a private or public body or a private person, or accept a fee therefore without the sanction of competent authority, who unless the Government servant is on leave, shall certify that the work can be taken without detriment to his official duties and responsibilities.

Government of Rajasthan's Instructions.

*It has been brought to the notice of the Government that technical officers and technical staff working in technical departments like Public works Department, Irrigation, Power, Public Health Engineering Department, Medical & Health, Public Health Laboratory etc. or Government servants having qualifications of chartered accountants or cost-accountants etc. are granted permission by the Administrative Department/Heads of Department to undertake consultancy work or work of any other nature for a private or public body or a private person and to accept fee therefore. The permission for undertaking of such work and acceptance of fee therefore can only be given if it is certified that

@ (Substituted vide F.D. No. 4639/59 F. 7A (31) FD-A (Rules) 57 dated 24-9-1959 for:-
"43. (a) Government may permit a Government servant if it be satisfied that this can be done without detriment to his official duties or responsibilities to perform a specified service or series of services for a private person, or body or for a public body including a body administering a Local fund and to receive as remuneration there for if the service be material, a non-recurring or recurring fee."

% Deleted vide F.D Notification No. F.1 (14) FD-A (Rules) 61-1, dated 23-10-1964. Effective from 21-11-1962. for:—

"NOTE: -This clause does not apply to the acceptance of fees by medical officers for professional attendance, which is regulated by separate orders."

^x Inserted vide F.D. No.F.1(4)FD/(Gr.2)/77, dated 25-1-1977

the Government employee concerned could perform such work or service-without detriment to his official duties and responsibilities.

Government are of the view that the aforesaid technical officers and staff are not in a position to undertake the work or perform a specified service or series of services for a private or public body or private firm without detriment to their official duties and responsibilities taking into consideration the nature of duties they are required to perform in such technical departments.

It is, therefore, enjoined upon the authority competent to grant such permission under Rule 43 of the Rajasthan Service Rules that they would ordinarily not grant permission to such Government servants to take up the work for a private or public body under Rule 43 of the Rajasthan Service Rules and that in cases where grant of permission in some cases is considered very essential, it is necessary that special circumstances and considerations necessitating such permission are recorded in the sanction itself in addition to the certificate envisaged in Rule 43 (b) of Rajasthan Service Rules.

(c) Circumstances in which Honorarium can be granted.—Government may grant or permit a Government servant to receive an honorarium from the Consolidated Fund as remuneration for work performed which is occasional %[or intermittent] in character and either so laborious or of such special merit as to justify such a reward. Except when special reasons which should be recorded in writing, exist for a departure from this provision sanction to the grant or acceptance of an honorarium should not be given unless the work has been undertaken with the prior consent of the Government and its amount has been settled in advance.

Government of Rajasthan's Instructions.

@1. Questions sometime come up whether under Rule 43 (c) of Rajasthan Service Rules an honorarium can be granted to a gazetted officer in consideration of the long hours of work put in by him when in similar circumstances non-gazetted Government servants are sanctioned honorarium.

In this connection, attention is invited to Rule 7(13) of the Rajasthan Service Rules according to which honorarium can be granted only for special work of an occasional or intermittent character. It is clear from this that when a Government servant performs his normal duties; he is not to be granted any honorarium even if he works beyond normal working hours. Similarly, honorarium cannot appropriately be granted when additional duties of character identical to the normal duties are performed.

In special cases relating to members of the ministerial staff, however, where extraordinary long working hours have to be observed for a considerable period in exceptional circumstances,

% Inserted vide F.D. No. D. 8224/59/F. 7A(31)FD-A(R)/57 dated 31-12-1959

@ Inserted vide F.D. No. D 6558/59/F. 7A(31)FD-A(Rules)/57 dated 30-1-1960.

honoraria are sometimes sanctioned by Government as a matter of recognised practice. This does not, however, apply to gazetted officers. No honorarium can be granted to a gazetted officer for any work which is part of or indetical to, his normal duties even if he has to work beyond office hours. No recommendations for the grant of honoraria to gazetted officers should, therefore, be made in such cases to the Government.

%2. A question has been raised whether honorarium under Rule 43(c) can be granted to a Government servant for performing the duties of another sanctioned post in addition to the normal duties attached to his own post.

Honorarium has been defined in Rule 7(13) of Rajasthan Service Rules as a recurring or non-recurring payment granted to a Government servant from the Consolidated Fund of the State or the Consolidated Fund of India as remuneration for special work of an occasional or intermittent in character. When a post is sanctioned the duties attached to it can hardly be regarded as occasional or intermittent in character. Hence, when in addition to his own duties, a Government servant is required to perform the duties of another sanctioned post, he should be deemed to be performing additional duties which are not occasional or intermittent in character, even though he may be asked to perform such additional duties only for a short period. Honorarium under Rule 43(c) of R. S. R. will not, therefore, be admissible to a Government servant who is required to perform the additional duties of a sanctioned post.

Past cases which have been already decided otherwise need not be re-opened.

@3. Under Rule 43(c) of the Rajasthan Service Rules no Government servant can undertake any work and accept the honorarium therefor without sanction of the competent authority. The field staff engaged in Community Development and Organisation like Gram Sevaks, Block Development Officers etc. can contribute in the form of letters and articles to the monthly "Panchayat Raj" journal brought out by the Ministry of Community Development and Cooperation, Government of India through the agency of the Ministry of Information and Broadcasting and are paid remuneration for the same after obtaining sanction from competent authority as required under the aforesaid rule.

Government having considered the matter is of the view that much delay and inconvenience will be caused to the contributors in obtaining individual sanction for undertaking the above work and acceptance of remuneration therefor. It is, therefore, ordered that the field-staff engaged in the Community Development programmes who contribute to the journal mentioned above in the form of letter and articles may be permitted to do so and to accept honorarium therefor.

% Inserted vide F. D. Office MemoNo. F.7A(38)FD-A (Rules) 60-1, dated 2-1-1961.

@ Inserted vide F.D. Memo. No. F. 1(13)F.D.(E-R)/64, dated 13-4-1964.

*4. Consequent upon introduction of Rajasthan State Lottery Scheme, all District Treasury Officers and the Manager, Rajasthan House, New Delhi, have been appointed as Ex-Officio District Lottery Officers and Sales Officer (Lottery) New Delhi respectively. One clerk of their offices has also been entrusted the work connected with the Lottery Scheme. Since the work connected with the Lottery Scheme does not form part of the normal duties the question to grant honorarium to these Officers has been under consideration of the Government for some time past. The matter has been considered and it is ordered under Rule 43 (c) of the Rajasthan Service Rules that the Lottery Officers, Sales Officer (Lottery) New Delhi and one clerk of their offices who deals with the work connected with Rajasthan State Lottery may be allowed honorarium for each draw(commencing from First Draw) subject to the condition that the target of the sale of Lottery Tickets fixed is achieved.

The targets of the sale of Lottery Tickets for each draw in respect of each District Lottery Officers/Sales Officer (Lottery) New Delhi and the rate of honorarium to be allowed on that basis to these officers and the clerk shall be determined by the Administrative Department with the concurrence of the Finance Department (Expenditure).

Due regard has been paid to the principles enunciated in Rules 7 (13) of the Rajasthan Service Rules while granting honorarium under these orders.

The competent authority to sanction honorarium under these orders shall be the Director of Small Savings and State Lotteries Rajasthan, Jaipur.

^x5. Under Rule 7 (13) of the Rajasthan Service Rules, honorarium has been defined as a recurring or non-recurring payment granted to a Government servant as remuneration for special work of an occasional or intermittent character. Under Rules 43 (c) a competent authority may grant or permit a Government servant to receive an honorarium as remuneration for work performed, which is occasional or intermittent in character and either so laborious or of such special/merit as to justify a special reward. It is also laid down that except for special reasons which should be recorded in writing, sanction to the grant of an honorarium should not be given unless the work has been undertaken with the prior consent of the competent authority and its amount has been settled in advance. The sanctioning authorities are required to record in writing that while granting the honorarium, due regard has been paid to the general principles enunciated in Rule 13 *ibid*.

It is clear from the above that honorarium should be sanctioned to Government servants only in exceptional cases for

* Inserted vide F.D. Notification No.1(7) FD (Rules)/70,dated 31-1-1970.

^x Inserted vide F.D. Memo.No.F.1 (76) FD(Rules)/70,dated 11-12-1970

work which is of special merit and is outside the normal sphere of duties of the Government servants concerned. Recently, a few cases came to the notice of the Government in which honorarium was either granted or proposed to be granted to certain staff, for performance of duties which is within the sphere of normal duties of the Government servant concerned.

While it is not possible to enumerate the specific cases in which honorarium should not be granted, the following guide lines should be kept in view by the competent authorities in deciding each case.

(i) No honorarium is admissible for temporary increase in work, which are normal incident of Government work and form part of the legitimate duties of Government servants.

(ii) No honorarium should be given when a Government servant performs duties of another sanctioned post in addition to the normal duties attached to his own post.

Honorarium may, however, be sanctioned in the following cases—

(i) for dealing with Assembly Questions during a particular Assembly Session to a Government servant in the offices of Heads of Departments and Administrative Departments of Government. No honorarium should be granted for dealing with Assembly Questions in the offices subordinate to Heads of Departments.

(ii) for preparation of Budget in the Finance Department. No honorarium should be allowed in the Administrative Departments/Offices of Heads of Department and offices subordinate to Heads of Departments for doing Budget work.

(iii) for attending to the Conferences work organised at Government level/State level by Heads of Departments, provided that Government servants are specially entrusted the work of the Conference in advance.

(iv) for attending the work in connection with Republic Day and Independence Day Celebrations at the level of State Government or the Collector.

(v) for attending to the bills presented in the Treasury during the second fortnight of March.

(vi) for doing pay fixation work by the staff of Treasury or offices of Accounts Officers provided pay fixation cases are finalised within six months from the date of publication of pay scales.

(vii) floatation of Public Loan by the staff of Finance Department (Ways & Means.)

(viii) sudden Natural Calamity like Flood, Hail Storm or Earthquake.

(ix) visit of President or Prime Minister.

(x) during "Drives for Recovery of government dues for period of not more than two months."

The authority competent to sanction honorarium shall record a certificate in the sanction itself that he has personally checked the claim and that he is satisfied the work by the Government servant concerned for which honorarium is sanctioned.

Government of Rajasthan's Decisions.

[%]1. A question has been raised whether the whole time teaching staff or part time teaching staff in receipt of special pay granted in consideration of teaching, duties in the various staff training institutions and courses may also be allowed remuneration in the nature of honorarium under rule 43(c) of the Rajasthan Service Rules for paper-setting, evaluation of answer books or for taking practical examination etc in connection with examinations or tests held in the said institutions and courses.

The matter has been examined and it has been decided that no honorarium may be granted to the Government servants engaged in teaching duties whether on the whole time basis or on part time basis in Government training institutions or in connection with staff training courses for paper-setting, evaluation of answer books or for taking practical examination etc. as such duties form part of the teaching duties of the staff of such institutions and courses. Remuneration for the above purposes will, however, continue to be paid to the persons who are not performing any teaching duties at training institutions or for such courses.

[£]2. Government servants, who are Poets or Artists are occasionally invited to participate in Kavi Sammelan, Mushairas and other cultural programmes organised by the Directorate of Public Relations and some other Department of Government and are paid honorarium from the consolidated fund for the services.

Under rule 43 of the Rajasthan Service Rules a Government servant in one office cannot undertake any work in another office and accept remuneration therefor without the sanction of the competent authority.

The matter has been examined and it has been decided that Government servant who are called upon to participate in Kavi Sammelan, Mushaira and other programmes organised by the Directorate of Public Relations or other Departments organising such functions may be granted a standing permission to participate there in subject to the following conditions—

(i) the amount of honorarium payable to a Government servant does not exceed Rs. 25/- p.m. on any one occasion and not more than Rs. 50/- in a month.

(ii) The employees of the Directorate of Public Relations or of the Department organising such programmes taking part in such programmes shall not be entitled to payment of honoraria under these orders.

[%] Inserted vide F.D. No. F.1(33) F.D.(E-R)/64. dated 15-9-1964.

[£] Inserted vide F.D. Memo. No. F. 1 (34) F.D. (Exp.-Rules)/64, dated 17-9-1964.

Fees and Honoraria

(d) **Reasons for grant to be recorded.**—In the case of both fees and honoraria the sanctioning authority shall record in writing that due regard has been paid to the general principles enunciated in Rule 13 and shall also record the reasons which in his opinion justify the grant of the extra remuneration.

The grant of honoraria is not justified to a Government servant merely because there is temporary increase in his work e.g. the holding of a special Conference under the auspices of his department. Such temporary increases are normal incidents of Government service and form part of the legitimate duties of Government servants. Consequently they have no claim for extra remuneration.

Clarification

@1. Power have been delegated to sanction the undertaking of work for which an honorarium is offered and the grant or acceptance of honorarium, to the extent indicated at S. No. 9 of the Appendix IX of the Rajasthan Service Rules. The following questions have been raised in this connection: —

(i) Whether in cases where the authority competent to sanction the undertaking of work and acceptance of an honorarium is one different from the authority competent to sanction the grant of an honorarium (such cases arise, for instance, when a Government servant employed in one Department undertakes the work of another Department), the concurrence of Finance Department should be obtained even for sanctioning the undertaking of work and acceptance of an honorarium in excess of the limits, laid down in S. No 9 of Appendix IX of the Rajasthan Service Rules, and

(ii) Whether in such cases two sanctions, one by the lending authority in regard to the undertaking of work and acceptance of an honorarium and the other by the borrowing authority in regard to the grant of specified amount as honorarium are necessary.

It is hereby clarified that in such cases the lending authority, after it has taken a decision that without detriment to his normal official duties and responsibilities, the Government servant concerned may be allowed to undertake additional work and accept honorarium, therefor should convey to the borrowing Department its approval to his undertaking the additional work and accepting honorarium together with the certificate required under Rule 43(d) of the Rajasthan Service Rules and that the borrowing authority should then issue a sanction granting an honorarium, incorporating therein ' (i) the certificate prescribed in rule 43 (d)

@ Inserted vide F.D. Office Memorandum No. F. 7A (38) F.D.A. Rules 60-11. dated 2-1-1961.

ibid and (ii) a certificate to the effect that the sanction issues with the concurrence of the lending authority.

Where a competent authority is to grant honorarium to one of its own employees, a sanction granting honorarium and containing there in the certificate prescribed in Rule 43 (d) *ibid* which will automatically carry with it the sanction for the undertaking of work and acceptance of honorarium, would be adequate.

In the types of cases referred to in both paragraphs 2 and 3 above, the borrowing authority should issue the sanction only with the concurrence of the Finance Department if the quantum of the honorarium exceeds the limits laid down in S.No. 9. Appendix IX *ibid*.

@2. Clarification No. 1 below Rule 43 (d) requires that prior approval of the lending Department should be obtained by Government Officers to undertake any work in another Department and to accept the remuneration therefor. Similarly Rule 43(b) of the Rajasthan Service Rules requires that no Government Servant can undertake work for private or public body or private persons or accept the fees therefore without sanction of the competent authority. These provisions have led to unnecessary delay in certain cases. Government having considered the question in general are of the view that in respect of the examination conducted by the Rajasthan Public Service Commission. Universities and various Departments of the Government etc., it is not necessary to accord individual sanction for undertaking the work and acceptance of remuneration therefor in every case. It is therefore ordered that an Officer of the Government who is called to undertake work in connection with the examinations conducted by the following examining bodies be permitted to accept such assignment and remuneration therefor on the condition that such work does not interfere with his normal duties:—

1. The Universities in Rajasthan.
2. The Rajasthan Public Service Commission and Union Public Service Commission,
3. The Principal, Officers Training School, Jodhpur.
4. Other Departments of the State Government.

%3. Attention is invited to 'Clarification 2' below rule 43 (d) of Rajasthan Service Rules under which permission to undertake work in connection with Union Public Service Commission and to accept remuneration therefor has been granted by the Government to Government servants.

As some of these examinations are now to be conducted by the Government of India, Secretariat Training School, it has been

@ Inserted vide F.D. Order No. F.1(66)FD-A/Rules/62, dated 25-10-1962.

% Inserted vide F.D. No. 1 (55) F.D. (Rules)/71, dated 19-8-1971.

decided that the provisions of the aforesaid clarification will also apply to Government servants who may be appointed as Paper Setters, Moderators, or Examiners by Government of India, Secretariat Training School, Examination Wing.

Audit Instruction

Audit officers may require that the reasons for the grant of an honorarium or fee would be communicated to them in each case, so as to enable them to scrutinise the appropriateness of the sanction.

Government of Rajasthan's Decisions

*A question has been raised whether Personal Assistants/Private Secretaries/Stenographers etc., attached to the Officers nominated as Chairman or Members of Boards of Directors of certain Corporations/ Companies, should be allowed additional remuneration as fees from these organisations for assisting the officers to whom they are attached in performing their allotted duties on these Boards. The matter has been examined and it has been held that they will not be entitled to any additional remuneration for assisting the officers to whom they are attached in performing their allotted duties on these Boards.

@44. Power to make rules regulating acceptance of fees by medical officers.—Separate rules shall regulate the conditions and limits subject to which fees for professional attendance and for services other than professional attendance may be accepted by the Medical Officers of the Government.

*Note:— The term 'Medical Officers' include Chief/Public Analyst for the purpose of this rule.

^x45. Deleted.

* Inserted vide F. Order No. 6138/F.7A.(34)F/D/A(Rules)/57, dated 31-12-1957.

@ Rule 44 Substituted vide FD Notification No. F.1(14)FD-A(Rules)61-1, dt. 23-10-1964. Effective from 21-11-1962.—

"44. Government may make rules prescribing the conditions and limits subject to which a fee may be received by Medical Officer in civil employ for services other than professional attendance."

* Inserted vide F.D. Notification No. F. 1(77) FD (E.R.)/65-I, dated 6-1-1966. Effective from 21-11-1962,

^x Rules 45 & 46 deleted vide F.D. Notification No. F.I (14) F.D.A.(Rules)/61-I, dated 23-10-1964. Effective from 21-11-1962.

"45. Unless Government by special order otherwise directs, no portion of any fee received by a Medical Officer for services other than professional attendance shall be credited to the Consolidated Fund.

46. Subject to any special orders issued by Government, Medical Officers may accept fees for services other than professional attendance at the rate shown in Appendix X subject to the following conditions:—

(1) No work or class of work involving the acceptance of fees may be undertaken on behalf of a private person or public body, except with the knowledge and sanction, whether general or special of a competent authority under whom the Medical Officer is serving.

(2) In case where the fee received by the Medical Officer is divisible between himself and Government, the total amount should first be paid into the Government Treasury, the share of the Medical Officer being thereafter drawn on refund bill. In

x46. Deleted.

- %47. **When fees should be credited to Government:** — Unless the Government by special order otherwise directs, one-third of any fees in excess of Rs. 400/- or, if a recurring fee, of Rs. 250/- a year, is paid to a Government servant shall be credited to general revenues.

NOTES

1. This rule does not apply to fees received by Government servant from a University or other examining body in return for their services as examiners.
2. Fees received by Government servants for giving expert evidence on technical matters before a court of law is covered by the provisions of above rule.
3. Non-recurring and recurring fees shall be dealt with separately and should not be added, for the purpose of crediting one-third to general revenues under this Rule. In the case of the former the limit of * [Rs. 400] prescribed in this rule should be applied in each individual case and in the case of later the limit should be applied with reference to the total recurring fees for the financial year.

Government of Rajasthan's Decision

- @1. A doubt has been raised as to whether provisions of rule 47 of R.S.R. and Finance Department Memo No. F.26(30)F.I/54, dated 1-10-1954 apply to the officers borne on I.A.S. cadres also.

The matter has been examined and it has been held that the

such cases a complete record of the work done and of the fees received should be kept by the Medical Officer. This procedure will not apply to fee for examination by a Medical Board for commutation of pension, 3/4th of which will be paid to the Medical Board in cash by the examinee.

(3) For private bacteriological, pathological and analytical work carried out in Government Laboratories and in the Chemical Examiner's Department. 40 percent of the fees should be credited to Government the remaining (60 percent) being allowed to the Director of the Laboratory or the Chemical Examiner as the case may be, who may divide it with his assistants and sub-ordinates in such manner as he considers equitable. No payment would, however, be made to officers from the sale proceeds of those vaccines which are used on a large scale for prophylactic purposes for example, T.B., Cholera, Influenza, vaccines.

(4) The rates shown in Appendix X are maximum which a Medical Officer will be free to reduce or remit if he is entitled to appropriate them himself. In cases where the fee is divisible between the Medical Officer and Government the former may share lower rates in special cases where he considers it necessary either owing to the pecuniary circumstances of the patient or for some other reason of public interest and the share of Government will be calculated on the basis of the fee actually realised instead of the scheduled fee, provide that the approval of Government is obtained by a general or special order in this behalf.

% Rule 47 substituted vide FD Noti. No. F.I(50)FD(Exp-Rules)/65, dated 27-8-1965, "47. Unless the Government by special order otherwise directs, one-third of any fee in excess of Rs. 250/- or, if a recurring fee of Rs. 250/- a year paid to a Government servant shall be credited to general revenues."

* Substituted for "Rs. 250" by FD Noti. No.F.1(50)FD(Exp-Rules)/65, dated 27-8-1965.

@ Inserted by F.D. Memo No. F.11(11)F./II/55, dated 3-9-1955.

cases of officers borne on All India Service Cadres will be governed in this matter by the provision in F.R. and S.R. reproduced below which is similar to Rule 47 of R.S.R. and F.D. order referred above.

\$S.R.12—Unless the President by special order otherwise directs, one-third of any fees in excess of Rs. 400 or, if a recurring fee, of Rs. 250 a year, paid to a Government servant shall be credited to general revenues.

*2. Government officers who attend the meeting of the Board of Directors of Companies, Co-operative Societies, Autonomous Bodies, Industrial or Commercial Corporations or any Corporate Body or Statutory Organisation or other concerns or Advisory or Consultative Committees appointed by Government for Autonomous Bodies or Statutory or Non-Statutory Corporations, Companies etc. as Government nominees may draw the fee or other remuneration (including Travelling Allowance & Halting Allowance) paid to them by such bodies and credit the entire

\$ Substituted vide F.D.Notification No.1(50)F.D.(Exp.-Rules)/65 dated 27-8-1965.

S.R. 12—Unless the President by special order otherwise directs one-third of any fee in excess of Rs. 50/- or, if a recurring fee of Rs. 50/- a year paid to a Government servant shall be credited to general revenues.

* Substituted vide FD Noti. No.F.1(a)(27)FD/Gr.2/77, dated 7-5-1979 w.e.f. 25-10-78 for the following :—

2. Fee or remuneration of Government officers who attend meetings of statutory organisations, corporate bodies, industrial & commercial corporations (not departmentally run) shall be recoverable from the concerned undertaking only if these are not wholly owned by the State Government but in which State Government funds are invested or which are financed partly by such funds. In case of a private company which does not receive any financial assistance from the State Government or in which State Government funds are not invested, fee or remuneration for attending meeting of the Board of Directors shall be recoverable from the concerned company. (# - For more Information look at end of Chapter)
- (2) The cases of semi-Government/non-Government institutions receiving grants from the State Government shall be considered on merits in consultation with Finance Department.
- (3) Fee or remuneration, Travelling Allowance and Halting Allowance shall not be directly accepted by the concerned Government servants in any of the cases referred to above. The officer authorised to prefer claims in this regard under Rajasthan Travelling Allowance Rules shall prefer the claim against the undertaking/Company Corporation/Body "for and on behalf of" the Government servants concerned.
- (4) Such officers may, however, draw Travailing Allowance and Halting Allowance in accordance with the provisions contained in Rajasthan Travailing Allowance Rules and such claims will be drawn from the source from which their pay is drawn. The Travelling Allowance bills preferred by such Government servants should be supported by a certificate to the effect that no Travelling Allowance, fees or other remuneration, has been claimed or drawn by him from the said organisation.
- (5) The claims in regard to Travelling Allowance/Halting Allowance fees or other remuneration shall be preferred by an authorised officer in accordance with the provisions contained i» Rajasthan Travelling Allowance Rules in this regard. The amount recovered shall be credited as revenues of the department concerned."

amount to the receipt head of the department concerned.

Such officers may, however draw Travelling Allowance and Halting Allowance in accordance with provisions of the Rajasthan Travelling Allowance Rules. In the bill claiming Travelling Allowance the officers shall record a certificate to the effect that the entire amount of fee or remuneration (including Travelling Allowance & Halting Allowance) received by him from the body has been credited to Government and reference of cash receipt No. and date/Treasury Challan No. & Date with Head of Account through which he has deposited the money in Government Account may also be indicated.

[£][Note: If Travelling Allowance & Daily Allowance is paid to an officer of the State Government as per Rajasthan Travelling Allowance Rules, 1971, who is deputed as Government nominee for attending meetings of the Government Companies, Corporations and Bodies, Co-operative Societies, Autonomous Bodies etc, he may retain the amount so paid to him on this account and he may not be required to credit the said amount to the receipt head of the department concerned nor he will submit any claim from his Department Budget. The amount of fee or remuneration paid to him by such bodies should, however, be credited to the receipt head of the department concerned.]

In the case of local meetings such officer shall draw only conveyance charges of Rs.⁺(25/-) each such meeting attended provided "the officer has not used/utilised Government Vehicle or Autonomous Body, Company's Board's Vehicle for attending such meeting.

^x"Note:-The provisions contained in para 3 of Government of Rajasthan Decision No. 2 below Rule 47 of Rajasthan Service Rules shall also be applicable in cases where Government servants are required to attend annual general meetings of the aforementioned organisation as a nominee of the Governor. In case no fixed conveyance charges are paid for attending annual general meetings by the aforementioned organisations, the same shall be paid by the Government out of the office expenses of the department concerned."

[%]3. A question has been raised whether a Government servant who is granted study leave to prosecute a course of studies or for receiving specialised training in professional or technical subjects and who may be awarded any scholarship or stipend from a Government or non-Government source in addition to leave salary is required to credit to Government 1/3rd of such scholarship or stipend under Rule 47.

In this connection it may be stated that any payment of the

[£] Added vide FD Notification No F.1(a)(27)FD/Gr.2/77 dated 30-11-1984.

⁺ Substituted for the words & figures "Rs. 15/-" vide F.D.Notification No. F. 1 (a) (27) FD (Gr.-2)/77 dated 15-3-1985

^x Inserted vide F.D. Notification No. F. 1 (a) (27) F.D. (Gr.2)/77dated 15-3-1985.

[%] Inserted vide F.D. No. D. 783 A/F, 7A (50) F.D.-A (Rules) 59, dated 16-3-1960,

nature of scholarship or stipend received by a Government servant from the Consolidated Fund of India or the Consolidated Fund of a State is to be treated as "honorarium" under Rule 7(13). It is only when a Government servant is awarded scholarship or stipend from a source other than the above two sources that it will be treated as fees.

It has now been decided that any scholarship or stipend received during study leave or otherwise, by a Government servant from a source other than the Consolidated Fund of India or Consolidated Fund of a State for the purposes of prosecuting a course of studies or receiving specialised training in professional or technical subjects will not be subject to a cut under the provisions of Rule 47.

@4. Under Rule 7(9) as amplified by Memo, dated 24-9-59, income from literary, cultural or artistic efforts, if such efforts are aided by the knowledge acquired by the Government servant in the course of his service, is "fee" when such income is derived from a source other than the Consolidated Fund of India or the Consolidated Fund of a State, and is subject to the provisions of Rule 47 of R. S. R. It has now been decided that Rule 47 should not be applied to the income derived by a Government servant from sale or royalties of a book written by him with the aid of the knowledge acquired by him during the course of his service, if such book is not a mere compilation of Government rules, regulations or procedures but it reveals the author's scholarly study of the subject. A certificate to the above effect may, therefore, be furnished by the competent authority while recommending the relaxation of Rule 47 in such cases. It has also been decided that Rule 47 of R. S. R. will not apply to the income derived by a Government servant from exploration of patent for an invention taken out by him with the permission of competent authority under Rule 49 of RSR.

%5. In exercise of powers under Rule 47 of Rajasthan Service Rules, the Government are pleased to exempt all Government servants from the operation of the rule in respect of (i) fees received by them from a University, Board of Education or other examining body in return for their services as examiners, paper setters, Superintendents, invigilators or checkers, and (ii) fees received from Municipal Bodies or Rural Local Bodies viz., Panchayats and Panchayat Samitis in return for the services rendered by them to such bodies without detriment to their official duties.

Provisions of Rule 43 of the Rajasthan Service Rules, will, however, continue to operate, and no work will be undertaken, or fees accepted under para 1 above except with the sanction of competent authority under Rule 43.

*6. According to the provisions of Government of

@ Inserted vide No. 2539 F.D.7A(24)FDR./60, dated 1-7-60.

% Inserted vide F.D. Order No. 7A(58)F.D-ARules/60 dated 31-3-1961.

* Inserted vide FD Memo No. F.I(13)FD-(Rules)/71, dated 18-3-1971.

Rajasthan Decision No. 2 below Rule 47 of the Rajasthan Service Rules, a Government officer who attends the meeting of the Board of Directors of Companies, (Co-operative Societies, Autonomous Bodies, Industrial or Commercial Corporations or any Corporate Body or Statutory Organizations or other concerns as Government nominee is required to credit to Government the entire amount of fee or remuneration (including Travelling Allowance and Daily Allowance) received from the Body and instead he may draw Travelling Allowance and Daily Allowance in accordance with provisions of the Rajasthan Travelling Allowance Rules.

A question has been raised whether such a Government officer who attends the meeting(s) of the Board of Directors of Companies as a Government nominee at a place other than his headquarters where he is spending leave, irrespective of whether it is home town or not, or at any other station during the period of leave, shall be entitled, to claim Travelling Allowance as on tour under provisions of Rajasthan Travelling Allowance Rules from and to the stations/destinations for which Travelling Allowance is allowed by the Company.

The matter has been examined and it has been decided that in such a case the officer may draw Travelling Allowance as on tour in accordance with provisions of Rajasthan Travelling Allowance Rules, subject to the condition that no leave travel concession, if admissible, in respect of the officer himself would be permissible in such a case. Members of the family of the officer would, however, be entitled to the leave travel concession according to rules in such a case.

NOTE

The above rule does not apply to fees received by Government servants from University or other examining body in return for their services as examiners.

@48. Payment that can be accepted without special permission.— Any Government servant is eligible to receive, and except as otherwise provided by a general or special order of the Governor, to retain without special permission:—

- (a) the premium awarded for any essay or plan in public competitions
- (b) any reward offered for the arrest of a criminal, or for information or special service in connection with the administration of justice ;

@ Substituted vide F.D. No. D.5467/59, F. 7A (40) F.D. A.(Rules)/ 59 dated 9-11-1959.

"48. Any Government Servant is eligible to receive without special permission—

- (a) the premium awarded for any essay or plan in public competition ;
- (b) any reward offered for the arrest of a criminal, or for information or special service in connection with the administration of justice ;
- (c) any reward payable in accordance with the provisions of any Act or Regulation or Rules framed thereunder ;
- (d) any reward sanctioned for services in connection with the administration of the customs and excise laws;
- (e) any fees payable to a Government servant for duties which he is required to perform in his official capacity under any special or local law or by order of Government.

- (c) any reward payable in accordance with the provisions of any Act or Regulation or Rules framed thereunder ;
- (d) any reward, sanctioned for services in connection with the administration of the customs and excise laws
- (e) any fees payable to a Government servant for duties which he is required to perform in his official capacity under any special or local law or by order of Government; and

%(f) Cash Prizes awarded by Government to a Government servant under the "[Rajasthan Civil Services (Grant of Reward & Merit certificates) Rules, 1973].

Government of Rajasthan's Decision

*The question regarding grant of permission to Government servants to participate in the All India Radio programmes and to the acceptance of honorarium by them in such cases was examined by Government on the analogy of instructions issued by Government of India vide Ministry of Home Affairs letter No.25/32/56- Est/A, dated 13-1-1957. It has been decided that Government servants are not required to obtain any sanction to broadcast on All India Radio if such broadcasts are of a purely literary, artistic or scientific character. In such cases the onus of ensuring that the broadcasts are of such a character rests on the Government servants concerned.

This Government have agreed to the observance of an established convention with the Government of India, according to which all payments made by one Government to the employees of another Government are to be treated, as honoraria and not 'fee' and no recovery of portion of such payments by treating it as fee is to be made.

It has further been decided that in cases in which no sanction is required for such broadcasting no permission is required for Government servants to receive the honorarium. In cases where sanction to broadcasts necessary, such sanction if given, should be taken to carry with it also the sanction to receive the honorarium.

#2. It is ordered that Government servants need not obtain any sanction to broadcast on All India Radio for the propagation of Family Planning.

\$3. It is ordered that Government servants need not obtain any sanction to broadcast on All India Radio for the propagation of Agriculture, Animal Husbandry, Co-operation and Panchayat & Development activities.

% Inserted vide FD Order No. F.I (49) FDA Rules/61, dated 1-11-1961

^ Substituted vide F.D. Order No. F.I (3) FD/Gr.2/75, dated 3-1-1975 for Rajasthan Award of Cash Prizes to Government Servant Rules, 1960."

* Inserted vide F.D. Order No. F.I(C) (8) FD(Rules)/57, dated 17-12-1957.

Inserted vide FD Order No, F.I (74) FD (Exp. Rules)/67, dated 16-11-1967.

\$ Inserted vide FD order No. F 1 (70) FD (Rule)/69, dated 5-11-1969.

Clarification.

%इस विभाग की आज्ञा दिनांक 18.11.67 (नियम 48 के नीचे निर्णय 2 के रूप में प्रदर्शित है) में राज्य कर्मचारियों की यह अनुमति प्रदान की गई थी कि वे बिना सक्षम अधिकारी की स्वीकृति के आकाशवाणी पर परिवार नियोजन के कार्यक्रमों का प्रसारण कर सकते हैं। इस संबंध में शंका की गई है कि क्या राज्य कर्मचारी इस प्रसार का रेम्यूनरेशन (remmuneration) भी बिना सक्षम अधिकारी स्वीकृति के प्राप्त कर सकते हैं। अतः यह स्पष्ट किया जाता है कि उपरोक्त कार्य के लिए रेम्यूनरेशन प्राप्त करने हेतु सक्षम अधिकारी की स्वीकृति अनिवार्य नहीं है।

49. Prohibition against obtaining patent right for invention made by the Government servant employed in research work. A Government servant whose duties involve the carrying out of scientific and technical research shall not apply for or obtain, cause or permit any other person to apply, or obtain patent for an invention made by such government servant save with the permission of the Government and in accordance with conditions as Government may impose.

% Inserted vide FD circular No. F. 1(74) FD (Exp. Rule)/67, dated 4-4-1968.

Matter End of the Chapter

- Substituted vide F.D. Notification No. F.I a (27) FD (Gr 2)/77 dated 1-12-1977 for-

" %2. Government Officers who attend the meetings of the Board of Directors of Companies, Co-operative Societies, Autonomous bodies, Industrial or Commercial Corporations 01 any Corporate Body or Statutory Organisation or other concerns *(or Advisory or Consultative Committees appointed by Government for Autonomous Bodies or Statutory or Non-Statutory Corporations, Companies etc.) as Government nominees, may draw the fee or other remuneration (including Traveling Allowance and Daily Allowance) paid to them by such bodies and credit the entire amount to the receipt head of the department concerned. Such officers may, however, draw Traveling Allowance and Daily Allowance in accordance with provisions of the Rajasthan Traveling Allowance Rules, In the bill claiming Traveling Allowance the officers shall record a certificate to the effect that the entire amount of fee or remuneration (including Traveling Allowance and Daily Allowance) received by him from the body has been credited to Government.

In the case of local meetings such officer shall draw only conveyance charges of Rs.- 5/- for each such meeting attended."

% Substituted vide FD order No. F.1(10)FD(Exp.)Rules/64-II dated 29-9-1964 w.e.f. 1-10-1964.

%2. Government Officers, who attend the meetings of the Board of Directors of the Companies, Co-operative societies and other concerns as Government nominees should draw the fee or other remunerations paid to them by such concerns and credit the entire amount to the general Revenues of the State.

(2) Finance Department Order No. F. 26 (30) F. 1/54, dated 1-10-54 regarding grant of fee etc. to the Government Officers for attending the meeting to the Boards of such concerns may be treated as cancelled.

(3) Such Officers shall, however, retain the T.A. allowed by the Companies. No claim for T.A. will, however, lie against Government and it will be for the officers to see that appropriate T.A. is paid to them by the Companies. T.A. in such cases should not however, involve any element of remuneration,

(4) In case of local meetings the Government Directors are allowed to retain conveyance charges where such charges are paid by a Company. In case conveyance charges are not payable under the rules of a Company etc. the Government Directors may be paid conveyance charges at the rate of Rs. 5/-for each meeting attended, out of the contingencies of the department concerned."

* Inserted vide FD Notification No.F.I(32)F.D(Rules/71dated 9-6-1971

CHAPTER VI

Combination of Appointments

@ 50. **Combination of appointment.**— (1) Government may appoint a *Government servant* to hold substantively, as a temporary measure or to officiate in two independent post at any one time. In such cases his pay shall be regulated as follows:—

(i) The highest pay to which he is entitled if his appointment to one of the posts stood alone may be drawn on account of tenure of that post;

@ Substituted vide F.D. Notification No.F. 1 (5) FD/Gr.2/81, dated 23-1-1981 & shall have deemed to have come into force with effect from 9-8-1962, for

50. *Combination of appointments.*— Government may appoint a Government servant to hold substantively, as a temporary measure, or to officiate in #[two independent posts] at any one time. In such cases his pay will be regulated as follows:—

Pay how regulated when more than one post held.— (a) the highest pay, to which he would be entitled if his appointment to one of posts stood alone, may be drawn on account of his tenure of that post;

(b) for ^ [] other post he draws such reasonable pay, in no case exceeding one-fifth of the presumptive pay of the post as Government may fix; and

+ Note – (Deleted)

(c) if any compensatory or sumptuary allowances are attached to one or more of the posts, he may draw such compensatory or sumptuary allowances as Government may fix provided that such allowances shall not exceed the total of the compensatory and sumptuary allowances attached to all the posts.

%Notes-(j) to (5) [Deleted]

+ Deleted vide FD. No.F.1 (16) (FD) (Exp. Rules) 65, dated 27-3-1965

"NOTE -pay granted under Rule 50(b) is not special pay but pay under Rub 7(24) (i)."

%Notes 1 to 5 deleted vide F.D. Order No. F.8(28) Fll/55, dated 9-8-1962.

"Note-1. The expression "independent posts" used in this rule means posts which are independent of one another, i.e., posts the incumbent of one of which is not expected to do the duties of any other.

2. In the case of non-gazetted posts all the posts shall be treated independent of one another. In the case of gazetted posts, posts carrying the same designation and in the same department will not be treated independent posts".

3. In cases of doubt, the Government in the Finance Department will decide in each case whether the post is to be treated as independent or not.

4. A Government servant appointed to hold substantively, as temporary measure, or to officiate in two posts of which one is subordinate to the other is not, save in exceptional circumstances, entitled to any additional remuneration under rule 50 (b), as it is not proper that a Government servant doing the work of his subordinate in addition to his own should draw any extra remuneration for that work.

5. A dual arrangement under Rule 50 should not without prior consultation with Finance Department exceeds 3 months because if such an arrangement is continued for indefinite period it would lead to the justifiable inference that the second post in respect of which additional pay is drawn is superfluous and such an arrangement beyond 3 months should continue only in extraordinary circumstances with the prior concurrence of the Finance Department."

* (ii) for the other post he draws such reasonable pay but in no case exceeding ¹⁶6% of the presumptive pay of the post as the Government may fix; and

(iii) If any compensatory or sumptuary allowances are attached to one or more posts, he may draw such compensatory and sumptuary allowance as Government may fix provided that such allowances shall not exceed the total of the compensatory and sumptuary allowances attached to all the posts.

(2) Where a Government servant is formally appointed to hold the full charge of the duties of another post in addition to his own duties under sub-rule (1) above the combination of appointment or dual arrangement shall in no case continue for a period of more than six months, and accordingly no special pay or charge allowance shall be admissible beyond a period of six month. On the expiry of the period of six months regular appointment or promotion should be made to fill up the post failing which the vacant post shall be deemed to be in abeyance.

Note 1:- The payment of special pay for the period a Government servant is formally appointed as a temporary measure to hold charge of another independent post in addition to duties of his own post shall be regulated in accordance with Finance Department Order No. F.8(28) F.D. (Gr.2)/55, dated 9-8-1962 as amended from time to time.

+2. The provisions of this rule shall not be applicable in cases where a Government servant holds additional charge of the post other than a post under the Government.

3. In case, where a Government servant on deputation or on foreign service holds full charge of the duties of another post under Government in addition to his own duties under foreign service/on deputation, the Government servant shall be entitled to special pay under this rule.

@[Clarification.

The undersigned is directed to say that Government have revised the rate of special pay allowed for the combination of appointment under Rule 50 of Rajasthan Service Rules and clarification given below Rule 35 of Rajasthan Service Rules vide Finance Deptt. Notification and Order of even under dated 17-2-83.

* Substituted vide FD Notification No. F. 1 (46) FD/Gr.2/82-1, dated 17-2-1983 effective from 1-9-1981 for:—(ii) for the other pose he draws such reasonable pay in no case exceeding one fifth of the presumptive pay of the post as the Government may fix ; and,"

£ Substituted vide FD Notification No.F.I(68)FD(Gr.2)86 dated 2-2-1987 wef 1.9.1987 by the "16%"

Substituted for the words "two or more independent posts" and the word "each" deleted vide FD Notification No. F.I (74) FD (Rules) /69, dated 15-12-1969.

– Substituted vide FD Notification No. F.1(5)FD/Rules/96 dated 2.4.1998 w.e.f. 1.1.1998 by £10%.

+ Inserted vide F.D. Notification No. l(46)FD(Gr.2)82, dated 5-7-85.

@ Inserted vide F.D. Memo. No. FI(46)FD(Gr.2)82, dated 27-10-83.

A question has been raised as to how payment of officiating allowance shall be regulated in cases where Government servants have elected to continue to draw pay in the existing pay scale in force prior to 1-9-1981 and drawn officiating allowance at existing rates prior to coming into force of the revised rates prescribed vide Finance Department Notification and Order dated 17-2-1983.

The matter has been examined and it is clarified that a Government servant who has exercised option to retain existing pay scale and has hold dual charge during the period and payment of special pay has been made at the existing rates in force prior to revision of rates vide Finance Department Notification and Order cited above, no recovery on account of revision of rates, of officiating allowance may be made. However, officiating allowance if not already paid may be regulated at the revised rates in force with effect from 1-9-1981.]

[£] **Exception :** The rate of special pay for holding additional charge shall be 10% or 20% in place of 8% or 16% respectively as specified in the clarification below Rule 35 of Rajasthan Service Rule in respect of Government servants drawing pay in the pay scales other than the Rajasthan Civil Services (Revised Pay Scale) Rules, 1983 and All India Service Officers,)

Government of Rajasthan's Decision

Government have considered the question regarding the date from which sanctions, creating posts should be held to be effective in case in which no particular date has been specified to be the date of effect in the sanction itself. It has been held that in such cases the date of effect would be the date with effect from which the post created is first filled on a full time basis. Since the post will not be deemed to have been in existence before that, it would not be permissible to grant any officiating pay or extra emoluments in the form of special pay/charge allowance for work in respect of the post for any period prior to such date.

^x50A. [Deleted.]

^x50B. [Deleted.]

Audit Instruction.

Presumptive pay for the purposes of Rule 50(b) should be taken to be what the Government servant who is placed in additional charge will draw as initial pay, in the time-scale of the additional post under

[£] Substituted vide F.D. Order No. F.I(46)FD(Gr.2)82, dated 19-6-85 w.e.f. 1-9-81 for—

*[Exception -The rate of special pay for holding additional charge shall be 10% or 20% in place of 8% or 16% respectively as specified in the clarification below rule 35 of Rajasthan Service Rules in respect of Government servants drawing pay in the pay scales other than the Rajasthan Civil Services (Revised Pay Scales) Rules, 1983 and All India Service officers.] -

* Inserted vide FD Notification No. F.I(46)FD(Gr.2)/82, dated 29-10-84.

^x Deleted vide F.D. Order No. 9126/57,F7A(16)FD-A(Rules 57, dated 8-2-1958 with effect from 1-11-1956.

Rule 26 where he formally transferred to it. In cases, however, in which the maximum pay of the lower post is less than the pay of the Government servant in his substantive post the maximum pay of the lower post should be taken as the "Presumptive pay" for purposes of this Rule.

Government of Rajasthan's Decision.

@ 1. [Deleted.]

* 2. (Deleted)

@ *Clarification—Deleted*

% 3. Government have considered the question regarding the date from which sanctions creating posts should be held to be effective in cases in which no particular date has been specified to be the date of effect in the sanction itself. It has been held that in such cases the date of effect would be the date with

@ Deleted vide F.D. Order No. F.8(28)F.II/55, dated 9-8-1962.

"1. The emoluments of Government servant officiating in a post in addition to his own are governed by rule 50 of the R.S.R. in accordance with this rule, the Government servant would draw the highest Pay to which he would be entitled, if his appointment to, one of the posts stood alone and draw for the other post such reasonable pay as might be fixed up to 1/5th of the presumptive pay. Power to fix the additional pay under this rule has also been delegated vide item 11 of the Schedule of Powers. Whether full officiating appointment should be made or the appointment should involve only the charge of current duties should be decided in the light of the consideration set out in Government decision below Rule 35. In addition, the point should be kept in view that a Government servant appointed to an additional post can normally discharge only the current duties of the second post, his time being taken up with the discharge of the duties associated with his main appointment. If a Government servant is appointed merely to hold current charge of the duties and does not perform the full duties of the post, special pay may be sanctioned by the authority competent to make officiating arrangements which should not exceed 10% of the presumptive pay.

The concurrence of the Finance Department is not required for fixing pay under this rules and delegations referred to above and cases covered by these rules and delegations should not come to Finance Departments unless, in any particular case, a special complication is involved or any relaxation of rule is proposed.

With regard to cases relating to period before the application of the Rajasthan Service Rules also, powers may be exercised in the same manner as indicated above with reference to the relevant pre-Rajasthan Service Rules, but of such past cases, the following categories should be referred to Finance Department for concurrence before sanction:— (i) Cases involving charge of more than one appointments in addition to substantive post; (ii) Cases in which the additional remuneration proposed exceeds what would be admissible under the Rajasthan Service Rules; (iii) Cases of all Gazetted Officers appointed to hold additional charge.

* Deleted vide F.D Memo. No. 2688/57-F.8(38)F.II/55, dated 22-7-1957.

@ Deleted vide F.D. Order No. 8(28)F.II/55, dated 9-8-1962.

Clarification.— The reference is invited to Note 5 below Rule 50 of R.S.R. and to State that doubt have been raised whether concurrence of Finance Department is necessary when an officer is appointed to hold current charge of the duties of a post in addition to the duties of his own post beyond a period of 3 months.

To allay all doubts in this connection, it is hereby clarified that Rule 50 of R.S.R. and the notes thereunder apply to arrangements where an officer, is appointed to hold full charge of the duties of two independent posts and not to cases where an officer is appointed, to hold current charge of a post in addition to his own. The later arrangements are made in accordance with Government Decision below Rule 59 of the R.S.R. and accordingly concurrence of Finance Department is not necessary.

% Inserted vide FD. Order No. F-7A(16)F.D..(A)Rules/58, dated 12-8-58.

effect from which the post created is first filled on a full time basis. Since the post will not be deemed to have been in existence before that, it would not be permissible to grant any officiating pay or extra emoluments for work in respect of the post for any period prior to such date.

⁺ In this connection see also clarification below Rule 35 inserted vide F.D. order dated 9-8-1962.

⁺ Inserted vide F.D. Order No. F.8 (28)F.II/55, dated 9-8-1962.

CHAPTER VII

Deputation out of India.

51. Pay and allowances of Government servant on deputation ex-India to be regulated according to Central Rules.—When a Government servant is, with proper sanction, temporarily deputed for duty out of India either in connection with the post held by him in India or in connection with any special duty on which he may be temporarily placed, his pay and allowances shall be regulated ordinarily in accordance with rules applicable to officers of the Government of India, reproduced below.

* Government of India Rules according to which the pay and allowances of Government servants deputed for duty out of India are regulated:

@F.R.51 (1).—When a Government servant is, with proper sanction, temporarily deputed for duty out of India either in connection with the post held by him in India or in connection with any special duty on which he may temporarily be placed, he may be allowed by the President

* Inserted vide F.D. Order No. F.5 (1)F.(R)56, dated 11-1-1956.

@ Substituted vide F.D. Memo. No. F.l(87)F.D.(A)Rules/62, dated 12-7-1963:-

"F.R.51(l)— When a Government servant is with proper sanction temporarily deputed for duty out of India either in connection with the post held by him in India or in connection with any special duty on which he may temporarily be placed, his pay shall be regulated as follows:—

(A) If he is deputed for duty in Europe or his deputation elsewhere is declared by the Central Government to be under quasi-European condition and if he is sent from India for the purpose of his deputation and does not include any leave within the period of his absence from India, he shall receive, for the first three months of his absence from India the pay which he would have drawn if he had remained on duty in India, and thereafter 3/4th of such amount.

(B) If he is deputed for duty in Europe or his deputation elsewhere is declared by the Central Government to be under quasi-European conditions, and he is not sent from India for the purpose of his deputation, or having been so sent, includes a period of leave within the period of his absence from India, he shall receive throughout his deputation 3/4th of the pay which he would have drawn if he had remained on duty in India.

(C) If he is deputed for duty elsewhere than in Europe and his deputation is not declared by the Central Government to be under quasi European conditions, his pay shall be determined by the Central Government with due regard to the provisions of Rule 40 of these Rules as though a temporary post had been created:—

Provided that:—

- (a) No Government servant on deputation out of India, shall draw pay at a rate exceeding Rs. 5500/- per month.
- (b) A Government servant having his domicile in India may in any case be allowed by the Central Government to draw during the period of deputation out of India pay not exceeding the full amount of the pay which he would have drawn had he remained on duty in India, in lieu of the pay admissible to him under sub-clause (A) or sub-clause (B) of this clause.
- (c) A Government servant who is placed on deputation while already on leave out of India on average pay may be allowed the option of continuing to consume such leave and receive, in addition to leave salary, an honorarium of one sixth of the pay which he would have drawn had he remained on duty in India, subject to the condition that the cost of passages from and to India shall be borne by him.

(2) In addition to the pay or honorarium admissible under clause (1) of this Rule, a Government servant on deputation may be granted a compensatory allowance of such amount as the Central Government may think fit.

(3) The sterling equivalent of the pay or honorarium admissible under clause (1) of this Rule shall be calculated at such rate of exchange as the Central Government may by order prescribe."

to draw during the period of deputation the same pay which he would have drawn had he remained on duty in India:

Provided that a Government servant, who is placed on deputation while already on leave out of India on average pay, may be required by the President to continue to be on leave in which case he shall be given during that period, in addition to his leave salary, an honorarium of one/sixth of the pay which he would have drawn had he remained on duty in India, the cost of passages from and to India shall be borne by him.

Note:— The portion of the pay which a Government servant may be permitted to draw in foreign currency while on deputation abroad will be determined in accordance with the orders issued by the President in this regard from time to time.

(2) A Government servant on deputation may also be granted a compensatory allowance in a foreign country of such amount as the President may think fit.

The foreign exchange equivalent of the pay, honorarium or compensatory allowance admissible under sub-rule (1) or sub-rule (2) shall be calculated at such rate of exchange as the President may by order prescribe.

F.R. 51 A. When a Government servant is with proper sanction deputed for duty out of India to hold a regularly constituted permanent or quasi-permanent post, other than a post borne on the cadre of the service to which he belongs, his pay shall be regulated by the orders of the Central Government.

Allowance of Civil Officers serving under the Government of India when on duty in Europe, including the near East or America are reproduced in Appendix No. 7 in Volume II of the Fundamental Rules.

CLARIFICATION

* Doubts have been raised frequently as to the necessity for creating a separate post when a Government servant is deputed abroad on duty and the manner in which pay and allowance are to be regulated.

It is clarified that under Rule 51 of the Rajasthan Service Rules a Government servant deputed abroad to perform any Government function, like being a member of an official delegation or attend a meeting or seminar etc. is treated on duty. Similarly, a Government servant is some times sent abroad to participate in training courses while being treated on duty. In both cases he draws the pay which he would have drawn but for his deputation abroad. In such a case officiating arrangements can be made to fill the vacancy caused by such deputation abroad and it is not necessary to create a new post in order to accommodate the Government servant deputed abroad. The Government servant deputed abroad is considered to be on special duty, although he does not draw pay in any post his pay being what he would have drawn had he remained on duty in India.

* Inserted vide F.D. Memo No. F. 1 (37) (E.R.)/64, dated 15-12-1969.

Government of Rajasthan's Decision.

Terms regarding pay, special leave etc. to be granted to Government servants sent on training abroad under the various Training schemes.

@ 1. It has been decided that when Government servants are sponsored by the State Government for training abroad under the various training schemes of the United Nations, the Colombo Plan, the Point Four Programme etc. and the schemes operated *through non-official channels* (Rock Feller Foundation, Ford Foundation etc.) the grant of deputation terms will be regulated as follows:—

- (i) **Pay:**—The entire period of the Government servant's absence from his post in India will be treated as period of deputation on the full pay which he would have drawn had he remained on duty in India.
- * (ii) During the first six months of his training, the Government servant concerned may be allowed to draw dearness allowance at the rate at which he would have drawn it, had he not proceeded on deputation abroad. No dearness allowance will be admissible during the period of training beyond six months. If, however, the Government servant concerned has retained the existing scale of pay in accordance with provisions of the Rajasthan Civil Services (Revised Pay) Rules, 1961 or is otherwise entitled to Dearness Pay under Finance Department Order No. F. 1 (7) F.D. (Rules)/69, dated 7-4-1969, he may, during the period of training beyond six months, be allowed dearness allowance at the rate equal to dearness pay appropriate to the pay during deputation abroad.
- (iii) **House rent allowance/Recovery of rent.**—At the same rate as he would have drawn in India, but for his deputation abroad, during the entire period of training [£][in accordance with Rule 6 (c) of House Rent Allowance Rules]. If the Government servant concerned is allowed to retain Government accommodation during the period of deputation abroad, the rent therefor should continue to be charged at the same rate at which it would have been normally charged had the officer not proceeded on deputation.

Since the terms admissible under these orders will be considerably more liberal than those now admissible, it is necessary to ensure that the periods

@ Substituted vide F.D. Memo No. F. 1 (87) F.D (A) Rules/62 dated 16-2-1963 and 16-3-1963, Previous 'Decision' appears at the end of this Decision (@For more see in the end of the Chapter)

* Substituted vide F.D. Memo No. F. 1 (87) FD (Rules)/62, dated 13-8-1970 for:—

(ii) **Dearness allowance.** —During the first six months of the training the Government servant concerned may be allowed to draw dearness allowance at the rate at which he would have drawn it, had he not proceeded on deputation abroad. No dearness allowance will be admissible during the period of training beyond six months. If, however, the Government servant concerned has retained the existing scale of Pay in accordance with the provisions of the Rajasthan Civil Services (Revised Pay) Rules, 1961 he may during the period of training beyond six months, be allowed dearness at the rate equal to 'dearness pay' appropriate to the pay during deputation as laid down in Finance Department Order No. 4641/F. 7a (14) FD-A/Rules/58 dated the 2nd March, 1959.

[£] Substituted vide F.D. Memo No. F. 1 (2) FD (R)/70, dated 12-8-1970, for the words "Subject to the fulfillment of the conditions laid down in Rule (9) of House Rent Allowance Rules (Appendix XVII) of the Rajasthan Service Rules Volume II" effective from 1-1-1970.

of deputation of officers sent abroad for training are not longer than absolutely necessary.

Further, the training of Government servants abroad under financially aided schemes should invariably be at the instance of the Administrative Department concerned. In no case should the Government servants themselves approach or negotiate direct with the Foreign Government or Organizations for scholarships. Before sponsoring a case for training abroad under the terms mentioned in para 1 above, it is necessary to ensure that the services of Government servant concerned would be available to Government at least for a reasonable period, say *[four years] after the completion of his training and that the officer should also possess adequate background of the subject or field in which he would be receiving training. The following conditions should therefore, generally be satisfied for the grant of deputation terms to Government servants sponsored by Government for awards under the training schemes:—

- (a) He should have at least *[four years] to serve after the conclusion of training and is not expected to retire within that period.
- (b) In the case of a Government servant in the temporary employ of the Government there should be reasonable chance of his remaining in service for a minimum period of *[four years] after the conclusion of the training and he should be required to give an undertaking in writing that he agrees to serve the Government for a like period.
- (c) He should have completed a minimum of five years service. The limit, may however be relaxed in cases where the very nature of training does not warrant such a restriction, e.g. cases where individuals are recruited on the conditions that they should undergo training before they are posted to regular duties.
- (d) A period of deputation of 18 months at one time should ordinarily be regarded as a suitable maximum in such cases.

If training abroad involve acquiring of degree or diploma the first six months of training will be treated as on deputation on the terms laid down in para 1 above. The remaining period shall covered by the grant of special leave on the following terms:—

- (i) The period of special leave will count as service for promotion and if the Government servant is in pensionable service, for pension also.
- (ii) The special leave will not be debited to the leave account of the Government servant.
- (iii) The leave salary during special leave will be equal to the leave salary admissible to a Government servant on half pay leave.

* Substituted for the words "three years." Vide F.D, Order No. F. 1 (87) FD(A) Rules/62, dated 27-5-1968

(jv) No dearness Allowance will be admissible during the period of special leave.

(v) House Rent Allowance will be regulated in accordance with provisions of para 1(iii) above.

A Government servant who is deputed for training abroad shall execute a bond in the form annexed to this order irrespective of the period of training involved. The lump amount of refund to be specified in the bond should include all monies paid to the Government servant concerned or expended on his account e.g. pay and allowance, leave salary, cost of fees, travelling and other expenses, cost of International travel and cost of training abroad met by the foreign Government agency concerned. The bond executed by the Government servant deputed for training abroad shall be kept in the custody of the appointing authority.

The Government servant proposed to be sponsored for training abroad under the various training schemes will be screened by a Committee consisting of the Chief Secretary, [^][1] Finance Secretary (Expenditure). * [Special Secretary, Personnel] and the Secretary of the Department concerned. The Committee may co-opt the Head of the Department concerned if necessary.

Actual sanctions in individual cases regarding the deputation term mentioned above should be issued only in consultation with Finance Department (Expenditure).

These orders take effect from the date of issue. The cases of the Government servants proceeding on training on or after the date of the issue of these orders will be governed by the provisions contained herein. Past cases already decided otherwise than in accordance with these orders need not be reopened.

%2. Attention is invited to Government of Rajasthan Decision No. 1 below Rule 51 of RSR. A question has been raised whether a Bond should be required to be executed in those cases where the period of training (exclusive of travel time from India to the country of training and back) does not exceed six months and the entire period is treated as deputation on full pay. It has been decided that in all cases of training abroad which are regulated under the provisions of Government of Rajasthan Decision below Rule 51 irrespective of the fact whether period of training is treated as deputation or special leave the Government servants concerned should be asked to execute a Bond. The Bond in all such cases should henceforth be executed in the revised forms at Appendix XVIII.

[^] The words "Additional Chief Secretary" Deleted vide FD Memo No F1(87)FDA/62 dt. 16-3-1963.

* Substituted vide FD Memo No F1(45)FD/Gr.2/74, dt.7.9.74 for \$"Development Commissioner."

\$ The words "Development Commissioner" inserted vide F.D. Memo No. 1(87)F.D. (A) Rules/62, dated 19-7-1965.

(Previous decision No. 1 16.2.63 may be see at the end of the Chapter)

% Inserted vide F. D. office Memo No, 6482/59 F.10(10)F.III 53 dated 1-7-1960.

@ 3. The Central Overseas Scholarships Scheme is run by the Government of India and is meant for Universities, Colleges and comparable institutions of higher education in order to enable them to obtain opportunities for their teachers for higher studies/training abroad and thus to raise the standard of instruction and research in the country. Under this scheme the Government of India contributes 50% of the expenditure, on maintenance allowance, rail and sea fare, tuition and examination fees, cost of books etc. The remaining 50% is met by the sponsoring agencies. The entire expenditure on maintenance allowance and other concessions is borne in the first instance by the Government of India, Ministry of Education from the funds provided for the scheme. The expenditure is shared on the above basis after the completion of training of a sponsored candidate.

The matter regarding the grant of pay and allowances to State Government servants deputed for training under above referred to scheme has been under consideration of the Government for some time past and it has been ordered that the Government servants selected for higher studies/training abroad under the scheme will be entitled to the following terms :-

- (a) The period of special leave will count as service for promotion and if the Government servant is in pensionable service, for pension also.
- (b) Special leave will not be debited to leave account of the Government servant. The leave salary during the special leave will be regulated in accordance with proviso to clause (2) of Rule 97 of the Rajasthan Service Rules.
- (c) In addition to the leave salary under clause (b) above Dearness Allowance will be granted on the scale laid down in Finance Department order No. F.10(10) F.II/53, dated 27-2-1956.

The procedure for selection of candidates and execution of bonds as laid down in Government of Rajasthan Decision below Rule 51 of Rajasthan Service Rules will also apply in such cases.

%4. A question has been raised whether a temporary Government servant can also be deputed for training abroad and if so, under what circumstances ?

The matter has been considered and it has been decided that ordinarily a temporary Government servant should not be sent, for training abroad when permanent Government servants possessing the requisite qualifications are available. Where a permanent Government servant with requisite qualification is not available in a department temporary Government servant may be considered for deputation abroad for training provided –

- (i) The temporary Government servant have completed 3 years of service.
- (ii) The appointment of a temporary Government servant is regular i.e. he fulfills the educational and age qualification prescribed for the

@ Inserted vide F. D. Memo No. F. 10 (10) F, 11/53, dated 31-5-1961.

% Inserted vide F.D. Memo. No. F1(87) F.D. (E-R) 63, dated 4-11-1963.

appointment and the concurrence of the Rajasthan Public Service Commission has been obtained where required under Service Rules.

@5. A question has been raised whether in the case of Government servants whose period of training abroad is extended, a supplementary bond covering the cost of training during such extended period (s) of training is necessary. It has been decided that, in all such cases, the supplementary bond will be necessary and should be got executed from these Government servants who are granted extension (s) of training. Separate forms of supplementary bonds in respect to permanent and temporary Government servants may be seen in Appendix XVIII.

The lump amount of refund to be specified in the supplementary bond should include all the monies paid to the Government servant concerned or expended on his account during the extended period of his training e.g. pay and allowances, leave salary, cost of fees, travelling and other expences, cost of international travel and cost of training abroad met by the foreign Government/agencies concerned.

The execution of supplementary bond (s) may be enforced in cases, occurring hereafter and need not be insisted on in cases in which orders for extension of deputation for training have already been issued.

*6. It has been decided that Government servants who are sponsored for training abroad going under various aid programmes may be allowed to avail themselves of stopover/ stayover concession not exceeding the limits mentioned in para 3 below on their return journeys. For this purpose the trainees will have to obtain leave from their Administrative Departments and also from separate sponsoring authority, if any, and then approach the aid agencies concerned with making travel arrangements along with the order sanctioning leave. It is to be clearly understood that the expenditure incurred by way of travel costs on such stopovers/ stayovers should be borne in full by the trainees themselves and not request should be made by the trainees to the aid agencies for a grant for this purpose.

No foreign exchange will be released to trainees for the purpose of covering the cost of stopovers/stayovers and they should plan for them only if they have reasonable amount of foreign exchange available with them from out of their entitlements.

The stopovers/stayovers may be arranged within the following limits on the return journey:—

(a) When the training period abroad is for 3 months or under the trainee may have a stopover/stayover for a period upto one week.

(b) When the training period is for more than 3 but less than 6 months, the stopover/stayover may be for 2 weeks.

(c) When the training period is for over 6 months, the stopover/ stayover period may be up to 3 weeks.

@ Inserted vide F.D. Memo. No. F.1(87) F.D.A. (Rules) 62, dated 3-6-1964.

* Inserted vide F.D.Memo. No. F.1(10)FD(E-R)/66, dated 5-5-1966.

The Administrative Department shall be the competent authority to grant stopover/stayover within limits prescribed in paragraph 3. No permission will be granted for any excess over the limits prescribed in para 3 and administrative authorities are requested not to consider or forward to Finance Department any such requests for special consideration.

Though stopovers are normally allowed in terms for para 3 above only during the return journey there would be no objection if stopovers not exceeding one week are allowed during the outward journey within the overall limits prescribed and on the same terms, provided that the trainee would *have* adequate foreign exchange for the purpose.

*7 Attention is invited to Finance Department Memo. dated 14-2-1963 (appearing as Government of Rajasthan Decision No.1 below Rule 51 of Rajasthan Service Rules) and to stay that certain doubts have been raised as to when the deputation terms contained in that Memo should be allowed and when these terms should not be allowed, in cases of officers going abroad for training or for a course of study. The following clarifications are accordingly given for guidance:—

(i) The liberalized deputation terms contained in the Office Memorandum cited above should, as a rule, be allowed only in cases where a Government servant has been sponsored by Government for the proposed training. The test of sponsorship should be strictly applied, and normally only those cases should be treated as 'sponsored' where the initiative is taken by Government and not by the individual concerned. In other words, where under the terms of the scheme the nomination for the training has to be made by Government, the person recommended by the Head of Department and selected by the Screening Committee should only be treated as having been sponsored by Government. Where, on the other hand, the initiative comes from the Government servant himself, who may apply for a training or educational course, such a case will not be treated as sponsored by Government, even though the application for selection might have been forwarded by Government, in such cases only study leave should be allowed.

(ii) The deputation terms under the order of 14-2-1963 referred to above, are applicable equally to deputationists for training in scientific and technical field as well as fields of economic development and public administration. The training should be in specialized fields, and, irrespective of whether it leads to the award of an academic degree or diploma, or not the training should be such as to benefit the employing Department and not merely the individual personally. Further, the period of deputation should be restricted to a maximum of 18 months.

The principles indicated above should be strictly observed in future, but cases already decided otherwise need not be reopened.

@8. Cases have come to the notice of Finance Department in which applications of Government servants for foreign assignment in developing countries are being forwarded to Government of India without determining permissibility or otherwise of keeping the lien of the Government servants

* Inserted vide F.D. Memo No. F 1(87)FD/(E-R)/62, dated 6-5-1967.

@ Inserted vide F.D. Order No. F1(57)FD. (Gr-2)/73, dated 2-7-1974 and superseded vide FD order No. F1(57)FD(Gr.2)/73 dated 6-01-1978.

under the rules. This creates controversy later on when the applicant is selected

The matter has been considered and it has been decided that henceforth the applications of only such permanent Government servants should be forwarded as are approved for foreign assignment by the Government in the Administrative Department.

Government servants selected for foreign assignment will be governed by the following terms and conditions : --

(1) *Lien.*- During the period of foreign assignment lien of the Government servant shall be retained on the permanent post which he holds substantively or would have held substantively but for his foreign assignment. The Administrative Deptt. would be free to indicate the specific period for which they would retain the lien of the Govt. servant selected for foreign assignment but in no case the lien will be retained beyond a period of 3 years.

(2) *Pay and Allowances,* the Government servant concerned shall not be entitled to receive any pay and allowances including cost of travelling from the State Government for the period of his assignment but shall receive the same from foreign Government as may be offered by them.

(3) *Service on foreign Assignment.*--The period of service on foreign assignment will count for increment on the permanent post on which the Government servant concerned holds a lien. The period of service will also qualify for pension provided the Government servant concerned pays pension contribution according to State Govt. rules.

(4) *Leave .*-The period of assignment shall not count for leave. The Administrative Department shall be competent to depute a Government servant on foreign assignment on the terms and conditions as laid down above.

*9. A question has been raised whether a Government servant deputed for training abroad and treated as on duty under Rule 51 of Rajasthan Service Rules should be allowed time for completing the pre-departure formalities like, obtaining of passport, Medical examination and Travelling arrangements etc.

The matter has been considered and the Governor has been pleased to order that a Government servant who is deputed for training abroad and treated as on duty under Rule 51 of Rajasthan Service Rules may be allowed a maximum period of four days for completing the pre-departure formalities regarding pass-port, Travelling arrangements etc. and this period of four days may be treated as transit time. Accordingly a Government servant in such cases may be relieved of his duties 4 days before the actual date of departure from India (excluding the date of departure).

Pending cases, if any, may also be decided in accordance with these orders.

* Inserted vide F.D. Order No. F. 1(10) FD/Gr.2/77, dated 1-4-1977

* 10. It has come to the notice of the Government that Government servants make application to foreign Governments or Organizations for seeking jobs or assignments directly. On receipt of appointment offer from foreign Governments or Organizations, they approach the Government for permission to take up the appointments on deputation on terms offered by foreign Governments/Organizations and also ask for a no objection certificate.

(2) The policy of the Government whether in the States or in the Centre is not to encourage Government servants to apply to foreign Governments/Organizations for jobs directly because a proper procedure regarding the manner in which Government servants should apply for assignment abroad has already been laid down. The matter has been considered and the Government are pleased to decide that in future the State Government would in no case release a State Government servant for taking up appointment on deputation terms with foreign Government or Organisation unless his application for foreign assignment or deputation has been forwarded by the State Government through the Deputy Secretary, Cabinet to the Department of Personnel and Administrative Reforms, Government of India for registration on the foreign assignment panel in accordance with the procedure outlined in the following paragraphs.

(3) The procedure regarding the manner in which Government servant should apply for assignment abroad shall be as follows:—

- (i) the application for registration on the foreign assignment panel shall be sent by the Government servant through his Head of Department to the Administrative Department of the Government;
- (ii) the Administrative Department shall pass on the application to the Deputy Secretary, Cabinet with their remarks and also State whether it will be possible for the department to release him on deputation terms to take up the appointment in case he is offered for an assignment;
- (iii) the Deputy Secretary Cabinet shall register the application in a prescribed register and shall after examining it, sent it to the Department of Personnel and Administrative Reforms, Government of India for registration on the foreign assignment panel;
- (iv) the Deputy Secretary Cabinet shall, on receipt of an offer for foreign assignment/appointment through the Government of India, will intimate the concerned Administrative Department and the Administrative Department shall take further action to release the Government servant on deputation terms.

(4) The Government servant selected for foreign Assignment in accordance with the procedure laid down above, shall be governed by following terms and conditions:-

* Inserted vide F.D- Order No. F. 1(57) FD/Gr.2/73, dated 6-1-1978.

- (i) **Lien.**—During the period of foreign assignment, lien of that Government servant shall be retained on the permanent post which he holds substantively or would held substantively but for his foreign assignment. The Administrative Department would be free to indicate the specific period for which they would retain the lien of the Government servant selected for foreign assignment but in no case the lien will be retained beyond a period of 3 years.
- (ii) **Pay & Allowances.**—The Government servant concerned shall not be entitled to receive any pay and allowances including cost of travelling from the State Government for the period of his assignment but shall receive the same from foreign Government as may be offered by them.
- (iii) **Service on foreign assignment.** -The period of service on foreign assignment will count for increment on the permanent post on which the Government servant concerned hold a lien. The period of service will also qualify for pension provided the Government servant concerned pays pension contribution according to State Government rules.
- (iv) **Leave.**—The period of assignment shall not count for leave.

(5) This superseeds Finance Department Order No. F. 1(57) FD (Gr.2)/73, dated 2-7-1974.

* 11. The matter relating to the deputation on foreign assignment of Government servants appointed after selection by the Rajasthan Public Service Commission to the posts under Government and have completed the prescribed probation period but could not be confirmed due to non availability of posts or for want of procedural formalities has been considered and the Governor has been pleased to order that the Government servants selected for foreign assignment in accordance with the procedure laid down in Finance Department Order of even number dated 6-1-1978 incorporated as Government of Rajasthan's Decision No. 10 below Rule 51 of Rajasthan Service Rules shall be governed by the following terms and conditions:—

1. Government servants who are selected by Rajasthan Public Service Commission and have satisfactorily completed prescribed period of probation; has fulfilled other conditions of probation like departmental examination etc. or period equivalent to the same in case the appointment was a temporary appointment; but confirmation could not be ordered due to non availability of permanent post or for want of proceditural formalities may also be sent on foreign assignment.

2. During the period of foreign assignment if *the* officer is due for confirmation he will be confirmed on the date on which he would have been confirmed if he had stayed in India.

* Added vide FD Order No. F. 1(57) FD/Gr.2/73 dated 12-4-1985.

3. The Administrative Department would be free to indicate the specific period for which they would agree for the condition No.2, but in no case the period would be beyond 3 years.

4. The Government servant concerned shall not be entitled to receive any pay and allowances including cost of Travelling from the State Government for the period of his assignment but shall receive the same from foreign Government as may be offered by them.

5. The period of service on foreign assignment will count for increment on the post from which the Government servant is released for foreign assignment, subject to furnishing of a certificate that he would have held that post, but for the foreign assignment. The period of service will also qualify for pension provided the Government servant concerned pays pension contribution according to the State Government Rules.

6. The period of assignment shall not count for leave.

Matter End of the Chapter

@ - Previous Government of Rajasthan's Decision No. 1 before 16-2-1963.

Substituted vide FD Memo No. F.1(87)FD(A)Rules/62 dated 16.2.1963

"His Highness the Rajpramukh has been pleased to order that in cases of Government servant sponsored for training abroad under the various training schemes of the United Nations, the Colombo Plan, the United State Technical Assistance Programmes etc., the grant of deputation-cum-special leave terms will be regulated as follows:—

- (i) If the period of training (exclusive of travel time from India to the country of training and back) does not exceed six months, the entire period of the Government servant's absence from his post in Rajasthan will be treated as deputation on full pay which he would have drawn had he remained on duty in Rajasthan. During this period the grant of Dearness Allowance will be regulated by Rule 42 (IV-2) of Rules of Dearness Allowance to Government servants of Rajasthan Service Rules.
- (ii) If the period of training exceeds six months, the first six months, of absence from his post in Rajasthan will be treated as deputation under clause (i) and the remaining period will be covered by the grant of special leave on half average pay on the following terms :—
 - (1) The period of Special leave will count as Service for promotion and if the Government Servant is in pensionable service for pension also,
 - (2) The special leave will not be debited to the leave account of the Government Servant,
 - (3) The leave Salary during the Special leave will be regulated in accordance with proviso to clause (2) of Rule 97 of the Rajasthan Service Rules.
 - (4) In addition to the leave salary under sub-clause (3) Dearness Allowance will be granted on the following scale:—

Range of leave salary	Amount of D. A.
Below Rs. 60/-	In accordance with F.D. Older No. F. 7(1) R/51 dated 11-1-1951
Rs. 60/- and above but not Exceeding Rs. 100/-	Rs. 25/-
Rs. 100/- and not exceeding Rs. 150/-	Rs. 27.50/-
Rs. 150/- not Exceeding Rs. 200/-	Rs. 30/-
Rs. 200/- not Exceeding Rs. 250/-	Rs. 32.50
Rs. 250 not Exceeding Rs. 300/-	Rs. 32.50
Rs. 300/- not Exceeding Rs. 465/-	Rs. 35/-
Rs. 465/- not Exceeding Rs. 499/-	Amount by which the leave salary falls short of Rs.500/-
Rs. 500/- and above	Nil

(2) In addition to the schemes of the type referred to above in which Government take initiative to get the Government servant concerned trained, there are certain schemes operated through non-official channels (e.g. Rock feller Foundation) in which some Government servants obtain scholarship for study abroad mainly on their own initiative. In such cases, normally special leave on half average pay on the terms mentioned

In para 1 may be granted, for the entire period of training. If the training has a direct bearing on the subject with which the Government servant is concerned within the sphere of his duties. Exceptions to this procedure may be made when Government themselves obtain the facilities. For training under non-official auspices to a Government servant who would otherwise have to be trained under the official schemes either as a condition of appointment of the Government servant or in the interest of Government

work. In such cases the deputation-cum-special leave terms referred to in para 1 may be sanctioned.

(3) In the types of cases mentioned in paras I and 2 above in lieu of special leave the Government servant concerned may be permitted to avail of the Privilege leave to the extent due and admissible to him. The period in excess of the period of deputation plus the period of Privilege leave, if any should however, be treated as special leave.

(4) In the matter of granting any concession to a Government servant proceeding abroad on training, it is necessary to ensure that his services would be available to Government at least for a reasonable period, say, five years, after the completion of his attaining and that the officer should also possess adequate background of the subject or field in which he would be receiving training. The following conditions, should, therefore, generally, be satisfied for the grant of deputation or special leave terms to Government servants sponsored by Government for awards under the training schemes:-

(a) He should have at least five years to serve after the conclusion of training and is not expected to retire within that period.

(a) (ii) He should execute Bond to serve the State after conclusion of the training for a period shown in the following scale:—

Period of Training —	Period for which Bond is to be executed
Three months	One year.
Six months	Two years.
One years	Three years.
Two years	Five years.

The form of the bond to be executed should be as given in the Appendix XVIII.

(b) In the case of a Government servant on loan from another Government or a quasi-Government body the lending authority should agree to make him available to Government of Rajasthan for a period of not less than five years after the conclusion of training, if required.

(c) In the case of a Government servant in the temporary employ of the Government of Rajasthan, there should be a reasonable chance of his remaining in service for minimum of five year.; after the conclusion of the training and he should be required to give an undertaking in writing that he agrees to serve the Government for a like period.

(d) *He* should have completed a minimum of five years service (This is the limit observed for the grant of Study leave also.) The limit may however, be relaxed in cases when the very nature of the training does not warrant such a restriction e.g. cases where individuals are recruited on the condition that they should undergo training before they are posted to regular duties.

(5) Actual sanctions in individual case regarding the special leave terms mentioned above, should continue to be issued in consultation with the Finance Department in accordance with the present practice.

(6) The above terms will apply to the candidates who are still receiving training abroad under these schemes and not to those who have since returned after completing the training.

(7) The Government servants proposed to be sent for training abroad under the various training schemes will be screened by a Committee consisting of the Chief Secretary, Additional Chief Secretary, the Finance Secretary and the Secretary of the Department concerned. The Committee may co-opt the Head of the Department concerned, if necessary.

(8) A period of 12 months at one time should ordinarily be regarded as a suitable maximum for special leave (excluding the period of deputation). Similarly on the analogy of Rule 112(1) of R. S. R. the grant of special leave, in the combination with leave other than extra

ordinary leave or leave on Medical Certificate should also not involve a continuous absence of over 24 months from a Government servant's regular duties. In calculating the continuous period of absence from duty the travel time from India to the country of training and back when proceeding on or returning from such leave will be included, but the period of six months of deputation granted in a case of deputation cum-special leave will be excluded. The maximum limit of two years in the whole period of a Government servant's service will also apply in the case of special leave, provided that the limit may be relaxed in special cases in the public interest.

In accordance with paragraph 3 of the above order, the Government servant concerned may be permitted to avail of the privilege leave to the extent due and admissible to him in lieu of the special leave for the period of training. As regards any leave that the Government servant may wish to take in extension of the period of training for personal reasons, the grant of such leave will be subject to the administrative Convenience of his department and subject to the restrictions about the grant of return passage at public expense etc. imposed, under the existing rules and orders vide Secretary of State's Order No". (2) under F. R. 51.

Clarification.

Attention is invited to Government of Rajasthan's Decision below Rule 51. A question has been raised as to how house rent allowance should be regulated in the case of Government servants who are deputed for training abroad under the various training schemes. It is clarified that such Government servant shall be eligible for house rent allowance, subject to fulfillment of the conditions laid down in Rule 42 (9) of Rajasthan Service Rules, during the first six months of absence from their posts which is treated as deputation under the above Government of Rajasthan's Decision. These allowances will not be admissible during the period of training which is treated as special leave or leave on average pay/Privilege Leave.

CHAPTER VIII

Dismissal, Removal and Suspensions.

52. Stoppage of pay and Allowances from the date of dismissal.— The pay and allowances of a Government servant who is dismissed or removed from service cease from the date of dismissal or removal.

[For procedure in regard to the last payment of pay and allowances refer to Rule 164 of the General Financial and Account Rules.]

@ 53. Subsistence grant— (1) A Government servant under suspension shall be entitled to the following payments, namely:--

(a) subsistence allowance at an amount equal to the leave salary which the Government servant would have drawn if *he had been leave on half pay* and in addition dearness allowance based on such leave salary:

Provided that where the period of suspension exceeds *[six months] the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first *[six months] as follows:—

- (i) the amount of subsistence allowance may be increased by a suitable amount, not exceeding to 50 percent of the subsistence allowance admissible during the period of .the first *[six months] if, in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded, in writing not directly, attributable to the Government servant;
- (ii) the amount of subsistence allowance may be reduced by a suitable amount, not exceeding 50 percent of the subsistence allowance admissible during the period of the first *[six months] if, in the opinion of the said authority, the period of suspension has been prolonged due to reasons, to be recorded in writing, directly attributable to the Government servant
- (iii) the rate of dearness allowance will be based on the increased or, as the case may be the decreased amount of subsistence allowance admissible under sub clause (i) and (ii) above.

@(b) Any other compensatory allowances admissible from time to time on the basis of pay which the Government servant was in receipt on the date

[@] Substituted for Rule 53 by F.D. Notification F. 1(44)F.D.(E-Rules)/ 63, dated 22-1-1964

"53. A Government servant under suspension is entitled to subsistence grant at such rate as the suspending authority may direct but not exceeding one fourth of the pay of the suspended Government servant, provided that the suspending authority may direct that the Government servant under suspension shall be granted in addition such compensatory allowances as the Government may sanction by general or special orders for issue under this proviso."

* Substituted vide F.D. Notification No.F.1(33) FD (Rules)/ 71, dated 31-12-1971 for "twelve months", Effective from 9-6-1971.

[@] Substituted vide F.D. Notification No F. 1(30) FD(Exp-Rules) 65, dated 17.7.1967-

(b) any other compensatory allowance admissible from time to time on the basis of pay of which the Government servant was in receipt on the date of suspension. Provided that the Government servant

of suspension subject to the fulfillment of other conditions laid down for the drawal of such allowances.

Clarification

%A question has been raised whether the period of twelve months mentioned in the proviso to rule 53(1) (a) of the Rajasthan Service Rules is to be calculated from the date of issue of the Finance Department Notification of even number dated 22-1-1964 or from the date on which a Government servant was placed under suspension by the competent authority.

The matter has been examined and it is clarified that the period of twelve months referred to in the aforesaid rule shall be reckoned from the date on which a Government servant was placed on suspension.

(2) No payment under sub-rule (1) shall be made unless the Government servant furnishes a certificate, that he is not engaged in any other employment, business, profession or vocation :

Provided that in the case of a Government servant dismissed, removed or compulsorily retired from service, who is deemed to have been placed or to continue to be under suspension from the date of such dismissal or removal or compulsory retirement under sub-rule (3) or sub-rule (4) of Rule 13 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 and who fails to produce such a certificate for any period or periods during which he is deemed to be placed or to continue to be under suspension, he shall be entitled to the subsistence allowance and other allowances equal to the amount by which earnings during such period or periods as the case may be, fall short of the amount of subsistence allowance and other allowances that would otherwise be admissible to him; where the subsistence allowance and other allowances admissible to are equal to or less than the amount earned by him, nothing in this proviso shall apply to him.

Audit Instruction. -Deleted.

Clarification.

* A case has come to the notice of the Government in which a Government servant under suspension left his headquarters without obtaining prior permission of the competent authority. The suspending authority there upon stopped payment of subsistence allowance to the Government servant concerned.

The matter has been considered and it is clarified that the suspending authority has no discretion to stop payment of subsistence allowance. A Government servant under suspension has to be paid subsistence allowance

shall not be entitled to the compensatory allowance unless the said authority is satisfied that the Government servant continues to meet the expenditure for which they are granted. F.(30) FD/ER/65, dated 7-6-1965.

% Inserted vide F.D. Memorandum No. F. 1(44)FD(Exp-Rules)/63, dated 22-6-1964

Deleted vide F.D, Order No. F.1 (87)FD (A) Rules/62, dated 18-12-1968. Effective from 22-1-1964—

"The suspending authority has discretion to fix the amount of subsistence grant at a figure which he may think appropriate subject to the prescribed maximum but he has no authority to refuse it altogether in any case which falls within the scope of this rule."

* Inserted vide F.D. Memo. No.F.1(32) FD (Rules) 70, dated 4-6-1970.

during suspension period. The competent authority may however initiate another enquiry under provisions of the Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958 against suspended Government servant concerned who has left the headquarters without permission of the competent authority.

%54. Re-instatement— (1) When a Government servant who has been dismissed, removed, compulsorily retired or suspended is re-instated or would have been re-instated but for his retirement on superannuation while under suspension, the authority competent to order the re-instatement shall consider and make a specific order:—

(a) regarding the pay and allowances to be paid to the Government servant for the period of his absence from duty or for the period of suspension ending with the date of his retirement on superannuation as the case may be; and

(b) Whether or not the said period shall be treated as a period spent on duty.

(2) Where such competent authority holds that the Government Servant has been fully exonerated or, in the case of suspension that it was wholly unjustified, the Government servant shall be given the full pay and dearness allowance to which he would have been entitled had he not been dismissed, removed or compulsorily retired as a penalty or suspended, as the case may be.

(3) In other cases, the Government servant shall be given such proportion of such pay and dearness allowance as such competent authority may prescribe.

(4) In a case falling under clause (2) the period of absence from duty shall be treated as a period spent on duty for all purposes.

(5) In a case falling under clause (3) the period of absence from duty shall not be treated as a period on duty unless such authority specifically directs that it shall be so treated for any specified purpose:

*Provided that if the Government so desires, such authority may direct that the period of absence from duty shall be converted into leave of any kind due and admissible to the Government servant.

@Note:- The order of the competent authority regarding the treatment of the period of absence from duty passed under this proviso is absolute and no higher sanction would be necessary for the grant of extra-ordinary leave in

% Rule 54(1) Substituted by F.D. Notification No. F.1 (88)F.D. (A) R/62, dated 6-8-1963—

"54. (1) When a Government servant who has been £ [dismissed, removed. Compulsorily retired as a penalty or Suspended] is reinStated the authority competent to order the rein Statement shall consider and make a specific order-

(a) regarding the pay and allowances to be paid to the Government servant for the period of his absence from duty, and

(b) Whether or not the said period shall be treated as period spent on duty".

£ Substituted vide F.D. No. F.7A(52) F.D./A/R/60, dated 28-4-1961 for "dismissed, removed or suspended"

* Proviso inserted by F.D. Older No. 3711 F. 7A/(14) FD.A-Rules 57, dated 13-7-1957.

@ Inserted vide F.D. Order No. F. 7A (52) FD-A (Rules)/60-1, dated 31-3-1961.

excess of three months in so far as temporary Government servant are concerned.

[#](6) In cases where punishment order does not indicate as to whether the suspension period is to be counted for the purpose of pension or not, the period of suspension shall be counted for the purpose of pension. In all other cases action shall be taken as per punishment order.

⁺(7[#]) Any payment made under this rule to a Government servant on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment, business, profession or vocation during the period between the date of removal, dismissal or compulsory retirement, as the case may be, and the date of reinstatement. Where the emoluments admissible under this rule are equal to or less than the amounts earned during the employment, business, profession or vocation elsewhere, nothing shall be paid to the Government servant.

For Administrative Instructions Issued By The Government See appendix I, Section II, Suspension During Pendency Of Criminal Proceeding For Arrest For Debts Or During Detention Under a Law Providing For Prevention Detention.

NOTES.

1. The revising or appellate authority is competent to convert the period spent under suspension into one of leave and direct the payment of the appropriate leave salary.

2. If a Government servant who is dismissed or removed from service is reinstated on appeal with effect from a subsequent date and the interval between days of dismissal or removal and reinstatement is ordered to be treated as spent on duty and allowed to count for leave and increments such orders should have effect even though during the period of unemployment the Government servant had no lien on a permanent post. Consequently posts vacated by Government servants who are dismissed or removed from Government service may be filled substantively subject to the condition that the arrangements thus made will be reversed if the dismissed Government servant is reinstated, on appeal.

[^] 3. A question having arisen whether in cases where the period of suspension is ordered to be treated as one spent on leave and when on conversion it is found the greater part of the period is to be treated as extra-ordinary leave to which no leave salary is admissible the recovery of the subsistence allowance already paid would be in order, it has been decided that there is no bar to the conversion of any portion of a period of suspension into extra-ordinary leave. In the case of persons who are not fully exonerated, the conversion of the period of suspension into leave with or without allowance has the effect of removing the stigma of suspension and all the adverse consequence following therefrom. The moment the period of suspension is converted into leave, it has the effect of vacating the order of

[#] The existing sub rule 6 renumbered as subrule (7) and new sub rule (6) inserted vide FD Notification No. F.1(5)FD/Rules/96 dated 14.6.1996 w.e.f. 1.4.1996

⁺ Inserted vide F.D. Notification No. F.1(15)FD(Gr.2)86, dt. 21-5-86.

[^] Inserted vide F.D. Order No. F.9(1)/55, dated 1-3-1955.

the suspension and it will be deemed not to have been passed at all. Therefore if it is found that the total amount of subsistence and compensatory allowance that an officer received during the period of suspension exceeds the amount of leave salary and allowance, the excess will have to be refunded and there is no escape from the conclusion.

⁺ 4. The grant of extra-ordinary leave and dismissal from Government service are entirely different matters and the analogy of the treatment accorded by conversion of suspension period into leave does not automatically apply to cases of dismissal with retrospective effect as the latter has the effect of removal of the Government servant from his post. An allowance granted for the maintenance of the Government servant during the interim period should not therefore, be recovered from him.

@5. A permanent post vacated by the dismissal, removal or compulsory retirement of a Government servant should not be filled substantively until the expiry of the period of one year from the date of such dismissal, removal or compulsory retirement, as the case may be. Where, on the expiry of the period of one year, the permanent post is filled and original incumbent of the post is reinstated thereafter, he should be accommodated against any post which may be substantively vacant in the grade to which his previous substantive post belonged. If there is no such vacant post, he should be accommodated against a supernumerary post which should be created in this grade with proper sanction and with the stipulation that it would be terminated on the occurrence, of the first substantive vacancy in the grade.

Government of Rajasthan's Decisions.

%1. A case has arisen where the services of a Government servant were terminated on 6-3-57 and on appeal he was reinstated in service. The appellate authority declared that he may be granted leave due for the period from 6-3-57 to 30-6-57 and full pay of the post from 1-7-1957 onwards. The incumbent resumed his duties with effect from 16-12-1957.

As there was no post against which lien of the Government servant could be shown for the period of dismissal as officiating arrangements had already been made against the post to carry on the work, a suggestion was made to create a post for providing him a lien and for enabling him to draw pay, allowances for the period.

The matter has been examined and it is clarified that rule 54 of Rajasthan Service Rules is absolute and unconditional and that it could not be absolute if the condition of a 'lien' has first to be satisfied. The pay and allowances to a Government servant under these circumstances are admissible under Rule 54 of Rajasthan Service Rules and the question of creating a post for this period therefore does not arise as this is a permissible excess.

*2 It has come to the notice of this Department that some officials have been producing copies of an order purporting to have been issued by the Finance Department (Rules) bearing No. FD/Rules/62/Gr.II/Gr.1/1 dated

⁺ Inserted by F.D. Order No F1(110)FD/R/56 dated 21-11-1956

@ Inserted vide F.D. Memo No F7A(52)F.D (A)Rules/60-II, dated 31-3-1961

% Inserted by F.D. Memo No. 7A (51) FD(A)Rules/59. dated 17-3-1959.

* Inserted vide F.D. Memo No. F.1 (24) FD/Rules/76, dated 24-5-1976.

11th November, 1974, dealing with the subject of reinstatement of suspended, persons in whose case the period of suspension has been considerably prolonged. The order so produced is quoted below:—

"The Government of Rajasthan vide order No. F.1 (3)Apptts/AO/61 / Gr. III dated 7-2-62, No. F 2900/23/(18)Apptts/A/58 dated 25th March. 1967 and No. D. 9968/F. 23/Apptts(A)/68 dated 21st August, 1968 have repeatedly desired that the Departmental Enquiry cases against the suspended employees should be given TOP PRIORITY/PERSONNEL ATTENTION to finalize the Departmental Enquiry cases within six months. But while going through the Annual Statements for the year 1973-74, it has been revealed that the aforesaid instructions in respect of suspended Government employees have not been strictly followed by the Heads of the Departments.

It has been further observed that in some cases the Enquiry Officers have taken a lot of time to complete enquiry and in certain cases they have been found to be committing serious procedural irregularities in conducting D.E.'s this negligence causes further prolongation of the D.E. as well as suspension period, the Government have, therefore been pleased to order that:-

(1) In exceptional cases if any delinquent Govt. employee has continued under suspension for a period exceeding two years and he has not been prosecuted in a Court of Law the orders placing such employee under suspension be immediately withdrawn without prejudices to the decision to be taken in the Departmental Enquiry case. In case where a delay exceeding five years due to Criminal Proceeding pending against the delinquent suspended employee in a Court of Law, such suspension orders may also be withdrawn and he may ask to perform his duties at the same station on which was fixed by the Disciplinary Authority on the day he was placed under suspension. Such kind of action will not be affected adversely on his future men/promotion whichever is due. The decision as to how the period of suspension is to be treated in such a case action shall however be taken when the D.E./Court Proceedings against the delinquent is finally decided. Please note that Sessions Trial/criminal Appeal Cases pending against the delinquent in Upper Courts for the own acquittal shall not be considered for duty purpose till he has not been discharged by the Court.

(2). Where an appeal to the higher authority or as a result of Court Decision an appeal is accepted due to non-observation of the prescribed procedure either by the Enquiry Officer or the Disciplinary Authority Departmental action should invariably be taken against the enquiry officer/disciplinary authority.

These orders should be brought to the notice of all disciplinary authorities for immediate compliance.

No such order reproduced above bearing the number and date mentioned has been issued by Finance Department/Department of Personnel. It is, therefore, enjoined upon All Administrative Departments/Head of the Departments and Disciplinary Authorities that the said order should not be acted upon. In cases where action had already been taken on the basis of such fake document they should be re-opened and rectified and details intimated to this Department.

It is also stressed that no action should be taken on the basis of copies of orders/circulars unless they are duly attested by responsible officers/officials.

The receipt of this letter may kindly be acknowledged.

55. Grant of leave during suspension.- Leave may not be granted to a Government servant under suspension.

Government of Rajasthan's Decision

%Under Article 55 of Rajasthan Service Rules restriction has been imposed on grant of leave to a Government servant under suspension. Application of this rule, however, causes hardship in the event of serious illness-in the family. etc His Highness the Rajpramukh has therefore, been pleased to order that permission to leave headquarters may be given in such cases by the authority competent to fill the post; for reasonable periods in unavoidable circumstances, keeping in view the state of the enquiry and the possible effect of Government servant's absence on its progress.

@ Clarification

According to Rule 55 of Rajasthan Service Rules leave cannot be granted to a suspended Government servant, however, in the event of illness of a family member etc. permission to leave headquarters can be given by the competent authority.

A question has been raised whether a suspended Government servant should attend office regularly to prove his presence at the headquarters.

The matter has been examined and it is clarified that a suspended Government servant should regularly attend office unless it is not so desired by the competent authority # ().

** 55-A. Leave shall not be granted to a Government servant whom a competent punishing authority has decided to dismiss, remove or compulsorily retire from Government service.

% Inserted vide F.D. Order No. F. 9(1)F(R)/53, dated 8-2-1955.

@ Inserted vide F.D. Memo No. F 1(80)F.D.(Rules-1/71), dated 12-11-1971

Deleted vide F.D. Memo No. F. 1(35) FD(Gr.2)/75 dated 13-8-1975 the following:—
"Marking of attendance by him is, however, not necessary"

** Inserted vide F.D. Order No. 5760/57-F.1(40)FD-A/Rules/56, dated 13-9-1957.

CHAPTER IX

Compulsory Retirement

*56. The date of compulsory retirement of a Government servant would be the afternoon of the last day of the month in which he attains the age of 60 years.

Provided that the provisions of age of compulsory retirement, as contained in this rule, shall not be applicable in the case of Government servants who are in service after attaining the age of compulsory retirement either on reemployment or on extension in service.

Note :1. A Government servant whose date of birth is the first of month shall retire from service in the afternoon of the last day of the preceeding month on attaining the age of sixty years.

* Substituted Notification No.F.1(6)FD/Rules/98 dated 24.5.2004.

%56. The date of compulsory retirement of a Government servant other than a Government servant of Class IV would be the afternoon of the last day of the month in which he attains the age of 58 years and the date of compulsory retirement of a Government Servant of Class IV would be the afternoon of the last day of the month in which he attains the age of 60 years.

Provided that the Government servants other than Class IV who have crossed the age of 58 years shall also be compulsorily retired on 31.3.1999.

Exception : The retirement age of officers of Rajasthan Judicial Services and Rajasthan Higher Judicial Services who are considered to have a potential for continued useful purpose by the Committee of Judges of the Rajasthan High Court and headed by the Chief Justice would be 60 years while for others it would be 58 years.

Note : 1. A Government servant whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of compulsory retirement.

2. In case the last day of the month happens to be a closed holiday, even then the Government servant should formally relinquish charge of the office in the afternoon of that day."

\$राज्य सरकार ने अधिसूचना संख्या प.1(6)वित्त/नियम/98 दिनांक 28.12.1998 जारी कर राज्य कर्मचारियों की अधिवार्षिकी की आयु दिनांक 31.3.1999 से 60 वर्ष से घटाकर 58 वर्ष की है तथा राज्य सेवा में भर्ती की अधिकतम आयु सीमा में भी 2 वर्ष की कमी की है। उक्त अधिसूचना पंचायत समितियों, जिला परिषदों एवं कार्य प्रभारित कर्मचारियों पर भी समान रूप से लागू होगी।

(\$ Inserted vide FD Circular No. 1(6)FD/Rules/98 dated 23.3.1999.

% Substituted vide FD Notification No. F.1(6)FD(Rules)/98 dated 28.12.1998. w.e.f. 31.3.1999.

#56. The date of compulsory retirement of a Government servant would be the afternoon of the last day of the month in which he attains the age of 60 years.

Provided that the provisions of age of compulsory retirement as contained in this rule shall not be applicable in the case of Government servants who are in service after attaining the age of compulsory retirement either on re-employment or on extension in service.

Provided further that no Government servant shall be granted extension in service beyond the age of 60 years.

Note : 1. A Government servant whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the proceeding month on attaining the age of sixty years.

2. In case the last day of the month happens to be a closed holiday, even then the Government servant should formally relinquish charge of the office in the afternoon of that day.

#The Existing rule 56 and 56A substituted vide FD Notification No. F.1(6)FD(Rules)98 dated 27.6.1998 (**Rule No. 56 & 56A in force prior to 27.6.1998 may be seen at the end of this chapter.**)

“राज्य सरकार ने राज्य कर्मचारियों की अधिवार्षिकी की आयु 58 से 60 वर्ष तुरन्त प्रभाव से करने का निर्णय लिया है। यह निर्णय पंचायत समितियों, जिला परिषदों एवं कार्य प्रभारित कर्मचारियों पर भी लागू होगा। इस निर्णय के फलस्वरूप अब दिनांक 30 जून, 1998 को 58 वर्ष पूर्ण करने वाले राज्य कर्मचारियों को 30 जून, 1998 को सेवा निवृत्त नहीं किया जाएगा। इस विषयक संबंधित नियमों में आवश्यक संशोधन अलग से जारी किए जा रहे हैं। इसी के साथ राज्य सेवा में भर्ती की अधिकतम आयु सीमा में भी 2 वर्ष की वृद्धि करने का निर्णय लिया गया है।

“Inserted vide FD Circular No. F.1(6)FD(Rules)98 dated 27.6.1998

2. In case the last day of the month happens to be a closed holiday, even then the Government servant should formally relinquish charge of the office in the afternoon of that day."

Government Of Rajasthan's Decisions

1.राज्य सरकार ने राज्य कर्मचारियों की अधिवार्षिकी की आयु दिनांक 31 मई, 2004 से 58 वर्ष से बढ़ाकर 60 वर्ष करने का निर्णय लिया है। यह निर्णय पंचायत समितियाँ, जिला परिषदों एवं कार्य प्रभारित कर्मचारियों पर भी लागू होगा। इस निर्णय के फलस्वरूप अब दिनांक 31 मई, 2004 को 58 वर्ष पूर्ण करने वाले उपरोक्त कर्मचारियों को 31 मई, 2004 को सेवानिवृत्त नहीं किया जाएगा।

इस विषयक संबंधित नियमों में आवश्यक संशोधन अलग से जारी किए जा रहे हैं।

इसी के साथ राज्य सेवा में भर्ती की अधिकतम आयु सीमा में भी दो वर्ष की वृद्धि करने का निर्णय लिया गया है। आगामी दो वर्षों में होने वाली नियुक्तियों के संदर्भ में वे सभी अभ्यर्थी भी पात्रता रखेंगे जिनकी आयु दिनांक 1.1.1999 को निर्धारित अधिकतम आयु सीमा से अधिक नहीं थी।

स्पष्टीकरण

^Cवित्त विभाग के परिपत्र सं. प.1(6)वित्त/नियम/98 दिनांक 24.5.2004 के पैरा नं.1 के तीसरे वाक्य के क्रम में यह स्पष्ट किया जाता है कि माह मई, 2004 में किसी भी दिन 58 वर्ष की आयु पूर्ण करने वाले कर्मचारी को 31 मई, 2004 को सेवानिवृत्त न करके 31 मई, 2006 को सेवानिवृत्त किया जायेगा।

Inserted vide circular No. 1(6)FD/Rules/98 dated 24.5.2004.

^C Inserted vide FD circular No. F.1(6)FD/Rules/98 dated 26.5.2004

Matter End of the Chapter

Rule No. 56 & 56A in force prior to 27.6.1998 substituted vide FD Notification No. F.1(6)FD/Rules/98 dated. 27.6.1998.

***56. Compulsory retirement on attaining age of Superannuation.-**

(a)(i) Except as otherwise provided in these rules, the date of compulsory retirement of a Government servant, other than a Government servant of Class IV X [] @ [is the afternoon of the last day of the month in which he attains the age of fifty five years]. He may be retained in service after the date of compulsory retirement with the sanction of the Government on public ground which must be recorded in writing but he must not be retained after the age of 60 except in very special circumstances.

^x Provided that notwithstanding any other provisions to the contrary, a Government servant who had not retired on or before 1st December, 1962 but has subsequently attained the age of 55 years and has on 1st July, 1967 not attained the age of 58 years shall. for the period he has continued in service after attaining the age of 55 years, be deemed to have been retained in service by extension in service beyond the date of compulsory retirement i.e. the age of 55 years, within the meaning of the rule aforesaid.

^{*} Provided further that the period for which a person has been retained in service after the date of compulsory retirement may be altered by the Government any time by an order recorded in writing.

@Note -A Government servant whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of fifty five years ;

(ii) The date of compulsory retirement of a Government servant of Class IV % [is the afternoon of the last day of the month in which he attains the age of fifty eight years.]

@Note— A Government servant in class IV whose date of birth is the first day of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of fifty eight years.

+ (iii) Deleted.

* Substituted vide F.D. Notification No. F.D.1(84)FD-A(Rules)62, dated 31-8-1963—

"56(a) Except as otherwise provided, the date of compulsory retirement of a Government servant is the date on which he attains the age 55 years. He may be retained in service after the date of compulsory retirement, with the sanction of the Government, on public grounds which must be recorded in writing but he must not be retained after the age of 60 years except in very special circumstances."

@ Substituted vide Notification No. F. 1(39) FD(Gr.2)/74 dated 2-8-1975 for "is the date on which he attains the age of 55 years" w.e.f. 13-9-1974.

^x Substituted for the figure "58" and deleted the word "and Medical officers (including members of teaching staff) of Medical College", and

^{*} Inserted vide F D Notification No F 1(39)FD(Gr 2)/74 dated 30-7-1977, as amended vide Notification even No. dated 20-8-1977 w.e.f. 30-6-1977

@ Inserted vide F D Notification No F 1(39)FD(Gr 2)/74 dated 2-8-1975 w.e.f. 13-9-1974.

% Substituted vide Notification No.F.FD1(39)FD(Gr.2)/74dated 2-8-1975 for "is the date on which he attains the age of £"58 years" w.e.f 13-9-1974.

£ Substituted vide FD Notification No. F.1(71)FD/Rules/69 dated 19.11.1969, effective from 1.12.1969 for the words "60 years".

+ (iii) The date of compulsory retirement of a Medical Officer (including a member of teaching staff of Medical College) who is declared medically fit for further service on attaining the age of 58 years, is the date on which he attains the age of 60 years. In other cases the date of compulsory retirement of such a Government servant is the date on which he attains the age of 58 years. (Inserted vide F.D. Notification No. 1(35) F.D.Exp-Rules 67, dated 11-5-1967, Effective from 2-2-65 and proviso added vide F.D. Notification No. F. 1(42) FD (Exp-Rules)/67-l dated 13-6-67, 28-6-1967 & 27-7-1967, Effective from 1-7-1967

[£] *Note—1.* Teaching staff of Schools, Colleges and other teaching institutions or Heads of such institutions, Gazetted or non Gazetted, who are due to attain the age of superannuation before the month of @[January] during the academic year should invariably be granted leave preparatory to retirement if admissible and applied for, and retired on due date similarly those persons who are due to attain the age of Superannuation on or after 1st @ [January] but are entitled to leave preparatory to retirement to such extent that they can be relieved to proceed on leave before 1st @[January] should also be invariably granted leave if applied for, and retired on due date. Persons who attain the age of superannuation on or after @[1st January] and who either do not have leave due which could have been availed of prior to @[1st January] or do not want to avail of leave preparatory to retirement, should be retired on due date. If, however, "the appointing authority considers it necessary to retain their services in the interest of studies during the remaining months of the academic year including Summer vacations, %[or 30th June, whichever is earlier] they may be re-employed on the following terms by the appointing authority:—

- (i) Pay on re-employment shall be fixed equal to the pay last drawn before retirement minus pension ⁺[].
- (ii) Pending finalisation of pension claims of such employees they may be allowed to draw pay on re-employment at the rate last drawn by them before retirement on provisional basis, subject to the condition that excess payment be adjusted against the amount of pension and Death-cum retirement gratuity on Finalisation of pension claim.
- (iii) In cases where the pay on re-employment is fixed under item (i) above, the provisions of Rule 337 and decisions thereunder shall not apply for purposes of fixation of pay on re-employment.

^{*} *Note 2.—* A Government servant who is granted extension of Service after he has attained the prescribed age of superannuation shall not be promoted to another post during the period of extension.

Government of Rajasthan's Decision.

[#]1. Under Note below Rule 56 (a) the Rajasthan Service Rules the services of the teachers who are due for retirement after ^{\$} [December] during the academic session, can be retained till the end of the session including Summer Vacations.

Consequent upon the constitution of the Panchayat Samitis with effect from 2-10-1959 under the Rajasthan Panchayat Samitis and Zila Parishads Act, 1959, certain Primary School teachers have been transferred to the control of the Panchayat Samitis.

It has been ordered that the retention of such teachers by the Panchayat Samitis in terms of the Note referred to above will be deemed to be retention under orders of competent authority.

This order may be deemed to have come into force with effect from 2-10-1959.

[£] Substituted vide FD Notification No.F.1 (42) FD (Exp. Rules)/66,dated 21-3-1967. Effective from 14-2-1962 for—"Teachers or Heads of Institutions Gazetted or non-Gazetted who attain the age of superannuation within 3 months of the beginning of the academic session i.e. up to the end of September should be retired and those who attain the age of superannuation and are due for retirement after September and it is necessary to retain their services in the interest of studies during the session their services may be retained till the end of session including summer vacations. £These orders will also be applicable to teaching staff of the Medical, Agriculture, Veterinary and (Ayurvedic Colleges).

[@] Substituted for the word "September" and existing Note Numbered as 'Note No.1' vide FD Notification No. F.1 (38) FD (Gr.2)/73, dated 29-11-1973.

[%] Inserted vide FD Notification No.F.1 (38) FD (Gr.-2)/73, dated 24-8-1973

⁺ Deleted vide F.D. Order No. F.1(56)F.D.(Gr-2)/82, dated 12-1-1984, effective from 14-9-1981, the words, "including pension equivalent of Death-cum-retirement gratuity."

^{*} Inserted vide F.D. Notification No.F. 1 (64)FD(Rules)/69, dated 15-10-1969.

[#] Inserted by F.D. order No.7A (20) F.D-A (Rules)/60 dated 12-8-1960.

^{\$} Substituted for the word "September" vide FD Notification No.F.1(38) FD (Gr.2)/73 dated 24-8-1973.

[%]2. Under the existing provisions as contained in Rule 56 of Rajasthan Service Rules, the date of compulsory retirement of a Government servant is the date on which he attains the age of 55 years or 58 years as the case may be.

The matter has been examined and it is ordered that, as from the 15th September, 1974 a Government servant shall retire from service with effect from the afternoon of the last day of the month in which his date of retirement according to clause (a) (i) and (ii) of Rule 56 falls. Accordingly, date of retirement of Government servants shall take effect as under :

<i>Date of birth</i>	<i>Date of retirement on attaining the age of 55 or 58 years as the case may be .</i>
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1. 1st of a month After noon of the last day of the preceding month.
2. Any other date of a Afternoon of the last day of that month.
month

Formal amendment to Rules will be issued in due course.

[†] The above order shall take effect from the date of issue of the order and accordingly the provisions of the said order shall apply to Government servants retiring on or after the 12th September, 1974.

^{*}3 According to provisions of Finance Department Order dated 12-9-1974 (appearing as Decision No. 2 above), a Government servant shall retire from service with effect from the afternoon of the last day of the month in which his date of retirement according to Rule 56 of Rajasthan Service Rules falls . These orders are applicable to Government servants retiring on or after the 12th September, 1974. A question has been raised as to how cases of Government servants who had already proceeded on leave preparatory to retirement before the issue of the aforesaid order and would be retiring on expiry of the leave preparatory to retirement on or after the 12th September, 1974 would be regulated.

The matter has been examined and it is ordered that in the case of such a Government servant, the intervening period between the date of expiry of the leave preparatory to retirement and the date of retirement, determined in accordance with provisions of the aforesaid order, shall be treated as duty for all purposes. The Government servant concerned shall not be required to resume his duties on the expiry of Leave Preparatory to Retirement and shall be deemed to have retired with effect from the date determined under the above orders.

^{**}4. The undersigned is directed to invite a reference to the provisions of Rule 56 of the Rajasthan Service Rules according to which the date of compulsory retirement of a Government servant other than class IV is the afternoon of the last day of the month in which he attains the age of 55 years, and in case of class IV it is the afternoon of the last day of the month in which he attains the age of 58 years. But cases have come to the notice of the Government that some of the Government servants are not retired on the due date of retirement worked out on the basis of date of birth recorded in the service book, and they are, some how or other, to allowed to continue in service beyond the date of retirement. This is highly irregular. When such cases are referred to Government for regularization of excess period of service rendered after attaining the age of superannuation, Government have no option except to regularize such cases by treating the excess period of service tendered between date of attaining age of superannuation and actual date of cessation from service as period of re-employment. The regularization process causes considerable delay in finalization of pension cases.

(2) The matter has been considered and it has been decided, that the pension cases of Government servants who have been irregularly retained, or continue in service after attaining the age of superannuation on account of whatever reasons, shall henceforth be finalized even though the formal order regulating the excess period of service referred to above has not been issued. If, in any case, as a result of regularization of such cases, it is found that amount has been paid in excess on account of pay and allowances, it shall be recoverable or adjusted against the pension payable to the Government

[%] Inserted vide FD Order No F1 (39)FD(Gr 2)/74, dated 12-9-1974.

[†] Inserted vide FD Order No F1 (39)FD(Gr 2)/74, dated 12-9-1974.

- Inserted vide FD Order No. F 1 (39)FD(Gr.2)/74, dated 15-10-1974

^{**} Inserted vide F.D. Memo No. 1(39)FD(Gr. 2)/74, dated 17-11-1977, GSR 237 dated 12-1-1978.

servant. The Accountant General would finalize such pension cases and advise the concerned department under intimation of Special Officer Pension to seek regularization of the excess period of service rendered beyond the date attaining the age of superannuation. The Special Officer Pension would take up the matter with the concerned department to ensure the necessary orders to regularize the period of service in question are issued promptly.

** Government of Rajasthan's Instructions*

The following instructions are to be followed for retiring Government servants on 1st July, 1967 in accordance with Finance Department's Order No. F.1(42)FD(Exp-Rules)/67, dated 13th June, 1967 and to grant them leave salary and to sanction pension etc.

Administrative Departments and Heads of Department should follow these instructions rigidly and proceed further to ensure retirement of Government servants who have attained the age of 55 years or more on 1st July, 1967 and to sanction them salary as may be due and to pay anticipatory pension etc.

I. All Government servants due to retire on 1st July, 1967 shall hand over charge of the post on 1st July, 1967 (forenoon). Where charge involves handing over of Stores etc., the same must be completed before 1st July, 1967 (forenoon).

II. The charge shall be handed over to the Government servant who, under orders of competent authority is asked to take over the charge from the retiring Government servant. In case no arrangement to take over the charge is made, the charge shall be handed over to any other Government servant of the Department other than Class IV, available at the Headquarters of the retiring Government servant.

III. Government servant who are on deputation to Public Sector Undertaking /Autonomous Bodies/Corporation /Universities/ Local Bodies or any other foreign Body or State Government or Central Government or are on special duty on behalf of Government of Rajasthan within India or abroad, shall be deemed to have reverted to Government service on 30th June, 1967 and retired from 1st July, 1967 (forenoon). In all posts where appointment on deputation have been made by Government or with the approval of Government or at the instance of Government, no person, who is deemed to have reverted to Government service shall be re-employed except with the specific sanction of Government in the administrative Department concerned and with the concurrence of the Appointments Department.

IV. Government servants who are under suspension on 30-6-67 shall retire from Government service on 1st July, 1967 (forenoon) but proceedings against them shall continue.

V. Government servants who are on leave of any kind sanctioned by competent authority shall also retire from Government service with effect from 1st July, 1967 (forenoon) and the period of privilege leave which remains unavailed of as a result of retirement shall be deemed to have been refused and the amount of leave salary in respect of such unavailed portion of privilege leave shall be paid after 1st July, 1967.

VI. A Government servant who is surplus or awaiting posting orders shall submit a report of having retired on 1st July, 1967 (fore-noon) to the authority under whom he is awaiting posting orders or is surplus.

VII. A Government servant who is availing joining time before 1st July, 1967 shall report on duty to the new headquarters and relinquish charge on 1st July, 1967 (forenoon), provided that if duty at the new headquarters cannot be joined earlier than 1st July, 1967, the Government servant shall stay at his old headquarters and submit a report of having retired on 1st July, 1967 (forenoon) to the authority under whom he was serving before availing joining time.

VIII. @A Government servant who has to his credit an amount of privilege leave before 1st July, 1967 shall apply for such leave and be paid due leave salary for a period not exceeding 120 days.] However, if the amount of privilege leave due is less than thirty days, he shall be allowed leave salary for thirty days in relaxation of rules 91, 92, 94 and 97 of Rajasthan Service Rules.

* Inserted vide FD Order No. F. 1(42)FD(E-R)/67-II dated 13-6-1967.

@ Substituted vide Corrigendum No. F. 1 (42) FD (Exp-Rules)/67, dated 16/28-6-1967.

** Clarification*

Doubts have been raised as to whether a Government servant who belongs to a vacation department and has no privilege leave at his credit on 30-6-1967, can be allowed and paid leave salary for 30 days in terms of paragraph 3-VIII of Finance Department order dated 13-6-1967, (appearing as Instruction No.1 above). It is clarified that the question whether a Government servant belongs to a vacation department or non-vacation department is not relevant. Payment of leave salary for 30 days is admissible only to such Government servants who had privilege leave of less than 30 days at their credit on 30-6-1967 irrespective of the fact whether they belonged to a vacation department or not. In cases where no privilege leave is at the credit of the Government servant on 30-6-1967 he is not entitled to Payment of leave salary for 30 days.

In this connection attention is invited to Rule 92(c) of the Rajasthan Service Rules according to which the total period of leave and vacation taken in combination with each other should not exceed 120 days at a time. Therefore, in a case in which leave is refused in terms of above order in continuation of vacation, the total duration of privilege leave and vacation should not exceed 120 days. This would be subject to the further restriction that the leave refused will not exceed beyond the date on which the Government servant attains the age of 58 years as provided in Finance Department Memo No. F.1 (42) FD(Exp-Rules)/67, dated 18-8-1967.

*IX. Privilege leave so applied for shall be deemed to have been refused before 1st July, 1967 in relaxation of rule 89 of Rajasthan Service Rules. The leave salary admissible in such cases during the period of refused leave will be the same as admissible in accordance with Finance Department Memo dated 15th July, 1967 (appearing as clarification below Rule 89) and shall be payable at the end of each month.

Under the existing provisions the amount of leave salary payable can be worked out only when the amount of pension and pension equivalent of other retirement benefits are known. Since finalization of pension case will take some time, it will not be possible to work out pension and pension equivalent of other retirement benefits and this will delay the payment of leave salary. It has, therefore been decided that where pension or pension equivalent of other retirement benefits are not known, leave salary may be paid as admissible in the normal course @ [and excess payment made may be adjusted, against pension, gratuity or other retiring benefits, when sanctioned]. With a view to see that excess payment of leave salary may not remain unrecovered, the following procedure may be followed:---

(1) In the case of Gazetted Officers the Accountant General, Rajasthan may note the excess payment so made which may be required to be adjusted from pension/Death-cum-retirement Gratuity.

(2) In the case of non gazetted Government servants, the drawing and disbursing authorities will intimate the amount of leave salary paid to the Government servant concerned along with pension papers and on the basis of such information Accountant General will record a note for effecting the excess amount from pension/Death-cum-Retirement Gratuity.

X. Payment of pay and allowances due for the month of June, 1967 shall be made in the normal course and the condition of obtaining 'No dues certificates' is hereby waived. 'No dues certificates', shall, however, be obtained and attached with the final pension papers and the amount outstanding shall be adjusted against Death-cum-Retirement Gratuity and/or pension or the amount of Government contribution with interest thereon or special contribution in case of subscriber to Contributory Provident Fund or arrear claims of the retired government servant payable after 1st July, 1967.

XI. A government servant retiring on the 1st July 1967 may be sanctioned anticipatory pension, on the basis of proof of his having 10 years qualifying service till the pension case finalized. Gazetted officers will immediately send to the Accountant General Particulars of qualifying service in Form 'H' prescribed in Appendix VII of Rajasthan Service Rules Volume II bearing the words 'Anticipatory Pension' in red ink, on the basis of history of services furnished by the Accountant General for authorizing anticipatory pension through the pension sanctioning authority concerned. The Accountant General will authorize anticipatory pension to Gazetted Officers by the end of August

* Inserted vide F.D. Memo No. F. 1 (42) FD (Exp-Rules)/67, dated 21/30-11-1967.

* Substituted vide F.D. Order No. F.1(42)FD(Exp-Rules)/67, dated 15-7-1967. from 1-7-1967.

@ Substituted vide F.D. Order No. F.1(42) FD(Exp-Rules)/67. dated 15-7-1967 Effective from 1-7-1967 & 24-7-1967.

1967 to enable them to draw the same in September, 1967 in the case of non gazetted government servants, action shall be taken by the Head of the Department to prepare cases for anticipatory pension in form 'H' prescribed in Appendix VII of Rajasthan Service Rules Volume II bearing the words 'Anticipatory Pension' in red ink on the basis of official record having proof that the retiring government servant has rendered qualifying service for 10 years, to earn pension under the relevant pension rules. After careful scrutiny pension sanctioning authority may sanction the anticipatory pension and draw the same for disbursement, to retire government servants, in accordance with Finance Department Memo No.F1(52)FD/(Exp-Rules)65, dated 14th September, 1966 read with Finance Department Memo of even number dated 29th April, 1967.

XII. Retiring government servants themselves and the pension sanctioning authority shall take immediate steps to prepare pension cases in order to ensure that full pension and gratuity or Contributory Provident Fund money is paid to the retired Government servants before 31st December, 1967. The pension cases shall be forwarded to the Accountant General complete in all respects before end of October, 1967.

XIII In accordance with Government of Rajasthan Instruction No 2 below rule 241 of Rajasthan Service Rules inserted vide Finance Department Memo No. F.1 (18)FD/A/Rules/61, dated 22nd April, 1961, claims with regard to pay fixation, condonation of breaks, change in emoluments, correction in date of birth, changes in service history etc. which affect a Government servant's pension are not entertained, if the claims are made within 3 years of the date of retirement. Accordingly no fresh claim and request of Government servants retiring on 1st July, 1967 shall be entertained. However, claims or representations pending on the date of issue of these orders shall be finalized by the competent authorities within 3 months positively.

XIV. Government servants retiring on 1st July, 1967 who are members of the Jodhpur Contributory Provident Fund shall be paid the amount of their subscription immediately after their retirement by the Accounts Officer concerned (Accountant General, Rajasthan). Payment of Government contribution together with interest and special contribution shall be made to the retired Government servants before the 31st December, 1967.

XV. Government servants who retire on 1st July, 1967 and whose policies with the State Insurance Department mature at the age of 58 years can avail of the benefits conferred under rule 45 and 48 of the Rajasthan Government Servants Insurance Rules, 1953.

XVI. Amounts of any kind of loans or advances and interest there on outstanding against retired Government servants and payable in installment or lump sum; may be deposited by them in lump sum in cash or adjusted against the amount of death-cum-retirement gratuity or Government contribution with interest thereon or special contribution in case of a subscriber to Contributory Provident Fund or on written request to the competent authority; may be recovered in suitable monthly installments from pension payable up to the month preceding the month in which the Government servant could have retired on attaining the age of 58 years.

XVII. Arrear claims of the retired Government servants including fixation of pay etc. shall be finalized within two months from the issue of this order.

Government of Rajasthan's Decisions.

*1. The age of retirement of Government servants has been changed from 58 years to 55 years from 1st July, 1967 vide Finance Department Order No. F. 1 (42) FD (Exp-Rules)/67, dated 13-6-1967. The matter regarding applicability of Rule 56 of Rajasthan Service Rules to retire that part-time/whole-time teaching staff engaged in various Government Institutions/Government Lawyers/teaching staff in Law Colleges etc. who attain the age of 55 years or more on 1st July, 1967 has further been considered and it has been decided that the aforesaid rule shall apply to all such part-time/whole-time teaching staff serving in various Government Training Institutions except (i) the Government Lawyers and (ii) part-time teaching staff in Law Colleges.

**2. According to sub-para VIII & IX of para 3 of Finance Department Order, dated 13-6-1967 (appearing as Instruction No. I above) a Government servant who retired on 1-7-1967 and had to

* Inserted by F.D. Memo No. F.1(42) F (Exp-Rules)/67-VI, dated 16-6-1967 & 30-6-1967.

** Inserted by F.D. Memo no. F.1 (42) FD (Exp-Rules)/ 67, dated 10-8-1967

his credit on that date privilege leave not exceeding 120 days can apply for such leave, which shall then be deemed to have been refused. The rules in force permit the drawal of leave salary in all cases only after the verification of the admissibility of the leave and the issue of formal orders by the Competent Authority sanctioning the leave. With a view to expedite the payment of leave salary to the Government servants retired under the above order, it is ordered that in all cases in which entitlement to leave is verified by the Accountant General, Rajasthan, the amount of privilege leave found due on such application which will be treated as refused leave should be deemed to have been sanctioned by the Competent authority and no formal orders sanctioning the same would be necessary. Accordingly, the Accountant General, Rajasthan on receipt of an application for verification of title to leave will after suitable verification of the entitlement of the Officer to the leave applied for, issue, an authority for the payment of leave salary to the Officers on the basis of such verification and will also inform the Authority competent to sanction leave of the period for which payment of leave salary has been authorized.

@3. Attention is invited to sub-para VIII & IX of para 3 of Finance Department Order, dated 13-6-1967 (appearing as Instruction No.1 above). A question has been raised as to whether the amount of privilege leave not exceeding 120 days which may be at the credit of the Government servant immediately before 1-7-1967, can be treated to have been refused and granted even when the period of leave to his credit may extend beyond the date on which he attains the age of 58 years.

It is clarified that in such a case only such amount of privilege leave may be treated to have been refused and granted which may not extend beyond the date on which the Government servant attains the age of 58 years.

Cases decided in any manner different from what is contemplated in para 2 above should be reopened and the orders already passed should be suitably revised.

x 4. According to para 3 (XVI) of the Finance Department Order dated 13-6-1967. [appearing as Government of Rajasthan's Instruction below Rule 56(a)(i)] Loans/Advances and the interest thereon outstanding against the Government servants retired on 1-7-1967 is to be recovered in suitable monthly installments from pension payable up to the month preceding the month in which the Government servant could have retired on attaining the age of 58-years. It is ordered that in the case of (Government servants retiring after 1st July, 1967 the recovery of outstanding Loans/Advances and the interest thereon should be made as indicated below:—

(a) In the case of Government servants retiring up to 30-6-1968, the recovery of Loans/Advances and the interest thereon be made from their pension and the entire amount be recovered up to the month preceding the month in which they attain the age of 58 years.

(b) In the case of Government servant's retiring after 30-6-1968, the installments should be recalculated so as to effect recovery of the entire amount before the date of retirement.

(c) Cases already decided otherwise need not be reopened.

%%5. Attention is invited to the Finance Department Notification No. F.1 (71) FD (Rule)/69-1, dated 19-11-1969 regarding change in the age of retirement on superannuation of Government servants in Class IV service from 60 to 58 years. In accordance with the aforesaid Notification all Government servants in Class IV service who attain the age of 58 years or more on 1-12-1969 are to be retired on 1-12-1969.

All Heads of Departments/Heads of Offices are requested to ensure that Government servants in Class IV service who are of 58 years or more are retired on 1-12-1969.

Orders regarding grant of pensionary benefits to such retired officials will issue separately.

*6. The Government have decided that in the case of Work-charged employees of the following categories, the date of compulsory retirement shall, with effect from 1-12-1969, be the date

@ Inserted by F.D. Memo No. F.1 (42) F.D. (Exp- Rules)/67, Dated 18-8-1967.

x Inserted vide F.D. Memo No. F.1 (42) FD (Exp-Rules)/67, date 25-3-1968.

%% Inserted vide F. D, Memo No. F.1 (71) FD (Rules)/69-II dated 19-11-1969.

* Inserted vide F.D. Order No. 1(71)F.D.(Rules)/69 dated 29-11-1969.

on which the employees attain the age of 55 years. Accordingly all such Work-charged employees who have attained the age of 55 years or more on 1-12-1969 shall not be retained in service;—

- | | |
|-------------------|--------------------------|
| 1. Gardner/Mali | 2. Khallasi |
| 3. Beldar/Gangman | 4. Cleaners |
| 5. Coolies | 6. Stone Cutters/Dresser |
| 7. Masons | 8. Plumbers |
| 9. Helpers | 10. Hallies |

2. Where there are Standing Orders framed and certified under the Industrial Employment (Standing Orders) Act, 1946, the Appointing Authorities should move the certifying officer for amendment to the Standing Orders and also take steps for retirement of persons who are of 55 years or more on 1-12-1969. Similar action should be taken in consultation with Law/Labour Department in respect of employees governed by "Award".

3. In cases where there are no standing orders and the conditions of service are regulated by executive orders or by conventions steps should be taken to terminate the services of Work-charged employees with age of 55 years or more on 1-12-1969. Such employees whose services are terminated in accordance with this order will be entitled to Provident Fund benefits, if any, admissible according to rules applicable to the establishment concerned. They shall, however, not be entitled to any retrenchment benefit under Section 25F of the Industrial Disputes Act, 1947 (P IV of 1947).

4. Service of Work-charged employees of the categories specified in para 1 above who are governed by the Rajasthan Public Works Department (Building & Road) including Gardens, Irrigation, Water Works and Ayurvedic Department Work-charged Employees Service Rules, 1964, shall also be terminated with effect from 1-12-1969 in case such employees have attained the age of 55 years or more on the said date. Formal amendments to Rules will issue in due course.

* 7. In modification of para I of Finance Department order No. F.I(71) FD(Rules)/69 dated 29-11-1969 (appearing as Govt. of Rajasthan's Decision No. 6 below Rule 56(a)(i), it has been decided that in the case of work-charged employees of the following categories the date of compulsory retirement shall, with effect from 1-12-1969, be the date on which the employees attain the age of 55 years. . Accordingly all such work-charged employees who have attained the age of 55 years or more on 1-12-1969 shall not be retained in service:—

- | | |
|---------------------------------|------------------------------|
| 1. Farrash | 9. Halis. |
| 2. Chowkidar | 10. Bhisti |
| 3. Helper (in the lowest grade) | 11. Wardkeeper |
| 4. Khallasi | 12. Store Attendants |
| 5. Mali/Gardner | drawing pay in New Pay |
| 6. Sweeper | Scales 1 & 2. |
| 7. Waterman | 13. Store Assistants drawing |
| 8. Beldars (including Head | pay in New Pay Scales No. |
| Beldar /Gangman) | 1 & 2. |
| 14. Cleaners | 15. Coolies |

As a result of issue of these orders work-charged employees who are still in service but where required to be retired from 1-12-1969, may be retired from 1-12-1969, and during the period from 1-12-1969 to the date of their release they may be treated to have been re-employed.

Similarly work-charged employees who have already been retired in pursuance of Finance Department Order No. F.1(71)FD(Rules)69, dated 29-11-1969 (Appearing as Government of Rajasthan's Decision No. 6 below rule 56(a) (i) and who under these orders are not be retired but are to be retired only on attaining the age of 58 years, they may be permitted to resume duty if they ate

* Added vide F.D.Order No. F.1(71) F. D.(Rules)/69, dated 29-1-1970.

willing to do so, The period from the date of retirement to the date of resuming duty may be regularised by grant of leave due to them. If no leave is due, they may be granted leave without pay. On resumption of *duty* such employees shall refund to the Government any retirement benefits which they have received.

The orders contained in paras 2 and 3 shall remain in force upto % 31-3-1970.

** 8. Consequent upon change in the retirement age from 60 to 58 years with effect from 1-12-1969 in respect of Government servants in Class IV service (vide Finance Department Notification No. F. 1(71) FD(Rules)/69 dated 19-11-69), Class IV Government servants who have attained the age of 58 years or more on 1-12-1969 have been retired from the said date. As these employees did not get sufficient time to apply for Leave preparatory to retirement they were deprived of the benefits of availing of leave. The Governor has therefore been pleased to order that the following leave concessions may be allowed:—

- (i) A Government servant who has to his credit an amount of Privilege Leave immediately before 1-12-1969 shall apply for such Leave. Privilege Leave so applied for shall be deemed to have been refused before 1-12-1969 in relaxation of rule 89 of the Rajasthan Service Rules subject to a maximum limit of 120 days. The grant of refused Leave will further be subject to the condition that it will not extend beyond the date on which the Government servant concerned attains the age of 60 years.
- (ii) In case of a Government servant in Class IV service who retires/has retired on or after 2-12-1969 but up to 30-4-1970 the privilege leave due and applied for may be sanctioned as refused leave to the extent indicated below:—
 - (a) In case of a Government servant retiring on or after 2-12-1969 but up to 31-12-1969 the entire privilege leave due not exceeding 120 days which he could have availed of in the normal course till the date of compulsory retirement be treated as refused leave after deducting the period of any leave preparatory to retirement actually availed of by him.
 - (b) In case of a Government servant retiring on or after 1-1-1970 but up to 30-4-1970 the amount of privilege leave due as preparatory to retirement not exceeding 120 days after deducting there from (1) the period of any leave preparatory to retirement actually availed of till 31-12-1969 and (2) the period from 1-1-1970 to the date immediately before the date of retirement shall be treated as refused leave.

(iii) The leave salary admissible under (i) and (ii) above shall be calculated in accordance with 'Clarification' appearing below Rule 89 (inserted vide Finance Department Memo No. F. 1 (48)(Exp. Rules)67, dated 15-7-1967) and shall be payable at the end of each month. In cases where pension or pension equivalent of gratuity or other retirement benefit are not known leave salary may be paid as admissible in the normal course and excess payment made may be adjusted against pension or gratuity or other retirement benefits when sanctioned. To ensure that excess payment of leave salary may not remain un-recovered the drawing and disbursing authorities will intimate the amount of leave salary paid to the Government servant concerned along-with pension papers and on the basis of such information the Accountant General will record a note for effecting the excess amount from pension/Death-cum-Retirement Gratuity or other retirement benefits.

%(b)[Deleted].

Clarification

*Doubts have been expressed in some quarters as to whether the provisions of clause (c) of rule 210 of Rajasthan Service Rules, are consistent with Rules 56 (b) of the Rajasthan Service Rules. It has been pointed out that Rule 56 (b) of Rajasthan Service Rules lays down that a Government servant under suspension on a charge of misconduct shall not be required or permitted to retire on reaching the date of compulsory retirement, but shall be retained in service until the enquiry into the charge is

% Substituted for "28-2-1970" vide F.D. Order No. F.1(71)FD(Rules)/69, dated 24-4-1970.

** Inserted vide F.D. Order No.1(80)FD(Rules)/69 dated 27-12-1969.

% Deleted by F.D. Notification No. F. I (88) FD (A) R/62, dated 6-8-1963—

"(b) A Government servant under suspension on a charge of misconduct shall not be required or permitted to retire on reaching the date of compulsory retirement but shall be retained in service until the enquiry into the charge is concluded and a final order passed thereon by competent authority."

* Inserted by F.D. Memo No. F.7A(22)F.D.A/Rules/59, dated 3-10 1960.

concluded and a final order is passed thereon by competent authority, the revised clause (c) of Rule 210 of Rajasthan Service Rules refers to officers who are permitted to retire or are retired while under suspension. To allay doubts in this respect the position is explained below:—

In accordance with Rule 14 of the Classification Control & Appeal Rules retirement of the Government servant may be affected even while the Government servant is under suspension. It is to cover such cases that clause (c) of Rule 210 of the Rajasthan Service Rules was amended. This clause therefore, covers cases of retirement during suspension, whether earlier than, on or later than the date of compulsory retirement under the specific order of the competent authority issued on the completion of the proceedings. On the other hand Rule 56 (b) of the Rajasthan Service Rules is intended to prevent the automatic retirement of a Government servant under suspension, merely by the virtue of his having attained the age of compulsory retirement before a final order is passed. The question of a Government servant being retired or permitted to retire while under suspension can arise only when the proceedings have been completed and not before. From the above it will be clear that there is no conflict between the provisions of clause (c) of Rule 210 of the Rajasthan Service Rules and Rule 56(b)

Government of Rajasthan's Decision

@1. Notwithstanding anything contained in the Civil Services Rules, Regulations etc., of the Covenanted States. His Highness the Rajpramukh is pleased to make the following Rules regarding compulsory retirement of all such Government servants under the rule making power of H.H. the Rajpramukh as are not governed by the Rajasthan Service Rules :-

- (1) The date of compulsory retirement of a Government servant is the date on which he attains the age of 55 years :

Provided that he may be retained in service, after the date of compulsory retirement, with the sanction of the Government, on public grounds, which shall not be so retained after he attains the age of 60 years, except in very special circumstances.

- (2) A Government servant under suspension on a charge of misconduct shall not be required or permitted to retire on reaching the date of compulsory retirement, but shall be retained in service until the enquiry into the charge is concluded and a final order passed thereon by competent authority.
- (3) Nothing contained in rules 1 and 2 shall apply to a Government servant, who is employed on the authority of any contract entered into between him and the Government of any the Covenanted States or the Rajasthan State.

*2.(1) A Government servant who is retained in service beyond the date of compulsory retirement under the provisions of Rule 56(b) of R.S.R. cannot, on his suspension being held to be wholly unjustifiable be deprived of the service right accruing to him under rule 54 for the period he is so retained in service. The denial of such right would not be justifiable as he has been retained in service beyond the date of compulsory retirement for the convenience of Government and not in his own interest.

(2) When in similar circumstance, the suspension of a Government servant is held to be not wholly unjustified, his pay and allowances for the period will be regulated by the provision of Rule 54 under which the competent authority may, at his discretion prescribe the proportion of pay and allowances that may be granted to him for the period of suspension and direct whether or not that period should be treated as having been spent on duty for any specified purpose.

NOTES

%1. The grant, under Rule 89 of leave extending beyond the date on which a Government servant must compulsorily retire, or beyond the date up to which a Government servant has been

@ Inserted by F.D. Notification No. F.21(30) R/51, dated 11-9-1951.

* Inserted by F.D. Order No. F. 10(5) F.II/53, dated 9-12-1953.

% Note 1 substituted by F.D. Order No. F. I (51) FD-A (Rules)/61 dated 18-12-1961:-

"NOTE 1. The grant under Rule 89 of leave extending beyond the date on which a Government servant must compulsorily retire or the date up to which a Government servant has been permitted to remain in service shall be treated as sanctioning an extension of service upto the date on which leave expires"..

permitted to remain in service shall not be treated as sanctioning an extension of service* for the purposes of pensionary or contributory provident fund benefits under Jodhpur Contributory Provident Fund Rules or the retention of lien. ** The Government servant shall be deemed, for the purpose, of pensionary benefits, to have retired from service on the date of his compulsory retirement or if extension of service is granted at the expiration of such extension; and shall become eligible for pensionary benefits from the date of such retirement or the expiration of such extension, as the case may be.

2. This rule applies to all Government servants to whom these rules apply whether they be holding temporary or permanent posts substantively on in an officiating capacity.

@3. Deleted.

Government of Rajasthan's Decisions.

⁺ A number of Class IV servants employed in various departments were retired before attaining 60 years of age in view of Rule 56 of the Rajasthan Service Rules although they should have been retired under Rule 246 *ibid*. With a view to regularising all such past cases, Government are pleased to order that Class IV servants who retired up to 9-10-1953 between the age of 55 and 60 years may be deemed to have retired on superannuation pension/gratuity.

(2) As Rule 246 of R.S.R. has been deleted vide Finance Department No. F. 35 (48)-R/52, dated 9-10-1953, and provision relating thereto made in Note 3 to Rule 56, *ibid*, all such cases will be governed by this rule.

Audit Instructions.

(1) When a Government servant is required to retire/revert or cease to be on leave on attaining a specified age, the day on which he attains that age is reckoned as non-working day and the Government servant must retire, revert or cease to be on leave, as the case may be, with effect from and including that day.

(2) Rule 346 from the nature of its concession and conditions put the re-employment of a person in receipt of a superannuation or retiring pension in a special class outside this rule and subject to the conditions stated in the Rule 346 itself which must be observed with every renewal of sanction.

%56-A.(1). Notwithstanding anything contained in Rule 56, the date of compulsory retirement of a Government Servant other than a Government servant of Class IV, is the afternoon of the last day of the month in which he attains the age of fifty eight years. He may be retained in service after the date of compulsory retirement with the sanction of the Government on public grounds which must be recorded in writing but he must not be retained after the age of 60 years except in very special circumstances

Provided that the period for which a person has been retained in service after the date of compulsory retirement may be altered by the Government any time by an order recorded in writing:

Provided further that the provisions of age of compulsory retirement as contained in this sub-rule shall not be applicable in the case of Government servants who are in service after attaining the age of compulsory retirement either on re-employment or on extension in service.

* Substituted for the words "and the Government servants shall not be permitted to retain a lien on his permanent post or any other post during the period of such leave" vide F. D. Notification No. F. 1 (13) FD-A (Rules)/62, dated 5-3-1962.

** Substituted vide F.D. Notification No. F. 1 (9) FD (E.R.)/65, dated 26-2-1965 for "The Government servant shall retire and become eligible for all pensionary benefits as due to him on the date of compulsory retirement, or such other later date if any extension of service is granted, from the date of expiry of such leave."

@Note 3 deleted vide F D Notification No F. 1 (84) F.D A(Rules)/62 dated 31-8-1963 —

"3. The date of compulsory retirement of a Government servant class IV is the date on which he attains the age of 60 years."

⁺ Inserted by F.D. Memo No. 8748 F. II/53, dated 28-12-1953.

% Inserted vide FD Notification No. F. 1 (a) (12) FD. (Gr.2)/77, dated 28-9-1984.

&"Exception"

The retirement age of officers of Rajasthan Judicial Services and Rajasthan Higher Judicial Services who are considered to have a potential for continued useful purpose by the Committee of Judges of the Rajasthan High Court and headed by the Chief Justice would be 60 years while for others it would be 58 years.

Note:- A Government servant whose date of birth is that first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of fifty eight years.

(2) The date of compulsory retirement of a Government servant of Class IV is the afternoon of last day of the month in which he attains the age of sixty years.

Note:- A Government servant of Class IV whose date of birth is the first day of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty years.

(3) The existing provisions of—

- (i) Note 1 and 2 below Rule 56 (a);
- (ii) Government of Rajasthan Decision No. 1 below Rule 56 (a);
- (iii) Government of Rajasthan Decision No. 4 below Rule 56(a) with the modification that the figures '55' and '58' appearing in the first sentence may be read as '58' and '60' respectively;
- (iv) Note 1 and 2. and Audit Instructions No. (1) and (2) below the deleted Rule 56 (b);

shall also be applicable to the clarification Government Servants who retire under this rule.

*Doubts have been expressed about the procedure to be followed for relinquishment of charge of the office in case of a retiring Government servant when the day on which he is due to retire happens to be a closed holiday. This has been considered and it is held that since the Government servant shall retire from service with effect from the afternoon of the last day of the month in which his/her date of retirement falls, the retiring Government servant should formally relinquish charge of the office in the afternoon of that day only even if it happens to be a closed holiday.

In cases in which handing over of cash, stores, etc., is involved these may be made over by the retiring officer to the relieving officer or in the absence of the relieving officer, to the next senior officer in the department on the close of the previous working day. The actual relinquishment of charge of office shall be made in the prescribed form on the last day of service for which the physical presence of the officer in the office need not be insisted upon.

@ Government of Rajasthan Decision

The definition of "Class IV Service" as contained in Rule 7 (4A) of the Rajasthan Service Rules was amended vide this Department Notification No. F. 1(9) F. D. (Gr.2)/90 dated 17-5-1990. The Appendix XII of the Rajasthan Service Rules, Volume-II was also deleted vide the aforesaid Notification. As per amended Rule 7 (4A) of Rajasthan Service Rules all posts carrying pay scale No. 1 or 2, as contained in Pay Scale Rules in force, shall remain in Class IV Service and all those carrying pay scale above Pay Scale No. 2 shall cease to be in Class IV Service w.e.f. 17-5-1990.

As a result of aforesaid amendments, some of the post in different departments ceased to be in Class IV Service w.e.f. 17-5-1990. Consequently, the incumbents of such posts (which did not remain

& Substituted vide FD Notification No.F.1(a)(12)FD(Gr.2)/77 dated 20.2.1995

The age of superannuation of the officers of Rajasthan Judicial Service and Rajasthan Higher Judicial Service shall be 58 years extendable upto 60 years on the recommendation of the Committee of Judges constituted and headed by Chief Justice. (Inserted vide FD Notification No. F.1(a)(12)FD(Gr.2)/77 dt. 21.3.1994).

* Inserted vide F. D. order No. F. 1 (39) FD (Gr-2)/74 dt. 22-3-88

@ Inserted vide FD order No. F. 1 (a) (12) FD (Gr.2)/77 dt.22-12-90.

in Class IV Service) who had already attained the age of 58 years should have been retired on 31-5-1990 and the others on the last day of the month in which they attain the age of 58 years. It has come to notice of the Government that on amendment in the definition of Class IV Service action necessary as above has not been taken by some of the authorities.

The matter has been examined and it has been decided that in order to regularize such cases, the following procedure shall be followed by all concerned authorities:—

- (a) Incumbents of all posts which have ceased to be in Class IV Service w.e.f. 17.5.1990 as per Notification dated 17-5-1990 if have attained the age of 58 years but have not been retired so far, whatsoever reasons, must be retired immediately.
- (b) The service beyond the date of superannuation may be treated as service on re-employment and salary for this period of re-employment may be paid in accordance with Government of Rajasthan Decision below Rule 337 of Rajasthan Service Rules.
- (c) Since pay for the re-employment period commencing from the day immediately following the date of superannuation to the date of actual retirement has been paid @ pay as on the date of superannuation whereas in terms of Government of Rajasthan Decision below Rule 337 of Rajasthan Service Rules it should have been fixed at last pay drawn minus pension, an amount equivalent to pension admissible for the period from: the day immediately following the date of superannuation to the date of actual retirement shall be recovered from the pension payable but recovery of any other excess payment shall be waived.

Incumbents of all posts which have ceased to be Class IV Service as per amended Rule 7(4A) of Rajasthan Service Rules must be retired in future on the last day of the month in which they attain the age of 58 years.

Government of Rajasthan's Decision

⁺ The undersigned is directed to refer to the subject mentioned above and to say that the age of superannuation of government employees other than Class IV has been raised from 55 years to 58 years and , in respect of Class IV from 58 to 60 years with immediate effect. A copy of the amendments made in the Rajasthan service Rules is enclosed. Government have further decided, that the aforesaid decisions taken for Government servants may also be made applicable to the employees of Panchayat Samities and Zila Parishads, Municipalities, State Statutory Bodies, State Public Sector Undertakings, Corporation, Boards and Companies and Co-operative Societies, where the age of their superannuation is at par with the State government employees.

The aforesaid decision of the government may please be implemented forthwith under intimation to the Finance Department,

⁺ Inserted vide FD Memo No. F1(a)(12) FD(Gr.2)/82, dated 28-9-1984.

PART IV
CHAPTER X
Leave

Section I. – General Conditions of Leave

***57. Leave earned by duty.** – Leave is earned by duty only. For the purpose of this rule a period spent in foreign service counts as duty if contribution towards leave salary is paid on account of such period.

Government of Rajasthan's Decision

% 1. A number of Government servants had to remain without posting for various period during the process of integration of services. A question has been raised whether such periods will count for earning leave.

Since leave is earned by the actual performance of duty and no duty was performed by the Government servants concerned during such periods, it has been held that the periods in question will not count for earning leave, even though these may count for pension in terms of F.D. No. 23 (2)-R/52, dated 31-5-1952, (See Government of Rajasthan's Decision No. 1 below Rule 180 of R.S.R.)

@2. Doubts have been expressed whether the terms "leave" referred to in Finance Department Memo. of even number dated 7-1-53 (reproduced as decision No.1) means only privilege leave or would include other kind of leave e.g. half pay leave also and whether the order will have retrospective effect. The matter has been examined. It has been held that the terms leave occurring in the said order refers to "privilege leave" or corresponding leave only and not to any other kind of leave. The order is to apply with retrospective effect but no recovery is to be made in cases of persons who retired before 7th January, 1953.

(2) Leave accounts of Government servants, who remained unposted or 'surplus' should be revised in the light of Finance Department Memo. of 7-1-53 (Decision No.1) as clarified in para 1 above. In the case of non gazetted employees this should be done by the Head of Offices concerned.

If any debit balance is caused by the revision on this basis of leave accounts of Government servants such balance should be adjusted against the leave to be earned in future.

57 A. How regulated in the case of Government servant governed by a different set of rules when holding post to which these rules apply— Unless in any case it be otherwise expressly provided by or under these rules, a Government servant transferred to a service or post to which these rules apply from a service or post to which they do not apply is not

* Inserted by F.D. Order No. F. 5(1) F. D(R) /56 dated 11-1-1956.

% Inserted by F.D. No. F.23 (2) R/52, dated 7-1-1953.

@ Inserted by F.D. Memo. No. F.23(2) R/52, dated 26-12-1953.

ordinarily entitled to leave under these rules in respect of duty performed before such transfer.

58. Leave in respect of service prior to discharge on re-employment or reinstatement.—(a) If a Government servant, who quits the public service on compensation or invalid pension or gratuity is re-employed and if his gratuity is thereupon refunded or his pension held wholly in abeyance, his past service thereby becoming pensionable on ultimate retirement, he may, at the discretion of the authority sanctioning the re-employment and to such extent as that authority may decide count his former service towards leave.

(b) A Government servant who is dismissed or removed from the public service, but is reinstated on appeal or revision, is entitled to count his former service for leave.

Audit Instructions

(1) The re-employment of a person who has retired on superannuation or retiring pension is generally an exceptional and temporary expedient. In such cases the service of the re-employed person should be regarded as temporary and his leave during the period of re-employment should be regulated by the rules applicable to temporary Government servants,

* (2) Deleted.

**** Government of Rajasthan's Decision***

In cases where resignation of public service is not deemed as resignation within the meaning of rule 208 (b) of the Rajasthan Service Rules continuity of Service benefit should be allowed in the matter of leave also.

****59. Leave cannot be claimed as right**— Leave cannot be claimed as a right. Discretion is reserved to the authority empowered to grant leave to refuse or revoke leave at any time according to the exigencies of the public service; provided that any leave applied for and due as preparatory to retirement shall not be refused by such authority and it shall be refused in writing by the Government or by such authority to whom powers have been delegated in this behalf. The nature of leave due and applied for by a Government servant cannot be altered at the option of the sanctioning authority, and so while it is open to the authority competent to refuse or

* Audit Instruction No. (2) deleted and Government of Rajasthan's Decision inserted vide FD Memo No.F.1(34)FD/63, dated 28-12-1963,

"(2) Resignation of the public service even though followed immediately by re-employment constitutes a forfeiture of past service for purposes of leave.

** Substituted vide FD Notification No. F.I (11)FD(Exp:-Rules)/67-I, dated 21-3-1967—

"59 Leave cannot be claimed as a right. Discretion is reserved to the authority empowered to grant leave, to refuse or revoke leave at any time according to the exigencies of the public service. The nature of leave due and applied for by a Government servant cannot be altered at the option of the sanctioning authority. So, while it is open to the sanctioning authority to refuse or revoke leave due and applied for under this rule it is not open to him to alter the nature of such leave."

revoke leave due and applied for under this rule, it is not open to him to alter the nature of such leave.

Government of Rajasthan's Orders.

%Instances have come to notice of late where the interval of duty between two or more spells of leave availed of by the Government servants was only nominal. In such cases, the leave sanctioning authorities failed to check the attempt at evasion of leave rules by exercising their discretion under Rule 59 of Rajasthan Services Rule to refuse leave and granted the leave ignoring the spirit of the rules with the result that unintended benefit were derived by the Government servants concerned.

2. Under Rule 59 of Rajasthan Service Rules an authority empowered to grant leave has no power to interfere with the option admissible to a Government servant to take privilege leave or half pay leave as he may elect. Thus once leave is sanctioned, its nature cannot be altered by treating two separate spells of leave as a continuous one so as to obviate any unintended benefit being derived from the rules. The deliberate or intentional evasion of leave rules can, however, be checked by the leave sanctioning authorities by resort to refusal of leave under Rule 59 of R. S. R. as the case may be. It is, therefore, suggested that action may be taken to ensure that all cases in which a fresh spell of leave is applied for by Government servants after a short interval of duty, are carefully examined with a view to see that the spirit of the rules is observed and that the competent authorities refuse the leave by exercising the discretion vested in them under Rule 59 of R. S. R., if they have reason to believe that an attempt was being made to take undue advantage of the leave rules or to evade the spirit thereof.

*3. Requests are being received in Finance Department from the Administrative Department/Heads of Departments that one kind of leave sanctioned to the Government servants be converted into another kind of leave.

The matter has been considered and the Governor has been pleased to order that in such a case the authority which granted him leave may commute it retrospectively into leave which was due and admissible to him at the time of leave was granted, provided that the request for commutation is received within a period of 3 months of the expiry of the said leave. It is further ordered that the commutation of one kind of leave into another shall be subject to adjustment of leave salary on the basis of leave finally granted to the Government servants i.e. any amount paid to him in excess shall be recovered or any arrears due to him shall be paid.

60. Commencement and end of leave. – Leave ordinarily begins on the day on which transfer of charge is effected and end on the day preceding that on which charge is resumed. When joining time is allowed to a Government servant returning from leave out of India the last day of his leave is the day before the arrival of the vessel in which he returns at her moving or anchorage in the port of debarkation or if he returns by air, the day on which the aircraft in which he returns arrives at its first regular port in India.

% Inserted vide FD Memo No, 2834/F.7A (21)FD-A (Rules)/58, dated 7-2-1959.

* Inserted vide F.D. Order No. F 1(25) FD (Gr.-2)/76 dated 14-5-1976.

****60-A. Address while on leave.** – Every Government servant proceeding on leave must record on his application for leave, the address at which letters will find him during leave. Subsequent changes in address (during leave), if any, should likewise be intimated to the Head of the office or the Department as the case may be.

61. Combination of holiday with leave ⁺ [] – When the day immediately preceding the day on which a Government servants leave begins or immediately following the day on which his leave ⁺[] expires is a holiday or one of a series of holidays, the Government servants may leave his station at the close of the day before, or return to it on the day following such holiday or series of holiday; provided that –

- (a) his transfer or assumption of charge does not involve the handing or taking over securities or of moneys other than a permanent advance :
- (b) his early departure does not entitle a corresponding early transfer from another station of Government servants to perform his duties; and
- (c) the delay in his return does not involve a corresponding delay in the transfer to another station of the Government servant who was performing his duties during his absence or in the discharge from Government service of a person temporarily appointed to it;

62. Power to exempt – On condition that the departing Government servant remains responsible for the moneys in his charge, a competent authority may declare that proviso (a) under Rule 61 is not applicable to any particular case.

63. Consequential arrangements when effective if holidays combined with leave — Unless the competent authority in any case otherwise directs :-

- (a) If holidays are prefixed to leave, the leave and any consequent re-arrangement of pay and allowances take effect from the first day after the holidays, and
- (b) If holiday are affixed to leave ^{*}[] time, the leave ^{*}[] is treated as having terminated on, and any consequent re-arrangement of pay and allowances take effect from the day on which the leave ^{*}[] would have ended if holidays had not be affixed.

@Government of Rajasthan's Decision

Finance Department Order dated 9-8-1962 appearing as "Clarification" below rule 35 of the Rajasthan Service Rules, regulates grant of additional pay under rule 50 in cases where dual arrangements are made for a period [%] of 30 days or more.

A question has been raised as to whether the period of holidays prefixed and affixed to leave could be included in computing the period of dual arrangements and additional pay granted accordingly. Under the existing

^{**} Inserted by F.D. Order No. (1) (R)/56 dated 11-1-1956.

⁺ Deleted the words "or joining time" vide F.D. Noti. No. F.1(7) (Exp. Rules)/67-I, dated 23-2-1967.

^{*} Deleted- the word's "or joining time" vide F.D. Noti. No. F.1 (7) FD.(Exp.Rules)/67, dated 23-2-1967.

[@] Inserted vide F.D. Memo No, F. 1(25) FD (Exp. Rules)/66, dated 1-7-1966.

[%] Substituted vide F.D. Order No. F. 1(78) FD. Rules/71, dated 10-11-1971 for, "exceeding".

provisions such periods of holidays are not included in computing the period of dual arrangements and no additional pay is admissible.

The matter has been examined in the light of provisions of Rule 63 of R. S. R. and it has been decided that for the purpose of aforesaid order holidays pre-fixed and affixed to leave should be included in computing the period of dual arrangements and accordingly additional pay should be granted.

CLARIFICATION

^{\$}It is observed that a restricted holiday is not exactly covered under Rule 7 (12) (b) of Rajasthan Service Rules, as it stands at present, because on a restricted holiday, the office is not closed for transaction of Government business without reserve or qualification. However, as the restricted holidays are akin to other closed holidays, it has been decided that restricted holiday can be prefixed or suffixed to regular leave or casual leave.

64. Acceptance of employment on leave. — (1) A Government servant on leave may not take any service or accept any employment [%] [including the setting up of a private professional practice as accountant, consultant, legal or medical practitioner] without obtaining previous sanction of Government.

^{*}Note:— No permission under this Rule to take up any service or accept employment shall be granted in respect of a Government servant taking employment with International Agencies or Statutory Bodies/ Public Sector concerns in Rajasthan beyond the period of 3 years or one year as the case may be.

^{%%}(2) The leave salary of a Government servant who is permitted to take up employment under a Government or private employer during leave shall be subject to such restrictions as the Governor may by order prescribe.

NOTES.

1. This rule does not apply to casual literary work or to service as an examiner or similar employment nor does it apply to acceptance of foreign Service which is governed by Rule 141.

[£]2. This rule does not apply where a Government servant has been allowed to take up limited amount of private practice and receive fees therefore as part of his conditions of service e.g. where a right of private practice has been granted to a Medical officer.

CLARIFICATION

^XIt is hereby made clear for the avoidance of doubt, that the restriction on leave salary imposed by Rule 64 (2) of R. S. R. will be equally applicable in the case of a Government servant in temporary employee who may be

^{\$} Inserted vide F.D. order No. F. 1(49)F.D.(Gr. 2)/82 dated 15.9.1990

[%] Inserted vide F.D. No. D. 6403/59, F. 7A(34)FDA.(Rules)/59, dated 30-11-1959.

^{*} Inserted by F.D. Notification No. F.1(21)F.D.(Rules)/72, dated 18-8-1972.

^{%%} Inserted vide F.D. Order No. F. 1(86) R/56, dated 12-8-1958.

[£] Inserted vide F.D. Memo No. F. 1(f)(16)F.D.A/R/57-I, dated 30.6.1961

^X Inserted vide F.D. Order No. F.1 (86) R/56, dated 12-8-1958.

permitted to take up other employment under a State Government or under a private employer or employment payable from a local fund, during terminal leave or such other leave on the expiry of which he is not expected to return to duty.

It has further been decided that the restrictions referred to above shall also be applicable in the case of contract officers,

Government of Rajasthan's Decision

%The leave salary of a Government servant, who is permitted to take employment during leave preparatory to retirement or refused leave under another Government or under a private employer or employment payable from a local fund; will be restricted to amount of leave salary admissible in respect of leave on half pay.

***65. Re-employment of Government servants on leave preparatory to retirement.**—(1) When a Government servant who has proceeded on leave preparatory to retirement before the date of compulsory retirement is required for employment during such leave in any post under Government and he is agreeable to return to duty, he will be recalled to duty and the unexpired portion of his leave from the date of rejoining the duty will be cancelled. The leave so cancelled will be treated as leave refused and shall be granted from the date of Compulsory retirement or after the expiry of re-employment if the Government servant continues in service up to the date of compulsory retirement or beyond the aforesaid date, as the case may be.

% Inserted vide F.D. Memo No. F. 1(f) (16) F.D.A./R/57-I, dated 30-6-1961.

* Substituted by F. D. No. D. 1760/59 F. 1 (f) (16) FDA/R/57, dated 30-10-1959-

"65. (1) When a Government servant who has proceeded on leave preparatory to retirement before the date of compulsory retirement is required for employment during such leave in any post under Government and he is agreeable to return to duty, he will be recalled to duty and the unexpired portion of his leave from the date of rejoining duty will be cancelled. The leave so cancelled will be treated as leave refused and, subject to the provisions of Rule 89 it may be granted from the date of compulsory retirement of the Government servant. Such recall will be treated as optional for the purposes of Rule 66,(2) When a Government servant is employed in any post under Government, while he is on leave under Rule 89, he may continue to enjoy his leave concurrently with such employment but his leave salary, which may be drawn in addition to pay of the post in which he is employed, will be restricted as follows:—

- (i) In the case of a Government servant eligible for pension, to the amount of pension inclusive of pension equivalent of any retirement gratuity admissible under the rules which, it is anticipated, will be admissible to him on retirement. (No subsequent re-adjustment will be made on basis of the actual amount of the pension inclusive of gratuity finally sanctioned); and
- (ii) In the case of a Government servant not eligible for pension, to the leave salary admissible in respect of leave on half average pay.

In respect of the fresh employment during leave the pay of the Government servant will be regulated as if he were in temporary employ. No leave will be earned in respect of such period of employment during leave.

During such employment he may also be granted dearness and compensatory allowances if any, admissible on the basis of pay. These allowances will neither be admissible on leave salary, nor will the leave salary be taken into account in calculating the allowances.

(3) The leave salary of a Government servant who is permitted during leave preparatory to retirement before attaining the age of superannuation or during leave under Rule 89, to take up employment under another Government, or under a private employer or employment payable from a local fund, will also be restricted during each employment as in (2) above."

@(2) Deleted.

NOTE

*The amendment to Rule 65 made under Finance Department No. F. 35 (30)-R/52, dated the 12th July, 1952 will take effect from 1st April, 1951, the date from which the Rajasthan Service Rules come into force.

Government of Rajasthan's Decisions.

\$1. (1) A number of Government servants retired under Integration Department No.401-GD./Sec.II dated 24-6-49, and No. 26.., Sec. II dated-14-8-49, were re-employed temporarily before availing, in full or in part, of the leave due to them. The question as to their enjoyment of the leave not availed of and of its being counted towards service qualifying for pension has been examined by Government. After considering all aspects of the matter it has been decided that the Government servants concerned may be allowed to be treated as on leave until the leave is exhausted while performing duty on the post to which they have been re-employed and in that case they may be allowed to draw half the leave salary admissible in addition to the pay fixed on re-employment and to count the period of leave towards pension. If any Government servant so re-employed does not wish to take advantage of this concession, he may avail of the leave and draw full leave salary admissible during such leave on the termination of the re-employment. In that case the retirement will be deemed to have been effective before re-employment and the period of leave will not count towards pension.

(2) In either case the leave shall not exceed the maximum extent of leave which could be availed of as leave preparatory to retirement under the rules of the unit concerned.

(3)The option with reference to para 1 must be communicated to the Accountant General through the Head of the Office before pension can be calculated.

@2. A doubt has arisen whether clause (2) of rule 65 precludes recall of a Government servant from leave preparatory to retirement granted under Rule 89 *ibid* and the grant to him, if necessary of further extension of service. The intension underlying the aforesaid clause is not to fetter the discretion of the competent authority in the matter. When a Government servant, who has proceeded on leave preparatory to retirement under Rule 89, is re-called to duty during the period of such leave and is granted further extension of service, the unexpired portion of his leave will be cancelled and the leave already availed of treated as leave taken during the period of extension under proviso to rule 89.

@ Deleted vide F.D. Order No.F.1 (f)(16)FD-A(R)57-11,dated 30-6-1961—

"(2) The leave salary of a Government servant who is permitted to take employment during leave preparatory to retirement before attaining the age of superannuation or during leave under another Government or under a private employer or employment payable from a local fund will be restricted to amount of leave salary admissible in respect of half pay leave."

* Inserted vide F.D. Order No.F.35(51) R/52, dated 11-4-1953.

\$ Inserted vide F. D. Memo No. F. 35 (1) R/52. dated 6-2-1952

@ Inserted vide F.D. Memo No. F. 35 (30) R/52. dated 6-1-1955.

[£]3. *Leave salary to those who are allowed to take up employment during leave preparatory to retirement:-* -Under paras 2 and 3 of Rule 65 of Rajasthan Service Rules the leave salary of a Government servant who is permitted to take up other employment or private employment or employment payable from a local fund during leave preparatory to retirement or during refused leave under Rule 89 of R.S.R. is restricted as follows:—

- (i) In the case of a Government servant eligible for pension to the amount of pension which it is anticipated will be admissible to him on retirement, and
- (ii) In the case of a Government servant not eligible for pension, to the leave salary admissible in respect of leave on half average pay.

It has been contended in this connection that the application of two different formula in the matter of restriction on leave salary, according as the officer concerned is eligible for pension or not, leads to certain anomalies and operates inequitably especially in relation to a pensionable employee who retires on a pension less than the maximum pension normally admissible under the rules.

Since there is considerable force in the above contention and since it is desirable to ensure uniform treatment in this respect for all types cases, it was ordered in partial modification of clauses (2) and (3) of Rule 65 of Rajasthan Service Rules that in all such cases (including the case of a Government servant eligible for pension), the leave salary shall in future be restricted to the amount of leave salary admissible in respect of [%](leave on half pay.)

These orders will have effect from the date of issue and past cases will not be re-opened.

[@]4. (i) In cases where an officer who before retirement was in the employ of the Government of Rajasthan is re-employed before he has had an opportunity to avail himself of the leave which had been refused to him in the exigencies of public service under rule 89 of the Rajasthan Service Rules before the date of superannuation, and which could only be enjoyed by him after, the date of superannuation, the officer may be permitted, to avail himself of the unutilised portion of such leave on termination of the period of re-employment.

(ii) The leave salary for the period of such leave would be the same as would have been admissible in the normal course but for re-employment reduced by the amount of pension and/or pension equivalent of gratuity and other retirement benefits.

(iii) The leave salary for the refused leave which is permitted to be availed of on termination of the period of re-employment would be borne by the Department which would have borne it had the leave been enjoyed before re-employment and not postponed.

(iv) To the extent the leave earned during the period of re-employment is not availed of during the period of re-employment itself, it will be allowed to be

[£] Inserted vide F. D. Order No. 1416/ F. 7A (11) F. D. A. Rules/58 dated 24-4-1958

[%] Substituted for the words "leave on half average pay" vide F.D. Corrigendum No. 1346/59 F. 7A(11) F.D.A./Rules/58, dated 28-4-59.

[@] Inserted vide F.D No. 1760/56 F.I (f) (16F. D.)A./57, dated 30-10-1959, w.e.f. 30-6-1959.

availed of on the termination of re-employment provided the refused privilege leave carried forward under para (i) above and the privilege leave allowed as terminal leave shall together not exceed the limits upto which privilege leave can be allowed at a time under Rule 89 of the Rajasthan Service Rules.

(v) If a person has on the date of re-employment enjoyed a portion of the refused leave the leave admissible to him on finally demitting office after re-employment will be composed of the unavailed of portion of such leave, and the leave earned during the period of re-employment in such manner as the officer desires and the incidence of such leave salary will follow the manner in which the two leaves are combined. Formal sanction to such leave should be accorded by the authorities empowered to sanction it prior to and during re-employment.

(vi) The privilege leave earned during re-employment shall be allowed to be availed of as terminal leave even though it may not have been formally applied for and refused in the exigencies of public service.

66. **Recall from leave.**— All orders recalling a Government servant to duty before the expiry of his leave should state whether the return to duty is optional or compulsory. If the return is optional, the Government servant is entitled to no concession. If it is compulsory, he is entitled to be treated as on duty from the date on which he starts for the station to which he is ordered and to draw travelling allowance for the journey under the Travelling Allowance Rules but to draw, until he joins his post, leave-salary only.

* Note. --(Deleted).

67. **Application for leave to whom made.** — An Application for leave or extension of leave must be made to the authority competent to grant such leave or extension.

68. **Government Servant before transfer to foreign service be acquainted with its leave rules.**— A Government servant transferred to foreign service must, before taking up his duties in foreign service, make himself acquainted with the rules or arrangements which will regulate his leave during such service.

@69. **Application for leave by Government servant in foreign service.**— A Government servant on foreign service in India should submit all applications for leave, other than privilege leave not exceeding 120 days with the report of the Accountant General, through his employer to the authority competent to sanction the leave.

* Deleted vide F.D. Notification No. F.1 (58) FD (Rules)/70, dated 12-1-1976, the following:—

"Note — **The concession regarding the drawal of travelling allowance on compulsory re-call from leave will be regulated under Rule 33 of the Rajasthan Travelling Allowance Rules." ** Substituted for existing note "The concession regarding the drawal of travelling allowance on compulsory recall from leave will be admissible if the leave curtailed is not less than one month" by F. D. Order No. 6896/F.1(178) FD/R/56, dated 19-2-1957.

@ Substituted for existing Rule 69 by F.D. Notification No. F. 1(17) FD-A, (Rules)/61, dated 11-5-1962. "69. A Government servant on foreign service should submit all applications for leave other than privilege leave for not more than three months, with the report of the Accounts Officer, through his employer to the authority competent to sanction the leave."

70. **Medical certificate for gazetted officer.**—Before a Gazetted Government servant can be granted leave, or an extension of leave, on medical certificate, he must obtain a certificate in the following form:—

Medical Certificate for Gazetted Officer

Statement of the case of.....Name (to be filled in by the applicant in the presence of the Civil Surgeon or Official Medical attendant).

Appointment.....

Age.....

Total service.....

Previous periods of leave if absence on medical certificate.

Habits.....

Disease.....

Civil Surgeon of

I.....after careful personal examination of the

Medical Officer at or of

case certify that.....is in a bad state of health and I solemnly and sincerely declare that according to the best of my judgment the period of absence from duty is essentially necessary for the recovery of his health and recommend that he may be granted.....month's leave with effect from.....^{*}[In my opinion it is/it is not necessary for the officer to appear before a Medical Board}.

Dated.....

The.....

Civil Surgeon.

or Official Medical Attendant.

^{*}Note:—This sentence should either be modified by scoring out the irrelevant words or altogether scored out according as the period of leave recommended is upto 2 months or exceeds that period.

NOTES.

1. No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the Government servant under the terms of his contract or of the rules to which he is subject.

2. This form should be adhered to as closely as possible and should be filled in after the signature of the applicant has been taken. The Certifying Officer is not at liberty to certify that the applicant requires a change from or to a particular Locality, or that he is not fit to proceed to a particular locality. Such Certificates should only be given at the explicit desire of the administrative authority concerned to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Medical Committee to decide the question of his fitness.

^{*}3. In a case, where the period of leave initially recommended or the period of leave initially recommended together with any extension thereof

^{*} Inserted by F. D. Notification No. F. 1(42) FD(E-R) 63, dated 12-12-1963.

⁺ Inserted by F.D.Notification No. F.I (42) FD(E-R)63 dated 12-12-1963

subsequently recommended, does not exceed @[two months] the Medical Officer should invariably certify whether in his opinion it is or it is not necessary for the officer to appear before a Medical Committee.

Government of Rajasthan's Decision

राज्य कर्मचारियों को देय विभिन्न प्रकार के अवकाशों जिनमें सक्षम चिकित्सा अधिकारी के द्वारा जारी चिकित्सा प्रमाण पत्र, आवेदन पत्र के साथ प्रस्तुत करने होते हैं, के लिए प्रारूप निर्धारित है। राजस्थान सेवा नियम, 1951 के नियम 70 एवं 76 में चिकित्सा प्रमाण पत्र एवं नियम 83 में चिकित्सा पूर्ण होने पर फिटनेस प्रमाण पत्र का प्रारूप निर्धारित किया हुआ है। इन प्रारूपों में अंकित की जाने वाली समस्त सूचनाएं प्राधिकृत चिकित्सक द्वारा पूर्ण रूप से भरी जानी चाहिए।

राज्य सरकार के ध्यान में लाया गया है कि कुछ अवकाश स्वीकृतकर्ता प्राधिकारी प्राधिकृत चिकित्सक द्वारा निर्गमित अपूर्ण सूचनायुक्त चिकित्सा प्रमाण पत्रों के आधार पर राज्य कर्मचारियों से प्राप्त आवेदन पत्र पर विचार कर अवकाश स्वीकृत कर देते हैं, जो नियमानुकूल नहीं है।

अतः समस्त अवकाश स्वीकृतकर्ता प्राधिकारियों को पुनः निर्देशित किया जाता है कि जो राज्य कर्मचारी/अधिकारी अवकाश आवेदन पत्र के साथ अपूर्ण सूचनायुक्त प्रमाण पत्र प्रस्तुत करें, उनके अवकाश आवेदन पत्र पर विचार नहीं किया जावे।

अपूर्ण सूचनायुक्त चिकित्सा प्रमाण पत्र के आधार पर परिवर्तित अवकाश अथवा अन्य अवकाश स्वीकृत करने की कार्यवाही को अनुशासनहीनता मानते हुए अवकाश स्वीकृत कर्ता प्राधिकारी के विरुद्ध विभागीय कार्यवाही प्रारम्भ की जावे।

%71. Deleted.

%72. Deleted.

73. Detention under professional observation in doubtful cases.—Before deciding whether to grant or refuse the certificate, the committee may, in a doubtful case, detain the applicant under the professional

* Inserted by F.D. Order No. F.1(40)FR/56, dated 5-9-1958.

@ Substituted for the words "one month" by F.D. Order No. F.1(47) F.D.A.(Rules)/61, dt. 28-11-1961

= Inserted vide FD Circular No. F.1(15)FD/Rules/99 dated 22.2.2003.

% Deleted vide F.D. Notification No. F.1(12)F.D. (Gr.-2)/80, dated 5-12-1980, the following:—

"71. *Appearance before a Medical Committee.*—Having secured such a certificate, the Government servant must, except in cases covered by Rule 74 obtain the permission of the Head of his Office or, if he himself is the Head of an Office, of the Head of his Department to appear before a Medical Committee. He should then present himself with two copies of the Statement of his case before such a committee. The committee will be assembled under the orders of the Director of Medical and Health Services. The Committee will be assembled either at Jaipur or at such other place as the Government may appoint.

72. *Certificate from the Medical Committee.*—Before the required leave or extension of leave can be granted, the Government servant must obtain from the Committee a Certificate to the following effect:—

"We do hereby certify that, according to the best of our professional judgement, after careful personal examination of the case, we consider the health of.....to be such as to render leave of absence for period of.....months absolutely necessary for his recovery."

observation for a period not exceeding 14 days. In that case, it should grant to him a certificate to the following effect:—

"—having applied to us for a medical certificate recommending the grant to him of leave, we consider it expedient, before granting or refusing such a certificate, to detain..... under professional observation for.....days."

***74. Grant of leave to a gazetted Government servant on medical grounds.—**

- (i) "A gazetted Government servant may be granted leave by the competent authority for a period not exceeding 60 days on the basis of medical certificate. An application for leave on medical certificate made by a gazetted Government servant shall be accompanied by a medical certificate given by an authorised medical attendant in the form prescribed under Rule 70.
- (ii) When leave to a gazetted Government servant on medical Grounds exceeds a period of 60 days, leave may be granted by the competent authority on the basis of a medical certificate given by a medical officer of or above the rank of Chief Medical & Health Officer.
- (iii) When the applicant is hospitalized as an indoor patient and the leave is recommended by the medical officer Incharge of the case in the hospital not below the rank of Chief medical & Health Officer, leave for the period of hospitalization shall be sanctioned by the competent authority.

* Substituted vide F.D. No. F. 1(12) FD(Gr.2)/80, dated 5-12-1980 for:-

"74. *When certificate of Medical committee dispensed with.*— (1) If the State of the applicant's health is certified by a Medical Officer of Government or above the rank of a District Medical Officer to be such as to make it inconvenient for him to present himself at any place in which a Committee can be assembled, the authority competent to grant the leave may accept in lieu of the certificate prescribed in Rule 72 either:—

- (a) a certificate signed by any two Medical Officers being Medical Officers of or above the rank of District Medical Officer ; or
- (b) If the authority considers it unnecessary to require the production of two medical opinions a certificate signed by an officer of or above the rank of a District Medical Officer and countersigned by the Collector of the district or the Commissioner of the Division.

** (2) Notwithstanding anything contained in sub-rule (1) the authority competent to sanction leave may dispense with the procedure laid-down in rules 71 and 72 :—

- (i) When the leave recommended by the authorised Medical Attendant is for a period not exceeding two months, or
- (ii) When the applicant is undergoing treatment in a hospital as an indoor patient and the leave is recommended by the Medical Officer-in-charge of the case in the hospital not below the rank of District Medical and Health Officer for the period of hospitalisation or convalescence :Provided that such a Medical Officer certifies that in his opinion it is necessary for the applicant to appear before a Medical Committee."

**Inserted vide. F.D. Order No. F. 1(47) F. D. A. (Rules)/61, dated 28-11-1961.

° Substituted vide FD Notification No. F.1(12)FD(Gr-2)/80 dated, 15.12.1992.

A gazetted Government servant may be granted leave by the competent authority for a period not exceeding 60 days on the basis of medical certificate given by the authorised medical attendant in the form prescribed under Rule 70.

^xNote:-1 The expression "authorised medical attendant used in sub-rule (1) shall mean a Government medical officer or Government Vaidya/Hakim/[@]Homeopathic Chikitsak on duty in a Government hospital or dispensary.

X Note:-2 The certificate of sickness and fitness from the authorized medical attendant of Government Homeopathic Chikitsak shall be accepted for the purpose of sanction of leave by the competent authority for a period not exceeding fifteen days.

75. Medical certificate does not confer right to leave . – The grant of a certificate under * () Rule 74 does not in itself confer upon the Government servant concerned any right to leave. The certificate should be forwarded to the authority competent to grant the leave and the orders of that authority should be awaited.

[%]**76. Leave on medical certificate to non-gazetted servants Procedure regarding :-**(1) (a) An application for leave on medical certificate made by a non-gazetted Government servant shall be accompanied by a medical certificate in the form prescribed below this rule given by an authorised medical attendant defining as clearly as possible the nature and probable duration of illness.

(b) An application for leave on medical certificate under clause (a) may be accompanied by a certificate given by a registered medical practitioner ⁺() if a Government medical officer/ Vaidya /Hakim is not

^x Substituted vide FD Notification No. F.1(12)FD/Gr.2/80 dated 16-10-1989 for

[@] Note 2. The certificate of sickness and fitness from the authorized medical attendant of Government Homeopathic Chikitsak shall be accepted for the purpose of sanction of leave by the Competent authority for a period not exceeding seven days only.

[@] Renumbered as note No.1 and Inserted vide FD Notification No. F.1(12) FD/Gr.2/80 dated 2-5-1985.

^{*} Deleted vide FD Notification No. F.1(12) FD (Gr.2)/80 dated 15-12-1980 the words "Rule 72 or."

[%] Substituted vide F.D. Notification No. F.1(12)FD (Gr.2)/80, dated 30-6-1980, for –

"76. Leave on medical certificate to non-gazetted servants procedure regarding – (a) Every application for leave on Medical Certificate made by a non-gazetted Government servant in superior service shall be accompanied by a Medical Certificate in the form prescribed below this rule given by a registered medical practitioner defining as clearly as possible the nature and probable duration of the illness, or by a request for the issue of a requisition for examination by a Medical Officer of Government.

⁺ Deleted the words "other than Homeopathic practitioner" vide F D Notification No F. 1 (12) FD (Gr. 2) 80, dt. 2-5-85.

(b) The authority competent to sanction leave may, at its discretion secure a second medical opinion by requesting the District Medical officer to have the applicant medically examined. Should it decided to do so, it must arrange for the second examination to be made on the earliest possible date after the date on which the first medical opinion was given

(c) It will be the duty of District Medical Officer to express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended and for this purpose he may either require the applicant for leave to appear before himself or require the applicant for leave to appear before a medical officer nominated by himself.

"Signature of applicant"

*Medical Certificate for Non-Gazetted Officers
recommended for leave or extension or
commutation of leave.*

I _____ after careful personal examination of the case hereby certify that _____ whose signature is given above is suffering from _____ and I consider that a period of absence from duty of _____

stationed at the place where he falls ill. The certificate from the registered medical practitioner should invariably indicate his registration number.

^x*Note 1:—* The expression "authorized medical attendant" used in sub-rule (1) (a) shall mean a Government medical officer or Government Vaidya/Hakim/+"Homeopathic Chikistak" on duty in a Government hospital or dispensary and the expression "registered medical practitioner" includes Allopathic/Ayurvedic/Unani practitioner registered under law in force from time to time.

^{*}*Note 2.* The certificate of sickness and fitness from the authorized medical attendant of Government Homeopathic Chikistak shall be accepted for the purpose of sanction of leave by the competent authority for a period not exceeding fifteen days only.

(2) The authority competent to grant leave at his discretion may secure a second medical opinion by requesting a Government medical officer not below the rank of Chief Medical Officer to have the applicant medically examined on the earliest possible date.

(3) It shall be the duty of the Government Medical Officer referred to in sub-rule (2) to express opinion both as regards the fact of illness and as regards necessity for the amount of leave recommended and for this purpose he may either require the applicant for leave to appear before himself or before a medical officer nominated by himself.

with effect from _____ is absolutely necessary for the restoration of his health

Dated

The

*Government Medical Attendant
or other Registered practitioner.*

NOTE

The possession of certificate as prescribed in this Rule does not in itself confer upon the Government servant concerned any right to leave.

Government of Rajasthan's Decision

*Doubts have been expressed whether the term "Registered Medical Practitioners" occurring in Rule 76 (a) of R. S. R. is to be restricted only to registered Allopathic-Medical Practitioner or should also include registered practitioners of Ayurvedic and Unani systems for purposes of Rule 76 (a) of R. S. R. for application for leave on Medical Certificate by non gazetted Government servants in superior service. The matter has been examined and it has been held that the term "registered medical practitioner" occurring in Rule 76 (a) of R. S. R. may be interpreted so as to include also Ayurvedic and Unani Practitioners registered under law in support of application by Government servants for leave on medical grounds (Rule 76) (a) of R. S. R. or for purposes of (Rule 83 of R. S. R.) or

Medical Certificate issued by Homeopathic practitioners will not be accepted for any purpose for which a Medical Certificate is a pre-requisite under Rules.

* Inserted by F.D. Circular No. 22 (2) F. II/53, dated 30-10-1953.

^x Numbered as Note No.1 vide FD Notification No. F.1(12)FD/(Gr.2) 80 dated 2-5-1985.

* Substituted vide FD Notification No. F.1(12)FD/Gr.2/80 dated 16-10-89 for :—

@ "*Note 2.*— The certificate of sickness and fitness from the authorized medical attendant of Government Homeopathic Chikistak shall be accepted for the purpose of Sanction of leave by the competent authority for a period not exceeding seven days only."

@ Inserted vide FD Notification No. F. 1(12) FD/Gr.2/80 dated 2-5-85.

(4) The grant of medical certificate under this rule does not itself confer upon the Government servant concerned any right to leave.

Medical Certificate for non gazetted Government servant.

I.....,after careful personal examination of case hereby certify that....., whose signature is given below, is suffering from.....and I consider that a period of absence from duty of.....with effect from.....is absolutely necessary for the restoration of his health.

Date

Signature of Government servant

Name

Designation

Government Medical Attendant/

Department

other Registered Practitioner

with registration number.

Government of Rajasthan's Decision

राज्य कर्मचारियों को देय विभिन्न प्रकार के अवकाशों जिनमें सक्षम चिकित्सा अधिकारी के द्वारा जारी चिकित्सा प्रमाण पत्र, आवेदन पत्र के साथ प्रस्तुत करने होते हैं, के लिए प्रारूप निर्धारित है। राजस्थान सेवा नियम, 1951 के नियम 70 एवं 76 में चिकित्सा प्रमाण पत्र एवं नियम 83 में चिकित्सा पूर्ण होने पर फिटनेस प्रमाण पत्र का प्रारूप निर्धारित किया हुआ है। इन प्रारूपों में अंकित की जाने वाली समस्त सूचनाएं प्राधिकृत चिकित्सक द्वारा पूर्ण रूप से भरी जानी चाहिए।

राज्य सरकार के ध्यान में लाया गया है कि कुछ अवकाश स्वीकृतकर्ता प्राधिकारी प्राधिकृत चिकित्सक द्वारा निर्गमित अपूर्ण सूचनायुक्त चिकित्सा प्रमाण पत्रों के आधार पर राज्य कर्मचारियों से प्राप्त आवेदन पत्र पर विचार कर अवकाश स्वीकृत कर देते हैं, जो नियमानुकूल नहीं हैं।

अतः समस्त अवकाश स्वीकृतकर्ता प्राधिकारियों को पुनः निर्देशित किया जाता है कि जो राज्य कर्मचारी/अधिकारी अवकाश आवेदन पत्र के साथ अपूर्ण सूचनायुक्त प्रमाण पत्र प्रस्तुत करें, उनके अवकाश आवेदन पत्र पर विचार नहीं किया जावे।

अपूर्ण सूचनायुक्त चिकित्सा प्रमाण पत्र के आधार पर परिवर्तित अवकाश अथवा अन्य अवकाश स्वीकृत करने की कार्यवाही को अनुशासनहीनता मानते हुए अवकाश स्वीकृत कर्ता प्राधिकारी के विरुद्ध विभागीय कार्यवाही प्रारम्भ की जावे।

77. Leave on Medical Certificate to class IV Servant.—In support of an application for leave or for an extension of leave, on Medical certificate from a non-gazetted Government servant in Class IV service, the authority

¹ Inserted vide FD Circular No. F.1(15)FD/Rules/99 dated 22.2.2003.

competent to grant the leave may accept such certificate it may deem sufficient.

78. Medical Certificate to Government servant who is unfit to return to duty.- Medical Officers must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government servant concerned will ever be fit to resume his duties. In such cases, the opinion that Government servant is permanently unfit for Government service should be recorded in the Medical Certificate.

79. Every certificate of [@][] a Medical Officer recommending the grant of leave to a Government servant must contain a proviso that no recommendation contained in it shall be evidence of a claim to any leave not admissible to the Government servant under the terms of his contract or of the rules to which he is subject.

[@] Substituted by F.D. Notification No. F. 1(12) FD(Gr. 2)/80 dated 5-12-1980, the words "a medical Committee or".

SECTION II

Grant of Leave

80. Priority of claims to leave.—In cases where all applications of leave cannot, in the interest of public service, be granted, an authority competent to grant leave should, in deciding which application should be granted to take into account the following considerations:—

- (a) the Government servant who can, for the time being best be spared,
- (b) the amount of leave due to various applicants,
- (c) the amount and character of the service rendered by each applicant since he last returned from leave,
- (d) the fact that any such applicant was compulsorily recalled from his last leave,
- (e) the fact that any such applicant has been refused leave in the public interests.

%81. Grant of leave to a Government Servant who is unlikely to be fit to return to duty.—(1) When a medical authority has reported that there is no reasonable prospect that a particular Government servant will ever be fit to return to duty, leave should not, necessarily be refused to such a Government servant. It may be granted if due by a competent authority on the following conditions:—

(a) If the medical authority is unable to say with certainty that the Government servant will never again be fit for service, leave not exceeding twelve months in all may be granted. Such leave should not be extended without further reference to a medical authority.

(b) If a Government servant is declared by medical authority to be completely and permanently incapacitated for further service, leave or an extension to leave may be granted to him after the report of the medical authority has been received, provided that the amount of leave as debited against the leave account together with any period of duty beyond the date of the medical authority's report does not exceed six months.

% Substituted for the following by FD Order No.D.3672 F.7a{12)FDA(Rules)57,dt. 28-9-1957:-

"When a Medical Committee has reported that there is no reasonable prospect that a particular Government servant will ever be fit to return to duty, leave should not necessarily be refused to such Government servant. It may be granted if due, by a Competent authority on the following Conditions:—

(a) If the Medical Committee is unable to say with certainty that the Government Servant will never again be fit for service in India, leave not exceeding twelve months in all may be granted. Such leave should not be extended without, further reference to a Medical Committee.

@(2) and (3) Deleted

82. Leave not admissible to a Government Servant who ought to be dismissed.—Leave should not be granted to a Government servant who ought at once to be dismissed or remove from Government service for misconduct or general incapacity.

***82-A. Omitted.**

(b) If the Medical Committee declares the Government servant to be completely and permanently incapacitated for further service in India the Government servant should except as provided in clause (c) below, be invalided from the service, either on the expiration of the leave already granted to him is on leave when examined by the Committee or if he is not on leave, from the date of the Committee's report.

(c) A Government servant declared by a Committee to be completely and permanently incapacitated may, in special cases, be granted leave, or an extension of leave not exceeding six months as debited against the leave account if such leave be due to him. Special circumstances justifying such treatment may be held to exist when the Government servants breakdown in health has been caused in and by Government service, or when the Government servant has taken a comparatively small amount of leave during his service or will complete at an early date an additional year's service for pensions."

@ Sub-rule (2) & (3) deleted vide FD. Order No. F.7A(12)F.D.(1) Rules/58, dated 30-10-1958.

* Omitted vide F.D. Notification No. F.1(9)FD(Gr.2)/77 dated 26-5-78 w.e.f 1-9-1976 the following:—

@ @ 82-A. *Leave to Gazetted Government Servants.*—Leave to a Gazetted Government servant must not be granted without obtaining a report from the Accountant General upon his title to leave, except in Cases of emergency % [or in case of privilege leave not exceeding 120 days while in foriegn service] and on the responsibility of the Government Servant for the consequence of the leave asked for being in admissible. Such a report from the Accountant General is not required in the cases of Non-Gazetted servant unless in foreign service % [When he applies for leave other than privilege leave not exceeding 120 days].

NOTE

The admissibility of leave in the case of a Government servant officiating in a Gazetted post should be certified by the Audit Officer.

£Exception 1.—In case where a Government servant certifies in writing that the leave other than leave preparatory to retirement, refused leave and terminal leave applied for by him is admissible to him and is at his credit, under the rules, the same may be sanctioned by the authority competent to sanction the leave without waiting for a report from the Accountant General upon his title to leave. It should be mentioned in the sanctioning order that the grant of leave is subject to verification by the Accountant General. If leave so sanctioned, on verification by the Accountant General is found to be not due to him, it may be converted into other kinds of leave which may be admissible. If no other leave is admissible and due, the period may be treated as extraordinary leave.

+2.—In case of leave preparatory to retirement the Government servant may obtain leave title directly from the Accountant General. On receipt of leave title he shall submit the same along with leave application to the leave sanctioning authority. The Accountant General while reporting leave title to the Government servant concerned shall also send a copy of his report on leave title to the leave sanctioning authority.

Where, however, leave title is not received by the Government servant concerned in time from Accountant General the officer himself will record a certificate on the leave application that to the best of his knowledge leave applied for is due to him. In such a case he shall also give an undertaking to the effect that if leave so sanctioned to him is found to be not due, it may be converted into other kinds of leave which may be admissible. If no other leave is admissible and due the period may be treated as extra-ordinary leave."

@@ Inserted vide F.D. Order No. F. 5(1)FD(R)/56, dated 11-1-56.

% Inserted by F.D. Notification No. F.1(37)F.D(Exp.-Rules)/64 dated 6-9-1966,

£ Inserted vide F.D. Notification No. F.1(5)FD(E-R)/66,dated 24-3-1966.

+ Inserted vide F.D. Notification No. F.1(22)FD(Exp.-Rules)/66 dated 23-9-1966.

^83. Certificate of fitness to return to duty.—A Government servant who has taken leave on medical certificate may not return to duty until he has produced a medical certificate of fitness in the following form:—

Civil Surgeon

I.....at.....do Medical officer (Name of Hospital/Dispensary) hereby certify that I have carefully examined Shri.....Designation.....of the..... department and find that he has recovered from his illness and is now fit to resume duties. I also certify that before arriving at his decision I have examined the original medical certificate(s) and/Statement(s) of the case on which leave was granted or extended and have taken these into consideration in arriving at my decision.

Signature of Authorized
Medical Attendant/Civil Surgeon.

Dated:

Government of Rajasthan's Decision

@राज्य कर्मचारियों को देय विभिन्न प्रकार के अवकाशों जिनमें सक्षम चिकित्सा अधिकारी के द्वारा जारी चिकित्सा प्रमाण पत्र, आवेदन पत्र के साथ प्रस्तुत करने होते हैं, के लिए प्रारूप निर्धारित है। राजस्थान सेवा नियम, 1951 के नियम 70 एवं 76 में चिकित्सा प्रमाण पत्र एवं नियम 83 में चिकित्सा पूर्ण होने पर फिटनेस प्रमाण पत्र का प्रारूप निर्धारित किया हुआ है। इन प्रारूपों में अंकित की जाने वाली समस्त सूचनाएं प्राधिकृत चिकित्सक द्वारा पूर्ण रूप से भरी जानी चाहिए।

राज्य सरकार के ध्यान में लाया गया है कि कुछ अवकाश स्वीकृतिकर्ता प्राधिकारी प्राधिकृत चिकित्सक द्वारा निर्गमित अपूर्ण सूचनायुक्त चिकित्सा प्रमाण पत्रों के आधार पर राज्य कर्मचारियों से प्राप्त आवेदन पत्र पर विचार कर अवकाश स्वीकृत कर देते हैं, जो नियमानुकूल नहीं है।

अतः समस्त अवकाश स्वीकृतिकर्ता प्राधिकारियों को पुनः निर्देशित किया जाता है कि जो राज्य कर्मचारी/अधिकारी अवकाश आवेदन पत्र के साथ अपूर्ण सूचनायुक्त प्रमाण पत्र प्रस्तुत करें, उनके अवकाश आवेदन पत्र पर विचार नहीं किया जावे।

[^] Substituted vide F. D. Notification No. F.D(12)F.D(Gr.2)/80, dated 5-12-1980 for—

"83. *Certificate of fitness to return to duty.*—A Government servant who has taken leave on Medical Certificate may not return to duty until he has produced a medical certificate of fitness in the following form:—

We the members of a Medical Committee —

Civil Surgeon of ————do hereby certify that we/I have carefully Registered Medical Practioner of -----examined.....of the Department and find that he has recovered from his illness and is now fit to resume duties in the Government service. We/I also certify that before arriving at this decision we/I have examined the original Medical Certificate(s) and Statement(s) of the case (or certified copies thereof) on which leave was granted or extended and have taken these into consideration in arriving at our/my decision.

The original Medical Certificate (s) and Statement (s) of the case on which the leave was originally granted or extended should be produced before the authority asked to issue the above certificate. For the purpose the original certificate (s) and Statement (s) of the case should be prepared in duplicate, one copy being retained by the Government servant concerned."

@ Inserted vide FD Circular No. F.1(15)FD/Rules/99 dated 22.2.2003

अपूर्ण सूचनायुक्त चिकित्सा प्रमाण पत्र के आधार पर परिवर्तित अवकाश अथवा अन्य अवकाश स्वीकृत करने की कार्यवाही को अनुशासनहीनता मानते हुए अवकाश स्वीकृत कर्ता प्राधिकारी के विरुद्ध विभागीय कार्यवाही प्रारम्भ की जावे।

***84. Deleted**

%85. Return from leave before due date:—(a) (i) A Government servant on leave may not return to duty before the expiry of the period of leave granted to him, unless he is permitted to do so by the authority which granted him leave.

(ii) Notwithstanding anything contained in clause (i) above a Government servant on leave preparatory to retirement shall be precluded from withdrawing his request for permission to retire and from returning to duty save with the consent of the authority empowered to appoint him.

* Deleted vide F. D. Notification No. F. 1 (12) FD (Gr-2)/80, dated 5-12-1980, the following:—

84. *When Gezzetted Government Servant to obtain Certificate of fitness from Medical Committee:—*If the Government servant on leave is a Gazetted Officer, such certificates should be obtained from a Medical Committee except in the following cases:—

(a) Cases in which the leave is for not more than three months.

(b) Cases in which leave is for more than three months or leave for three months or less is extended beyond three months, and the Medical Committee granting the original certificate or the certificate for extension State at the time of granting such certificate that the Government servant need not appear before another Medical Committee for obtaining the certificate of fitness.

In the excepted cases the certificate may be obtained from a District Medical Officer or of equivalent rank.

If the Government servant on leave is not a Gazetted Officer the Competent authority may, in its discretion accept a certificate signed by any registered medical practitioner.

Government of Rajasthan's Decision.

Rules 83 and 84 of Rajasthan Service Rules provide that an officer who has taken leave on medical certificate is required to produce a Medical certificate of fitness before returning to duty.

The Accountant General has brought to the notice of Government that in the case of Gazetted Officer, rejoining duty on return from leave on medical certificate, no information is, at present, received in his office to show whether or not the leave sanctioning authorities are obtaining from the concerned officers the certificate of fitness from the appropriate Medical Authority before permitting them to rejoin duty and accordingly it is not possible for his office to watch whether the compliance with the relevant rules in the Rajasthan Service Rules is being made.

With a view to secure due compliance of the rules and to avoid delay in the matter of issue of pay slips to the Gazetted Officers on their return from leave on Medical Certificate, the leave sanctioning authorities are requested to ensure that while issuing orders permitting an officer to rejoin duty, an intimation should simultaneously be sent to the Accountant General that the certificate of fitness from the appropriate Medical Authority as required under the rules has obtained from the officer before permitting him to join duty. As the pay slips on return from- leave will be issued by the Accountant General on receipt of such intimation it is necessary that the requisite information is sent to him as early as possible."

% Substituted for " 85 (a) unless he is permitted to do so by the authority which granted his leave, a Government servant on leave may not return to duty more than fourteen days before the expiry of the period of leave granted to him" by F.D. Order No. F.7(4) II/55 dated 14-7-1955.

(b) A Government servant returning from leave is not entitled, in the absence of specific orders to that effect, to resume as a matter of course the post which he held before going on leave. He must report his return to duty and await orders.

Clarification.

@ Attention is invited to clause (b) of Rule 85 which provides that a Government servant on return from leave is not entitled to presume as a matter of course, the post which he held before going on leave in the absence of formal orders of posting. In this connection doubts have been raised whether authorities competent to grant leave can issue posting orders of Gazetted officers on return from leave. The matter is clarified as follows.-

(1) An authority who is competent to grant leave can issue orders of reposting of a Gazetted officer to the same post if during the currency of leave the post was kept unfilled.

(2) Where leave has been sanctioned by one authority and the leave vacancy has been filled under orders of another authority the latter authority can only issue re-posting orders of officers returning from leave. As Accountant General will not issue pay authority in the absence of such an order re-posting an officer who has returned from leave, such orders should invariably be issued before expiry of leave.

Government of Rajasthan's Decision.

* Cases have come to the notice of Government when the sanctioning authorities while permitting a Government servant under Rule 85 of R.S.R. to return from leave before its expiry, do not issue orders and endorse a copy thereof to Accountant General with the result that hardship is caused to the officers in getting duty pay for the period of leave not availed of.

It is imperative that no delay occurs in the issue of the orders for cancellation of leave. The sanctioning authorities are requested to keep this in mind in all cases when sanctioned leave is cancelled.

@@ **86. Absence after expiry of leave:—**(1) A Government servant who is absent from duty without leave or before leave applied for has been sanctioned by the competent authority shall be treated to have remained willfully absent from duty and such absence shall amount to interruption in service involving forfeiture of past service unless, on satisfactory reasons being furnished, the absence is regularized by grant of leave due or is commuted into extra-ordinary leave by the authority competent to sanction leave.

@ Inserted vide F.D. Order No.F.1 (23)F.D. (E.R.)/63, dated 21-10-1963.

* Inserted by F.D. Memo. No.49/22/56/F.7(4)F II/55, dated 26-10-1956.

@@ Substituted vide FD Noti. No. F.1(58)FD(Rules)/70 dated 12-1-1976 for—

"86. *Absence after expiry of leave.* — A Government servant who remains absent after the end of his leave is entitled to no leave salary for the period of such absence and that period will be treated as though it were leave on half-pay unless his leave is extended by Government. Willful absence from duty after the expiry of leave may be treated as misbehavior for the purpose of this rule."

(2)⁺ (a) A Government servant who remains absent from duty after the expiry of *the* sanctioned leave or after communication of refusal of extension of leave is not entitled to any pay and allowances for the period of such absence and the period of such absence shall be commuted into extra ordinary leave unless on satisfactory reasons being furnished, the period of absence is regularized by grant of leave due by the authority to grant leave.

+*(b)* Willful absence from duty after the expiry of leave renders a Government servant liable to disciplinary action.

%⁽³⁾ Notwithstanding the provisions contained in sub-rules (1) and (2) above the disciplinary authority may initiate departmental proceeding under Rajasthan Civil Services (Classification, Control & Appeal) Rules against a Government servant who willfully remains absent from duty for a period exceeding one month and if the charge of willful absence from duty is proved against him, he may be removed from service.

⁼(4). Unless the State Government, in view of the special circumstances of the case, determines otherwise a State Government employee who remains absent from duty for a continuous period exceeding five years other than on foreign service, whether with or without leave, shall be deemed to have resigned from service.

Provided that a reasonable opportunity to explain the reasons for such absence shall be given to the employee before the provisions of this sub-rule are invoked.

**** Government of Rajasthan's Decision. (Deleted)***

+ Government of Rajasthan's Decision

^(i) Treatment of wilful absence from duty not recognised :

Wilful absence from duty, even though not covered by grant of leave does not entail loss of lien. The period of absence not covered by grant of leave shall have to be treated as 'dies non,' for all purposes, viz. increment, leave and pension. Such absence without leave where it stands singly and not in continuation of any authorised leave of absence will constitute an interruption of service for the purpose of pension and the entire past service will stand forfeited.

(ii) Action for over stayal of leave :

⁺ Renumbered and inserted vide FD Notification No. F.1 (33) FD/Gr-2/78 dated 8-4-1986 with Immediate effect.

% Added vide F.D. Notification No. F. 1(33) FD(Gr. 2)/78 dated 22-2-1979.

⁼ Inserted vide FD Notification No. F.1(5)FD/Rules/96 dated 20.8.2001.

* Deleted vide F.D. Notification No. F. 1(58) (Rules)/70, dated 10-8-1976 w.e.f. 12-1-1976, the following:--

Government of Rajasthan's Deceision

@A Question has been raised regarding the manner in which the absence of a Government servant without leave, or before leave has been sanctioned is to be treated.

The position is that willful absence from duty is misbehavior and has to be dealt with as such. Absence without leave, moreover, amount to interruption in service involving forfeiture of past service, unless on satisfactory reasons being furnished, the absence is commuted into extraordinary leave by the sanctioning authority."

⁺ Inserted by F.D. Memo No. F. 35(29) R/52, dated 9-7-1952,

[^] Inserted vide FD Notification No.F.1(33)FD(Gr.2)/78 dated 08-04-1986.

Doubts were raised in certain quarters as to how the cases in which an official over stays the prescribed quantum of extraordinary leave should be dealt with. The matter has been considered and it is clarified that the aforesaid rule does not take away the power of disciplinary authority to take appropriate disciplinary action for any misconduct and impose one of the penalties under Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958. Action can, therefore, be taken under these rules for unauthorised absence from duty or overstayal of leave even for one day, treating it is misconduct, if the facts and circumstances of the case warrant such an action.

CHAPTER XI

Leave

Section 1.—General,

87.Applicability.—The rules in this Chapter (other than those relating to procedure) relating to the nature and extent of the leave admissible to Government servants, apply only to Government servants holding permanent posts in a substantive capacity, except in so far as they are expressly stated to apply to temporary Government servant

***87-A. Leave Account.**—A Leave Account in Form No. 1 in Appendix IIA to these rules will be maintained for each Government servant.

+87B (i) Leave Account of Gazetted Government servants shall be maintained by the authorities to who are required to keep service books in their custodies under sub-rule (2) of Rule 160

(ii) Leave account for non-gazetted Government Servants.—The leave Account of non-gazetted Government servants shall be maintained by the Head of Office in which he is employed.

Government of Rajasthan's Decision.

*If a non-gazetted Government servant who is officiating in a Gazetted post proceeds on leave he should be treated as continuing to held a gazetted status during his leave for all practical purposes viz. for purposes of issue of notifications, drawals of leave salary and other allowances, grant of leave or extension of the leave on medical certificate, etc. irrespective of whether the leave counts for increment or not, whether, but for his going on leave, he would have continued to officiate in the gazetted post or not, and whether on the expiry of his leave he would return to his gazetted post or not.

(2) If such a Government servants holds a lien on a non-gazetted cadre which includes a leave reserve, he will, while on leave, count as one on leave in that cadre, and for this purpose the Head of the Office concerned should be consulted before hand and kept informed.

(3) This decision will apply also to a Government servant transferred from one office of the Rajasthan Government to another or from Rajasthan Government to the Central Government and *vice versa* and holding a lien (active or suspended) on a non gazetted post in his parent office, when he proceeds on leave while officiating in a gazetted post in the borrowing office.

*Inserted by F.D. Order No. F.10(6)FII/54, dated 14-6-1954.

+ Substituted vide FD Noti. No. F.l(66)FD/Gr,2/85, dated 30-12-1985 effective from 1-1-1981:—

***87-B. Leave Account of Gazetted Officers.**—(i) The Leave Account of Gazetted Government servant shall be maintained by or under the direction of the Accountant General, Rajasthan.

The following procedure should be followed in future in the cases of such officers.:—

- (i) leave and any extension thereof should be granted and notified by the borrowing office; and
- (ii) leave salary should be paid initially by the borrowing office, and finally adjusted in accordance with the appropriate rules regulating incidence of leave salary.

88. Combination of leave of various kinds.—Any kind of leave may be granted in combination or in continuation of any other kind of leave.

89. Leave beyond date of Superannuation.—No leave shall be granted beyond the date on which a Government servant must compulsory retire.

@Provided that if insufficient time before the date of compulsory retirement an officer has been denied in whole or in part on account of exigencies of public service, any leave applied for and due as preparatory to retirement, then he may be granted, after the date of compulsory retirement, the amount of privilege leave which was due to him on the said date of compulsory retirement, subject to the maximum limit of 120 (or 180 days in case of person enjoying leave ex-India), as prescribed in rule 91 so long as the leave so granted, including the leave granted to him between the date from which the leave preparatory to retirement to commence and date of compulsory retirement does not exceed the amount of leave preparatory to retirement actually denied, the half pay leave, if any, applied for by an officer preparatory to retirement and denied in the exigencies of public service being exchanged with privilege leave to the extent such leave was earned between the date from which the leave preparatory to retirement was to commence and the date of compulsory retirement.

*Provided further that an officer whose service has been extended in the interests of the public service beyond the date of his compulsory retirement may be granted privilege leave as under:—

- (i) during the period of extension, any privilege leave due in respect of the period of such extension and to the extent necessary, the privilege leave which could have been granted to him under the preceding proviso had he retired on the date of compulsory retirement;

@ Substituted vide FD No.153/59/F.7A(4)FD-A(Rules)58, dated 30-4-1959—

"Provided that the authority empowered to grant leave may allow a Government servant who has been denied in whole or in part on account of the exigencies of public service the privilege leave which was due to him pending retirement, the whole or any portion of the privilege leave so denied, even though it extends to a date beyond' The date on which such Government servants must compulsory retire.'

* Substituted by F.D. Order No. 741/F.7A(4)F.D. A/58, dated 2-5-1958 -

"Provided further that a Government Servant whose service has been extended in the interests of the public service beyond the date of his compulsory retirement may similarly be granted either within the period of extension or, if the conditions of the preceding proviso are satisfied after its expiry, and privilege leave which could have been granted to him under the preceding proviso had he retired on that date and in addition any privilege leave due in respect of such extension. In determining the amount of privilege leave due, in respect of the extension with reference to Rule 91 of the privilege leave, if any, admissible on the date of compulsory retirement shall be taken into account".

- (ii) after the expiry of the period of extension:—
 - (a) the privilege leave which could have been granted to him under the preceding proviso, had he retire on the date of compulsory retirement, diminished by the amount of such leave availed of during the period of extension.
 - (b) any leave earned during the period of extension as has been formally applied for as preparatory to final cessation of his duties in sufficient time during the extension and refused to him on account of the exigencies of the public service;
- (iii) in determining the amount of privilege leave due in respect of the extension with reference to Rule 91 the privilege leave, if any, admissible under the preceding proviso shall be taken into account.

* Note.—Omitted.

Government of Rajasthan's Decisions.

- %1. Under rule 89 of the Rajasthan Service Rules, no leave shall be, normally, admissible to a Government servant beyond the date of his superannuation. If, however, he had applied for privilege leave sufficiently early but was refused such leave either wholly or in part on account of the exigencies of public service the Government servant concerned may be allowed the privilege leave so refused after the date of his superannuation, subject to a maximum of @ [120 days.]

The Rajasthan Service Rules came into force on 1st April, 1951, Government servants who have to retire shortly after 1st April, 1951, would not have known of this condition and consequently had no opportunity to apply for privilege leave in time. It would be a hardship to them if rule 89 is applied rigidly. Government are, therefore, pleased to extend following concessions to Government servants retiring before 31st December, 1951 :-

Category	Leave to be granted even though the requirements of the rule 89 have not been complied with, provided the Government servant has the leave to his credit.
Government servants retiring <i>on or before</i> 30th September, 1951.	Privilege leave for 120 days after the date of superannuation

* Omitted Vide F.D. Notification No. F.1(48)F.D. Exp. Rules/67 dated 1-4-1969—

"The permission given by this rule for an officer being granted leave for not more than four months beyond the age at which he must compulsorily retire, also carries with it the permission for the officer to retain lien on his post. As the officer does not continue on duty but merely draws a leave salary by virtue of a privilege extended to him, no formal extension of service necessary."

% Inserted by F.D. Memo No. F. 35(7) R 51, dated 13-8-1951.

@ Substituted for "4 months" by F.D. Order No. F.1(109)F.D./56, dated 3-1-1957

Government servants retiring after 30th September, 1951 but on or before 31 st October, 1951.	Privilege leave for 90 days after the date of superannuation
Government servants retiring after 31 st October, but on or before 30 th November, 1951.	Privilege leave for 60 days after the date of superannuation.
Government servants retiring after 30 th November but on or before 31 st December, 1951.	Privilege leave for 30 days after the date of superannuation

Government servants retiring after 31st December, 1951 can be granted privilege leave only if the requirements of rule 89 have been complied with.

Heads of Departments are requested to bring the contents of this order to the notice of all Government servants in their departments.

*2. Certain doubts¹ have been expressed in regard to the exact manner in which rule 89 of the Rajasthan Service Rules will operate. The position has been examined and it was held that leave under the second proviso to rule 89 of R.S.R. can be granted, after the expiry of the period of extension, only if the conditions of the first proviso to the rule are fulfilled viz., that if the leave was denied on account of the exigencies of public service. This condition applies both to (i) the privilege leave which could have been granted under the first proviso, and (ii) the privilege leave due in respect of the period of extension. Leave earned during the period of extension is thus not admissible automatically at the end of the period of extension and can be allowed only if it has been denied previously. In both cases, i.e. in the case of leave after the date of compulsory retirement, or after the expiry of the period of extension, leave can be allowed only if the Government servant has before the date of the compulsory retirement or the expiry of the period of extension, as the case may be, formally applied for leave and been refused it, or ascertained in writing from the sanctioning authority that leave if applied for would not be granted, in either case the ground of refusal being the requirements, of the public service.

#3. It has been represented to the Government that as a result of the reduction in the age of compulsory retirement from 58 to 55 years with effect from the 1st July, 1967, a number of Government servants who attained the age of 55 years soon after this date were precluded by the provisions of Rule 89 of Rajasthan Service Rules from applying for leave preparatory to retirement either wholly or partly.

The matter has been carefully considered and it has been ordered that in all cases in which the Government servants retire/have retired between the 2nd July, 1967 and the 31st December, 1967 refused leave to the extent mentioned below be sanctioned —

* Inserted by F.D. Memo No. D.4756/F,II/53, dated 25-6-1953.

Inserted vide F, D. Order No, F. 1 (42) FD (E-R)/67, dated 5-10 1967.

(i) In case of Government servants who have retired between the 2nd July, 1967 and the 31st August, 1967, the entire privilege leave (not exceeding 120 days) which he could have availed of in the normal course till the date of compulsory retirement be treated as refused leave after deducting the period of any leave preparatory to retirement actually availed of by them.

(ii) In case of persons retiring between 1st September, 1967 and 31st December, 1967 the amount of leave due as preparatory to retirement (not exceeding 120 days) after deducting therefrom (1) the period from 1-9-1967 to the date immediately before the date of retirement and (2) any leave preparatory to retirement availed of till 31st August, 1967 shall be treated as refused leave.

Illustrations.

Case A.

Where the Government servants did not avail of any leave preparatory to retirement before 1-9-1967.

Date of compulsory retirement	1-10-1967.
Amount of privilege leave due (not exceeding 120 days) as preparatory to retirement	120 days
Less the period from 1-9-1967 to 30-9-1967	30 days
Amount of refused leave	90 days

Case B.

Where the Government servant availed of leave preparatory to retirement before 1-9-1967—

Date of compulsory retirement	5-11-1967
Amount of Privilege leave due (not exceeding 120 days) as leave preparatory to retirement	120 days
Less the period of leave preparatory to retirement Availed of before/ after 1-9-1967 i.e. from 18-8-1967 to 14-11-1967	89 days
Amount of refused leave	31 days

Leave salary payable in consequence of paragraph I above shall be regulated in accordance with Finance Department Memo No. F. 1(48) FD (E-R)/67, dated 15-7-1967.

@4. As a consequence of issue of Finance Department Notification No. F. 1 (42) FD (Exp.-Rule)/67-I, dated 13-6-1967, changing the retirement age from 58 to 56 years from 1-7 1967, certain Government servants were

@ FD Order No, F 1(31) FD (Rules) 68, dated 3-8-1968.

granted extension in service with effect from 1-7-1967. A question has been raised whether in the case of such Government servants who were granted extension in service from 1-7-1967, the amount of privilege leave (not exceeding 120 days) ' which was at their credit can be automatically treated to have been refused in terms of sub-paras VIII and IX of paragraph 3 of the Finance Department Order dated 13-6-1967 (as amended from time to time) [appearing as Government of Rajasthan's Instruction below Rule 56 (a) (i).]

The matter has been considered and it has been decided that provisions of aforesaid are not applicable to such cases. Such Government servants may, however, be permitted to carry forward the amount of privilege leave(not exceeding 120 days) which may be at their credit before 1-7-1967. The leave so carried forward together with privilege leave earned during the period of extension in service will be availed of during the period of extension in service or in case such leave is refused under Rule 89 of Rajasthan Service Rules, it may be availed of after the expiry of the period of extension in service in accordance with rules.

^x5. Under Rajasthan Government decision No. 2 it was held that leave under the 2nd proviso to Rule 89 of the Rajasthan Service Rules can be granted, after the expiry of the period of the extension, only if the leave was denied on account of the exigencies of the public service, both in case of privilege leave which could have been granted under the first proviso and (ii) the privilege leave due in respect of the period of extension. In both the types of cases referred to above i.e. in the case of leave after the date of compulsory retirement or after the expiry of the period of extension leave can be allowed only if the Government servant has before the date of his compulsory retirement or the expiry of the period of extension, as the case may be, formally applied for leave and the same has been refused, or ascertained in writing from the sanctioning authority that leave if applied for would not be granted, in either case the ground of refusal being the requirements of the public service.

Government servants who have been granted extension of service after they had attained the age of superannuation in accordance with delegation of powers at Serial No. 19A(i) of Appendix IX of the Rajasthan Service Rules, Volume II, upto 28-2-1971 or upto the date on which they attain the age of 58 years whichever is earlier where required to make formal application for grant of leave before the date of their compulsory retirement.

The matter has been examined and it is decided that as in their case the extension of service is automatic upto 28-2-1971 or upto the date on which they attain the age of 58 years, whichever is earlier, the amount of privilege leave as may be due before the date of superannuation may be carried forward beyond the date of superannuation and it may be availed of during the period of extension together with the privilege leave due in respect of the period of extension subject to the limits prescribed under rule 91 of the Rajasthan Service Rules. However, the leave so carried forward and leave earned during the period of extension will not be admissible automatically at the end of the period of extension but will be allowed only when it has been denied in public interest.

^x FD Notification No.F. 1(12) F.D. (Rules)/70, dated 7-3-1970.

@6. In modification of the provisions contained in Government of Rajasthan's Decision No. 5 below Rule 89 of the Rajasthan Service Rules (inserted vide Finance Department Notification No F 1 (12) FD (Rules)/70 dated 7-3-1970) it has been decided that in the case of a Medical Officer (including teaching Staff of Medical Colleges) who is due to attain the age of superannuation and has applied for leave preparatory to retirement which has been refused by the competent authority before the date on which he would have proceeded on leave then such leave will be carried forward during the period of extension in service granted to him provided extension in service starts immediately after the date of superannuation. If however, the leave applied for is sanctioned and intimation of sanction is received by the officer after the date on which he would have proceeded on leave, the period between the proposed date of proceeding on leave preparatory to retirement and the date prior to the date of receipt of sanction for leave will be treated as refused leave. In case orders of extension are issued after the officer has attained the age of superannuation and the leave applied for is also refused then the period between the date of attaining the age of superannuation and the date prior to the date of actually resuming duty on account of grant of extension in service shall be regularized by grant of refused leave or if no leave is due then extra-ordinary leave will be granted.

Cases decided before the issue of these orders in which benefit of refused leave has been allowed will not be re-opened.

Instructions.

%(a) The Gazetted Officers, whose title to leave has to be verified by the Accountant General should submit applications for such leave two months in advance of the date from which it is intended to proceed on leave. These applications should be forwarded to the Accountant General with the request to report the title to leave urgently and forward the same sanctioning authority within a fortnight at the latest. The sanctioning authorities will then record orders in writing whether the leave has been sanctioned or refused these orders will be communicated to the Accountant General and the officers concerned.

(b) In case of non-Gazetted Officers as it is not necessary to obtain a report from the Accountant General, the application for leave preparatory to retirement should be submitted at least a month before the date from which leave is applied for. The authority competent to sanction such leave shall record in writing decision to grant or refuse leave before the aforesaid date.

As regards past cases in which the Government servants had applied for leave preparatory to retirement in sufficient time before, but the leave could not be granted in time or earlier than the date of attaining age of superannuation or before being re-employed, for one reason or the other, but not due to any fault on the part of the Government servant concerned it has been decided that they will be considered on the merits of each.

@ Inserted vide Memo No. F.1 (12) FD (Rules)/70, dated 13-1-1971.

% Inserted vide F.D. Order No. 5132 FD(A)/57/F1(43)(Rules)/57, dated 14-9-1957.

Clarification

@ Attention is invited to Note 1 below Rule 56 of the Rajasthan Service Rules which provides that a Government servant who is granted refused leave under Rule 89 extending beyond the date of compulsory retirement or the expiry of an extension of service, is deemed, for purposes of pensionary benefits to have retired from service on the date of his compulsory retirement or on the expiry of the extension of service as the case may be; and becomes eligible to all pensionary benefits from such date. In regard to aforesaid provisions certain points have been raised which are clarified as under:—

Point raised	Clarification
(i) Whether a Government servant who avails himself of the refused leave immediately after the date of compulsory retirement or on the expiry of extension of service, as the case may be, will retire from service with effect from the date of commencement of the refused leave and become eligible for all pensionary benefits from that date.	The Government servant who avails himself of the refused leave in full or in part immediately after the date of his compulsory retirement or on the expiry of the extension of service will be deemed to have retired from service on the date of his compulsory retirement or where extension of service is granted, from the date of expiry of such extension and shall become eligible for all pensionary benefits from that date
(ii) How Payment of leave salary will be regulated for the period of refused leave:—	
(a) When it is enjoyed immediately after the date of compulsory retirement or on the expiry of the extension of service, as the case may be.	The leave salary admissible in such cases will be the same as admissible in the normal course but reduced by the amount of pension and pension equivalent gratuity or other retirement benefits.
(b) When it is availed of concurrently with the performance of the duties of the post in which the person is re-employed	The leave salary would be restricted to that admissible during leave, on half pay leave reduced by the amount of pension and/ or pension equivalent of gratuity or other retirement benefits.
(c) When the person proceeds on leave from the post in which he is re-employed and avails of the refused leave during the period of the re-employment or after.	The leave salary would be the same as would have been admissible in the normal course but for re-employment, reduced by the amount of pension and/ or pension equivalent of gratuity and other retirement benefits.

@ Inserted vide FD Memo No. F.1(48)FD(Exp.Rules)/67 Dt.15.7.1967 Effective from 1-7 -1967.

<p>(d) How leave salary and dearness allowance during refused leave should be worked out if the amount of leave salary (excluding dearness allowance) is less than the pension (excluding temporary increase) and pension equivalent of retirement benefits.</p>	<p>The leave salary and dearness allowance where admissible should be adjusted against pension (including pension equivalent of gratuity and other retirement benefits) and temporary increase on pension respectively. In other words the officer would be entitled to the following payments by way of pension-leave salary and dearness allowance:—</p> <p>(i) Leave salary—Nil.</p> <p>(it) Normal pension and temporary increase of such pension if any; and</p> <p>(iii) The difference between dearness allowance on the salary which the officer would have been normally entitled to and the. temporary increase on pension</p>
<p>(e) Whether dearness allowance admissible on leave salary would also be reduced,</p>	<p>The dearness allowance payable on leave salary for the period of refused leave will be reduced by the amount of temporary increase on pension if any.</p>

*90. Deleted

⁺ Deleted by FD Order No. D 6792/57/F. 1(40) FD(A) Rules/56 dated 28-10-1957,

Section II

Privilege leave etc.

- *91. Admissibility of privilege leave.** — (1) (a) A Government servant whether temporary or permanent shall be entitled to privilege leave of 30 days in a calendar year.
- (b) Notwithstanding the provisions of clause (a) above the amount of privilege leave admissible to a member of Rajasthan Armed

* Substituted vide F.D. Notification No. F.I (49) FD (Gr.-2)/82, dated 22-2-1983 w.e.f.-1-1-1983 for the following:—

@91. *Amount of Privilege leave admissible* :—(1) (a) The Privilege leave admissible to a permanent Government servant other than I.P.S. Officers,[£][employed in the Rajasthan Armed Constabulary and posted in NEFA and Tripura or] on the Border as defined in Government Order No. F. 1 (21) GA/A/Gr.II/64, dated 8-5-1964 is one eighth of the period spent on such duty:

Provided that he shall cease to earn such leave when the privilege leave due amounts to 180 days:

Provided further that if the officer has been denied, by issue of a formal order setting forth the reasons thereof, the whole or part of leave due to him in exigencies of public service, he shall be entitled to accumulate such leave in excess of the maximum limit of 180 days.

@ Rule 91 (A) added vide FD Noti. No.F.1(24)FD(Exp-Rules)/64 dated 22.1.1965 effective from 1.06.1964.

£ FD No.F.1(76)FD(ER)/65, dated 31-3-1967, effective from 1-1-1967 and corrigendum No.F.1(32)FD (Rules)/68 dated 17-7-1968 for – "employed in the Rajasthan Armed Constabulary and posted".

%(b) The privilege leave admissible to a Government servant in permanent employ is one eleventh of the period spent on duty:

Provided that he shall cease to earn such leave when the privilege leave due amounts to 180 Days.

(2) Subject to the provisions of + [Rules 59, 89 and sub rules (1) and (3) of this Rule] the maximum privilege leave that may be granted at a time to a Government servant shall be 120 days.

% Added by deleting the existing second proviso by FD order No. 4492/57, F.1(40)FD (A) Rules-66 dated 18-7-1957.

+ (3) The maximum privilege leave that may be granted at a time to a Government servant shall be 180 days when he is undergoing treatment for Tuberculosis or Leprosy or Cancer or a Mental Disease in recognized Sanatorium/Hospital.

+ Substituted for the words 'Rule 59 and 89 and Inserted vide FD Notification F.1(58)FD (A) (Rules)/62 dated 20-7-1963, effective from 1-10-1962.

^ *Exceptions.* — (1) the maximum privilege leave that may be granted at a time to an officer shall be 120 days, ** [subject to Rules 59 and 89].

(2) Privilege leave may be granted to a Government servant other than class IV service for a period of 120 days but not exceeding 180 days if the entire leave so granted or any portion thereof is spent outside India, Burma, Ceylon, ^x[Deleted] Nepal and Pakistan.

Provided that where privilege leave exceeding a period of 120 days is granted the period of leave spent in India shall not in the aggregate exceed the aforesaid limits.

^ Added by deleting the existing second proviso by FD order No. 4492/57, F.1(40)FD (A) Rules-66 dated 18-7-1957.

** The words "Subject to Rules 59 and 89" added by FD order No.D.6792/57 F.1(40)Rules/56, dated 28-10-1957.

x Deleted vide FD Noti. No.F.1(58)FD(Rules)/70 dated 12-1-1976, the words "Damen Div, Goa"

@ (3) The maximum privilege leave that may be granted at a time to a Government servant shall be 180 days when he is undergoing treatment for Tuberculosis or Leprosy or Cancer or a mental disease in a recognized Sanatorium, Hospital.

@ Inserted by FD Noti. F.7-A(85)FD-A(Rules)60 dated 7-5-1962.

?Rule 91 Substituted vide FD Not. No. F.1(58)/FD-A(Rules)62 dt. 21.11.1962 w.e.f. 1.10.1962
(For more about Rule 91 see at the end of the Chapter)

Constabulary other than I.P.S. Deployed on deputation to Indian Reserve Battalion or on Border (as defined from time to time), shall be 42 days in a calendar year,

(c) (i) Except as provided in sub-clause (ii) of this clause a Government servant shall be entitled to accumulate leave upto a maximum period of =300 days.

(ii) A member of R.A.C. other than I. P. S. deployed on deputation to Indian Reserved Battalion, who has been denied the whole or part of leave due to him in exigency of public service by issue of a formal order setting forth the reasons thereof, shall be entitled to accumulate such leave in excess of maximum limit of =300 days.

*[(2) (a) ⁺(i) The leave account of every Government servant shall be credited with privilege leave, in advance, in two installments of 15 days each or 21 days each in the case of R.A.C. as provided in clause (b) of sub-rule (1) above, on the first day of January and July of every calendar year irrespective of whether it is an even or uneven year.

⁺(ii) When a Government servant joins a new post without availing of the full joining time as admissible under sub-rule (4) of Rule 5 of the Rajasthan Civil Services (Joining Time) Rules, 1981, subject to the maximum of 15 days, reduced by the number of days actually availed off, shall be credited to his leave account as earned leave, provided that earned leave already at his credit together with the credit given under this sub-clause does not exceed =300 days.

(b) No deduction in leave balance shall be made if a Government servant remains on any kind of leave other than extraordinary leave. If a Government servant remains on extraordinary leave in a half year, deduction shall be made at the rate of one tenth of the period of extraordinary leave during that half year subject to a maximum of 15 days or 21 days in case of R.A.C. personnel.]

⁼ The existing words and figures \$240 days substituted vide FD Notification No. F.1(5)FD/Rules/96 dated 2.4.1998 w.e.f. 1.1.1998.

\$ The existing words and figures 180 days substituted vide FD Notification F.1(49)FD(Gr.2)82 dated 28-12-1991.

*Substituted vide F.D. Notification No. F.1(49)FD(Gr.2)/82, dated 5-11-1984, w.e.f. 1-1-1985 for:—

"(2)(a) Each employees privilege leave account shall be credited with 30 days privilege leave or 42 days privilege leave in the case of R.A.C. as provided in clause (b) of sub-rule (1) above, on 1st January every year irrespective of whether it is an even or uneven year. The leave taken during the course of calendar year from time to time shall be accounted for from the balance of privilege leave.

(b) No deduction in leave balance shall be made if a Government servant remains on any kind of leave other than extraordinary leave. If a Government servant remains on extraordinary leave during a calendar year, deduction shall be made at the rate of one- tenth of the period of extraordinary leave subject to a maximum of 30 days or 42 days in case of R.A.C personnel."

⁺ Sub-clause (a) renumbered as (a) (i) and sub-clause (ii) Inserted vide F.D. Notification No. F.1 (49) FD/Gr-2/82, Dated 10-12-85.

Government of Rajasthan's Decision.

@ [The undersigned is directed to invite attention of Finance Department Notification of even number dated 22-2-1983 under which procedure for credit of privilege leave has been revised and credit of privilege leave for a calendar year has been allowed in advance on the commencement of a new calendar year i.e. on 1st January at the respective prescribed rates with the retrospective effect from 1-1-1983. The retrospective operation of the provisions contained in the aforesaid Notification has put the balance of the privilege leave account of certain Government servants comparatively in a disadvantageous position.

2. Accordingly the matter has been looked into and the Governor has been pleased to order that in respect of the calendar year 1983, a Government servant may opt for credit of privilege leave into their privilege leave account on the basis of monthly credit as is allowed in the case of Government servants appointed during the calendar year. The rate of credit of privilege leave into privilege leave account on monthly basis is given below: —

<i>Category of Government servants</i>	<i>Rate of credit of P.L, per month.</i>
(1) Government servants who are entitled for 30 days privilege leave in a calendar year	2-1/2 days,
(2) R.A.C. personnel	3-1/2 days
(3) Staff of Courts	1 day.

3. Those Government servants who wish to avail aforesaid opportunity shall convey their consent to the leave sanctioning authority within a period, of two months in writing from the publication of this order in the Rajasthan Rajpatra.]

(3). Subject to the provisions of rule 59 the maximum amount of privilege leave that may be granted to a Government servant at a time shall be 120 days, but in case the privilege leave is taken for the purpose of undergoing treatment for T. B., leprosy or cancer or a mental disease in a recognized Sanatorium/Hospital, the maximum period for which privilege leave can be granted shall be ^'300 days' at a time.

* [(4) (a) A Government servant shall earn privilege leave at the rate of 2-1/2 days, or 3-1/2 days in case of R.A.C. personnel deployed on deputation to

@ Inserted vide F.D. Memo No.F.I(49)FD(Gr.2)/82, dated 28-3-1984,

^ The existing words and figures “*240 days” substituted vide FD Notification No. F.1(5)FD/Rules/96 dated 2.4.1998 w.e.f. 1.1.1998.

* The existing words and figures “180 days” substituted vide FD Notification No. F.1(49)FD/Gr.2/82 dated 28.12.1991.

* Substituted vide F.D. Notification No. F.I (49)FD(Gr.2)/82, dt. 5-11-1984, w.e.f. 1-1-1985, for:—

Indian Reserve Battalion, for each completed month of his service in a half year in which he is appointed.

(b) In case of resignation, termination, discharge, removal or dismissal from service or death while in service or on retirement from service the privilege leave shall be reckoned with effect from 1st January or 1st July as the case may be in the half year of occurrence of the event and credited to his leave account at the rate of 2-1/2 days or 3-1/2 days in case of R.A.C. personnel for each completed calendar month upto the end of the month in which he ceases to be in service.]

\$Deleted GRD.

[91.A. **Encashment of privilege leave while in Service:—**

(l) (i) A Government servant may, on surrender of privilege leave not exceeding 30 days ⁺(once) in a block of two years, first block commencing from 1-4-1982, be granted leave encashment equal to the period of leave surrendered.

@ [Provided that no encashment of privilege leave may be allowed to a temporary Government servant unless he has completed one year of service. The block year will not be changed.]

(ii) The number of days of privilege leave surrendered shall not be referred to any particular period but may be reckoned as surrendered on the date of application of leave for encashment benefit and debited against the leave account of Government servant.

"(4) (a) A Government servant shall earn privilege leave at the rate of 2-1/2 days or 3-1/2 days in case of R.A.C. personnel deployed on deputation to Indian Reserve Battalion for each completed month of his service in a calendar year in which he is appointed.

(b) In case of resignation, termination, discharge, removal and dismissal from service or death while in service or on retirement from service the privilege leave shall be re-reckoned with effect from 1st January in the year of occurrence of event and credited to his leave account *at* the rate of 2-1/2 days or 3-1/2 days (in case of R.A.C. personnel) for each completed calendar month up to the end of month in which he ceases to be in service."

\$ Inserted vide FD Notification No.F.1(49)FD(Gr.2)/82 dated 27-01-1995 and deleted vide FD Notification No.F.1(4)FD(Rules)98 dated 23/27-03-1999.

"Government of Rajasthan's Decision

In order to avoid delay in getting cash payment in lieu of unutilized privilege leave on the date of retirement, it has been decided that the competent authority may issue orders for cash payment one month in advance of the date of retirement on receipt of application from the concerned Government servant, but the payment of the same shall be made only after the actual retirement of the Government servant has come into effect.

During the period from the date of sanctioning cash payment and, actual retirement, ordinarily no privilege leave shall be sanctioned to him. If in emergent circumstances, any leave is required to be sanctioned the orders earlier issued for cash payment shall be simultaneously revised by the leave sanctioning authority."

Inserted vide FD Notification No.F.1(49)FD(Gr.2)/82, dated 22.2.1983 w.e.f. 1.1.1983 in place of following Government Rajasthan's Decision- (See at the end of this chapter)

⁺ Inserted vide F.D. Notification No. F.1 (66) FD (Gr.2)/85, dated 30-12-1985 effective from 1-1-1983.

@ Inserted vide F.D. Notification No. F.1 (49) FD (Gr.2)/82, dated 13-9-1983 Effective from 1-1-1983.

%[(iii) The Authority who is competent to sanction privilege leave shall be competent to accept surrender of privilege leave and to grant leave encashment benefit thereof.

** The number of Government servants in an office or department to whom leave encashment benefit is sanctioned during the first financial year of the block of two years under this rule shall not exceed 50% of the total employees and in the next financial year of the same block year there shall be no such restriction, about the number of Government Servants for grant of leave encashment benefit.

(iv) The amount of leave salary for the period for which leave is surrendered shall be calculated in accordance with the provisions of rule 97 and in addition dearness allowance the rates in force from time to time shall be admissible. The leave salary and allowances admissible for leave surrendered shall be computed on the basis of rate of pay which a Government servant is drawing immediately before the date of sanction of leave. A month for the purposes of calculation of leave salary and allowances shall mean ⁺15 days.

Government of Rajasthan's Decision

⁼1. The facility of encashment of privilege leave in the first year of a block year of two years prescribed by the State Government is admissible to 50% of the employees as per rules. A point has been raised that since vote on Account for 4 months only has yet been passed by the Legislative Assembly, whether the facility of encashment of privilege leave can be admissible to 50% of the employees prior to passing of the full budget by the Assembly during this year. It is hereby clarified that since we have obtained authorisation for expenditure of 4 months only, the facility of leave encashment to the employees would be restricted to a number equivalent to 1/3 of the 50% of the employees who are entitled to avail this facility during the year 1996-97.

The remaining employees shall be able to avail themselves of the encashment after July 31, 1996.

^B 2. The facility of encashment of privilege leave in the first year of a block of two years prescribed by the State Government is admissible to 50% of the employees as per rules. A point has been raised that since Vote on Account for four months has been passed by the Legislative Assembly, whether the facility of encashment of privilege leave can be admissible to 50%

% Substituted vide F.D. Notification No. F.1(49)FD(Gr.2)/82, dated 3-5-1984 for:—

"(iii) The authority who is competent to sanction privilege leave shall be competent to accept surrender of privilege leave and to grant leave encashment benefit thereof. The number of Government servants in an office or department, to whom leave encashment benefit is sanctioned at a time under this Rule shall not exceed 4% of total employees in a month. This restriction shall not apply to offices having strength of less than 25."

** Substituted vide F.D. Notification No. F.1(49)FD(Gr.2)/82, dated 28-1-1986 for:—

[The number of Government servants in an office or department to whom leave encashment benefit is sanctioned during a financial year under this Rule shall not exceed 50% of the total employees.]

⁺ Substituted for the words and figures "30 days" vide FD Order No. F. 1 (38) FD/ (Gr.2)/65-II dated 25-10-79.

⁼ Inserted Vide FD Circular No. F.1(49)FD(Gr-2)/82 dated 20.4.1996

^B Inserted Vide FD Circular No. F.1(4)FD/Rules/98 dated 4.4.1998.

of the employees prior to passing of the full budget by the Assembly during this year. It is hereby clarified that since we have obtained authorisation for expenditure of four months only, the facility of leave encashment to the employees would be restricted to a number equivalent to 1/3rd of the 50% of the employees who are entitled to avail this facility during the year 1998-99.

The remaining employees shall be able to avail themselves of the encashment after July 31, 1998.

& 3. The State Government have decided to defer the payment of leave encashment for the block years 1998-2000 upto the next block i.e. 2000-2002. The payment of leave encashment bills for which sanctions issued on or after 30.10.1999 shall not be made during the current financial year. The deferred payment may however, be made in the next block beginning 1.4.2000.

%4. In partial modification of Finance Department order of even number dated 30.10.1999 the State Government have decided that the payment of leave encashment for the block year 1998-2000 may be made upto 29th February 2000 to those employees who have not participated in the strike and also to those who have participated in the strike but in compliance of the announcement made by the Chief Minister have joined their duties on or before 11th instant if their applications are pending or they apply for the same within the above stipulated period.

The drawing and disbursing officer concerned shall record a certificate in the bill for drawal of the amount that the employee(s) has/have not participated in the strike and those who participated in the strike have joined their duties on or before 11th February, 2000.

\$5. I am directed to say that no sanction for grant of leave encashment benefit be issued and no payment be made till further orders towards leave encashment for the Block Years 2000-2002.

However, the payment of pending bills sanctions pertaining to Block Years 1998-2000 may be made as per order of even number dated 30.10.1999.

#6. In continuation of Government order of even number dated 1.4.2000, the facility of leave encashment admissible under rule 91A of RSR is kept in abeyance till further orders.

@91.B.Cash payment in lieu of unutilised privilege leave on the date of retirement.—

^(1). A Government servant on retirement from service on superannuation, invalid, compensation pension or retirement pension under rule 50 and

& Inserted vide FD Order No. F.1(4)FD/Rules/98 dated: 30.10.1999.

% Inserted vide FD Order No. F.1(4)Fd/Rules/98 dated: 11.2.2000

\$ Inserted vide FD Order No. F.1(4)FD/Rules/98 dated 1.4.2000

Inserted vide FD Order No.F1(4)/FD/Rules/ 98 dated: 18.3.2002

@ Inserted vide F. D. Notification No. F. 1(49) FD (Gr.2)/82, dated 22-2-1983, for following Government of Rajasthan's Decisions. ^ (Please see at the end of this chapter)

^ Substituted vide FD Notification No. F.1(5)FD/Rules/96 dated 20.8.2001

53 of Rajasthan Civil Services (Pension) Rules, 1996 shall be paid cash equivalent to leave salary in respect of the period of unutilised privilege leave not exceeding 300 days at his/her credit at the time of retirement.

Note : The benefit under this sub-rule shall not be admissible to the Government servants retired compulsorily as a measure of penalty under the Rajasthan Civil Services (CC&A) Rules, 1958."

- (2) The cash payment of leave salary admissible under sub-rule (1) above shall be paid on retirement in one lump sum as one time settlement.
- (3) The cash payment under this rule shall be equal to leave salary as admissible for privilege leave and dearness allowance admissible on that leave salary at the rates in force on the date of retirement. No City Compensatory Allowance or House Rent Allowance shall be payable on cash payment of leave salary.

(4) The cash payment for un-utilised privilege leave shall be calculated as follows:—

Cash payment=	Pay admissible on the date of retirement plus Dearness Allowance admissible on that date	Number of unutilised privilege leave at credit on the date of retirement subject to a maximum of +300 days.
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(5) The head of office or head of department, as the case may be, shall be competent to grant leave and permit cash equivalent of privilege leave not exceeding +300 days at the credit of a Government servant on the date of retirement.

(6) The benefit of cash payment under this rule, shall also be admissible to Government servants who are granted extension in service after attaining the age of superannuation. In such cases the benefit shall be granted on the date of final retirement on the expiry of extension.

%(7) The authority competent to grant leave may withhold whole or part of cash equivalent of privilege leave in case of a Government servant who retired from service on attaining the age of retirement while under suspension or while disciplinary or criminal proceedings are pending against him, if in the

A Government servant on retirement from service on superannuation, invalid, compensation or retirement pension under %rule 50 of Rajasthan Civil Services (Pension) Rules 1996 shall be paid cash equivalent to leave salary in respect of the period of unutilised privilege leave not exceeding +300 days at his credit at the time of retirement.

% The existing word and figure "rule 244(1) substituted vide FD Notification No. 1(5)FD/Rules/96 dated 29.10.1997 w.e.f. 1.10.1996

+ The existing word & Figure *240 days substituted vide FD Notification No.F.1(5)FD/Rules/96 dated 02.04.1998 w.e.f. 01.01.1998

* The existing word & Figure "180 days" substituted vide FD Notification No.F.1(49)FD/Gr.2/82 dated 28.12.1991

% Inserted vide FD Notification No.F.1(4)FD/Rules/98 dated : 18.08.1999

view of such authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him. On conclusion of the proceedings, he will become eligible to the amount so withheld after adjustment of the Government dues if any.

Government of Rajasthan's Decision

%In order to avoid delay in getting cash payment in lieu of balance of unutilised privilege leave on retirement, it has been decided that the competent authority may issue orders for cash payment one month in advance of the date of retirement on receipt of application from the concerned Government servant but the payment of the same can be made on the date of retirement of the Government servant.

During the period, from the date of sanctioning cash payment and actual retirement ordinarily no privilege leave shall be sanctioned to him. If in emergent circumstances any leave is required to be sanctioned the orders earlier issued for cash payment shall be simultaneously revised by the leave sanctioning authority.

&91C (a) In the event of death of a Government servant while in service, a lump-sum amount equal to the amount of leave salary admissible under Rule 97 and dearness allowance admissible thereon in respect of privilege leave that may be due to the deceased Government servant on the date of death not exceeding "300 days" privilege leave may be paid to the widow/children of the deceased Government servant. The method of calculation of cash payment shall be as prescribed in sub-rule (4) of rule 91B.

(b) The authority competent to sanction family pension in respect of deceased Government servant shall sanction the lumpsum amount payable under this rule.

^92. Special rules applicable to officers in Vacation Departments.—

% Inserted vide FD Notification No.F.1(4)FD/Rules/98 dated 23/27.3.1999.

& Inserted vide FD Notification No. F. 1 (5)FD (Rules)/96 dated 29.10.1997 w.e.f. 01.10.1996,

= The existing word & Figure 240 days substituted vide Fd Notification F.1(5)FD/Rules/96 dated 2.4.1998 w.e.f. 1.1.1998.

^ Susbstituted vide FD Notification No.F.1(49)FD(Gr.2)82 dated 17.3.1994

@ (a) (i) Privilege leave is not admissible to a Government servant whether temporary or permanent serving in a vacation department in respect of duty performed in any calendar year in which he avails himself of the full vacation except to the extent indicated under sub-clause (ii) of this rule.

(ii) Teaching staff in School's, Polytechnics, Arts and Science Colleges shall be entitled to 15 days privilege leave in a calendar year. The leave account of every Government servant shall be credited with 15 days privilege leave immediately after expiry of every calendar year. The grant of this privilege leave shall be subject to the following conditions:—

(1) Eight days' privilege leave out of 15 days in a calendar year shall qualify, for grant of encashment of surrender of privilege leave while in service under Rule 91 A and for carry forward of balance to the next year.

(2) Rest 7 days privilege leave out of 15 days in a calendar year shall, if not availed of, during the calendar year in which it is credited to leave account, shall lapse at the end of the calendar year. This leave of seven days shall not qualify for grant of encashment on surrender of privilege leave under Rule 91 A.

^l(a), (i) Privilege leave is not admissible to a Government servant whether temporary or permanent serving in a vacation department in respect of duty performed in any calendar year in which he avails himself of the full vacation, except to the extent indicated under sub-clause (ii) of this rule.

(ii) Teaching staff in Schools, Polytechnics, Arts and Science, Colleges shall be entitled to 15 days privilege leave in a calendar year. The leave account of every Government servant shall be credited with 15 days Privilege leave immediately after expiry of every calendar year.

(iii) (1) A Government servant appointed during a calendar year shall be allowed privilege leave @ 1-1/4 days for each completed month of his service immediately after the expiry of that calendar year.

(2) In case of resignation, termination from service or death while in service or on retirement from service on superannuation, invalid, compensation or retirement under ^{\$}"Rule 50 of the Rajasthan Civil Services (Pension) Rules 1996" during a calendar year, the privilege leave @ 1-1/4 days for each completed calendar month shall be credited to his leave account.

Note: — Privilege leave account of a Government servant for the calendar year ending on 31-12-93 shall be credited in accordance with the provisions in force as on 31-12-1993."

(b) The privilege leave admissible to such a Government servant in respect of any calendar year in which he is prevented from availing himself of the full vacation is such proportion of 15 days as the number of days of vacation not taken bears to the full vacation. If in any calendar year, the officer does not avail of the full vacation, 15 days' privilege leave will be admissible to him at the end of the vacation in respect of that calendar year.

[%][(c) (i) Notwithstanding anything contained in sub-rule (a) and (b) of this rule, an officer of a Civil Court or a member of the staff shall

(iii) (1) A Government servant appointed during a calendar Year shall be allowed privilege leave @ 1-1/4 days for each Completed month of his service immediately after the expiry of that calendar year subject to the conditions laid down in sub-clause (ii) in proportion of 8:7 respectively.

(2) In case of resignation, termination from service or death while in service or on retirement from service on superannuation, invalid, compensation or retirement under ⁺rule 244(1) of Rajasthan Service Rules during a Calendar year, the Privilege leave @2/3 day for each completed calendar month shall be credited to his leave account.

Note: — Privilege leave account of a Government servant for the calendar year ending on 31-12-84 shall be credited at the rate of one day's privilege leave for each completed period of four months service up to 31-12-1984.

@ Substituted vide F D Notification No. F.1(49) FD (Gr. 2)/82, dated 29-3-1985 w.e.f. 1-1-1985 for:— Previous Rule 92 as stood before 29.3.1985 may be seen at the end of this chapter (&)

¹ Substituted vide FD Notification No. F. 1(49) FD(Gr. 2) /82, dated 17-3-1994

^{\$} The existing word & figure Rule "244 (1) of Rajasthan Service Rules" substituted vide FD Notification No. F.1(5)FD/Rules/96 dated 29.10.1997 w.e.f. 1.10.1996

[%] Substituted vide F.D. Notification No. F.1 (49) FD (Gr. 2)/82, dated 5-11-1984 w.e.f. 1-1-1985:—

"(i)Notwithstanding anything contained in sub-rule (a) and (b) of this rule an officer of a Civil Court or a member of the staff shall be entitled to privilege leave of 12 days in calendar year.

(ii)An officer of a Civil Court or member of the staff shall earn privilege leave at the rate of one day for each completed month of his service in a calendar year in which he is appointed.

be entitled to privilege leave of 12 days in a calendar year. The leave account of every Government Servant shall be credited with privilege leave, in advance, in two instalments of 6 days each on the first day of January and July of every calendar year irrespective of whether it is an even or uneven year.

- (ii) An officer of a Civil Court or a member of the staff shall earn privilege leave at the rate of one day for each completed month of his service in a half year in which he is appointed.
- (iii) No deduction in leave balance shall be made if a Government servant remains on any kind of leave other than extra-ordinary leave. If such a Government servant remains on extra-ordinary leave in a half year, deduction shall be made at the rate of one-tenth of the period of extra-ordinary leave during that half year subject to a maximum of 6 days.]
- (iv) The privilege leave admissible to such a Government servant in respect of any calendar year in which he is prevented from availing himself of the vacation shall be such proportion of 18 days as the number of days of vacation not enjoyed bears to the full vacation.
- [@][(v) In case of resignation, termination, discharge, removal or dismissal from service or death while in service or on retirement from service, the privilege leave shall be re-reckoned with effect from 1st January or 1st July as the case may be in the half year of the occurrence of the event and credited to his leave account at the rate of 1 day for each completed calendar month upto the end of month in which he ceases to be in service.]

(d) Vacation may be taken in combination with or in continuation of any kind of leave under these rules provided that the total duration of vacation and privilege leave taken in combination or in continuation of other leave or not, shall not exceed the amount of privilege leave due and admissible to an officer at a time under Rule 91.

*** Deleted.**

(iii) No deduction in leave balance shall be made if a Government servant remains on any kind of leave other than extraordinary leave. If such a Government servant remains on extra ordinary leave during a calendar year, deduction shall be made at the rate of one-tenth of the period of extraordinary leave subject to a maximum of 12 days.

[@] Substituted vide F.D. Notification No. F.1 (49) FD (Gr. 2)/82, dated 5-11-1984 w.e.f. 1-1-1985

"(v) In case of resignation, termination, discharge, removal and dismissal from service or death while in service or on retirement from service, the privilege leave shall be re-reckoned with effect from 1st January in the year of the occurrence of event and credited to his leave account at the rate of 1 day for each completed calendar month upto the end of month in which he ceases to be in service."

* Proviso deleted vide F.D. Notification No. F,1 (49)F.D.(Gr. 2)/82 dated in 22-2-1983 w.e.f. 1-1-1983, the following-

"Provided further that the total duration of vacation privilege leave and commuted leave taken in conjunction shall not exceed 240 days."

@93. (1) **Admissibility of Half Pay Leave and Commuted Leave:—**

@ Substituted vide F.D. Notification No. F.1(49) FD(Gr.2)/82, dated 22-2-1983 w.e.f. 1-1-1983 for-
(§) 93 (a) Amount of half pay leave admissible. —Half pay leave admissible to a Government servant in permanent employ in respect of each completed year of service is 20 days.

(b) The half pay leave due may be granted to an officer on Medical Certificate or on private affairs:-

(c) Amount of Commuted leave admissible and condition of its admissibility .—Commuted leave not exceeding half the amount of half pay leave due may be granted on Medical certificate only to a Government servant in permanent employ subject to the following conditions:—

(i) commuted leave during the entire service shall be limited to a maximum of 240 days;

(ii) when commuted leave is granted twice the amount of such leave shall be debited against the half pay leave due;

(iii) * [save as provided in sub-clause (iv)] the total duration of % [privilege] leave and Commuted leave taken in conjunction shall not exceed **240 days :

Provided that no commuted leave may be granted under this rule, unless the authority competent to sanction leave has reason to believe that the Government servant will return to duty on its expiry.

*(iv) the total duration of privilege leave and commuted leave taken in conjunction by a Government servant, who is undergoing treatment for Tuberculosis/Leprosy/Cancer/Mental disease in a recognised Sanatorium/Hospital shall not exceed 300 days.

Government of Rajasthan's Decision.

%1. Under Rule 93 (c) of the Rajasthan Service Rules read with Rule 72 *ibid*, commuted leave on medical certificate or extension of such leave to gazetted officers can be granted only on production of a proper medical certificate from the Medical Committee.

2. Cases have come to the notice of the Government wherein such leave has been granted without obtaining the requisite certificate and the Government was therefore, placed in embarrassing position of *ipso facto* regularising such cases. It is, therefore, enjoyed upon all Heads of Departments/Administrative Departments that the requirements of the above rule should always be kept in view while granting such leave. Government will not be prepared to regularise such cases in a routine way.

% Inserted vide FD order No. D.6352 FD/F-1(D)(2)FDA/Rules/57 dated 4.2.1958.

*3. A question having arisen as to how to treat the commuted leave already granted to a Government servant who subsequently intends to retire on the expiry of such leave, it has been decided that when commuted leave is granted to a Government servant under the aforesaid rule and he intends to retire subsequently, the commuted leave should be converted into half pay leave and the difference between the leave salary in respect of commuted leave and half pay leave should be recovered. An undertaking to this effect should, therefore, be taken from the Government servant, who avails himself of commuted leave, but the question whether the Government servant concerned should be called upon to refund the amount drawn in excess as leave salary should be decided on the merits of each case i.e. if the retirement is voluntary, refund should be enforced, but if the retirement is compulsorily thrust upon him by reason of ill-health incapacitating him for further service, no refund should be taken.

* Inserted vide FD Memo No. D.7885/59/F.7a(45)FDA/Rules)59-II dated 15.12.1959.

@ (d) **Leave not due when admissible.**—Save in the case of leave preparatory to retirement, leave not due may be granted to an officer in permanent employ for a period not exceeding 360 days during his entire service, but of which not more than 90 days at a time and 180 days in all may be otherwise than on medical certificate. Such leave will be debited against the half pay leave the officer may earn subsequently.

Government of Rajasthan's Decision.

**Government have considered the question whether 'Leave not due' should be granted to a Government servant who is undergoing treatment for Tuberculosis. It has been decided that 'leave not due' may be granted to permanent +[] Government servants suffering from the tuberculosis subject to the condition that the authority competent to sanction leave is satisfied that there is a reasonable prospect of the Government servant (i) returning to duty on the expiry of the leave, and (ii) earning thereafter leave not less than the amount of leave not due availed of by him. The prospect of returning to duty on the expiry of the leave should be assessed on the basis of the certificate given by the appropriate medical authority. The prospect of earning at least an equivalent amount of leave not due should be assessed with reference to the fact whether in the normal course the Government servant

- (a) A Government servant shall be entitled to half pay leave of 20 days in respect of each completed year of service;
- (b) The leave under clause (a) may be granted on medical certificate or on private affairs.
- (2) (i) Commuted leave not exceeding half the amount of half pay leave due may be granted on medical certificate of an authorised medical attendant to a permanent Government servant subject to the following conditions:-
 - (a) When commuted leave is granted twice the amount of leave shall be debited to half pay leave due;

would have enough service after his returning to duty within which he would be able to wipe off the debit balance. For example if an officer returns to duty and, in the normal course has to serve for only three years before reaching the age of superannuation, the 'leave not due' should not exceed the half pay leave he can earn during this period.

** Inserted vide FD Memo No. F.12(3)F/II/58 dt. 28.11.1958

2. The appropriate medical authority will be:—

- (i) The Government servant's authorised medical attendant;
- (ii) The Medical Officer incharge of a recognised *sanatorium* in the case of a Government servant undergoing treatment in a recognised sanatorium;
- (iii) A Tuberculosis Specialist recognised as such by the State Administrative Medical Officer concerned in the case of a Government servant receiving treatment at his residence, and
- (iv) A qualified Tuberculosis Specialist or a Civil Surgeon in the case of a Government servant suffering from Tuberculosis other than pulmonary tuberculosis.

NOTES.

1. Leave not due should be granted only if the authority empowered to sanction leave is satisfied that there is a reasonable prospect of the Government servant returning to duty on the expiry of the leave and it should be limited to the half pay leave he is likely to earn thereafter.

+2 Deleted.

+Deleted vide FD Notification No. F.1(58)FD/Rules/70 dated 12.1.1976. the following –

\$2. "Half pay leave in respect of any completed year of service, if the service during that year was rendered partly in post other than Class IV and partly in class IV post may be calculated as under- The half pay leave should be calculated on a pro rate basis separately in respect of the post other than class IV and Class IV service and then added up. The fraction, if any, present in the total half pay leave for particular year should be ignored if it is less than half or reckoned as one day if it is half or more."

(\$ Inserted vide FD Order No.F.5(2)F(R)56, dated 11.1.1956.)

\$ Substituted vide FD Notification No. F.1(58)FD(A)(Rules)62 dated 21.11.1962. w.e.f. 1.10.1962

* Aided vide FD Notification No. F.7(a)(39)FDA(Rules) dated 7.5.1962.

** Substituted for 180 days by FD order No. 4492/F.1(40)(Rules)/56 dated 18.7.1957.

% Substituted for words "earned" vide FD Order No. 4492/F.1(40)FDA(Rules)56 dated 18.7.1957.

@Substituted vide FD order No. 4492/57 F1(40)FD(A)Rules/56 dated 1.7.1957.

(d) Save in the case of leave preparatory to retirement leave not due may be granted, to a Government servant in permanent employ only on Medical certificate for a period not exceeding 180 days during his entire service. Such leave will be debited against the half pay leave the officer may earn subsequently.

- (b) That the authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry.
- (ii) Half pay leave upto a maximum of 180 days may be allowed to be commuted during the entire service without production of medical certificate where such leave is utilised for an approved course of study certified to be in the public interest by the leave sanctioning authority.
- (3) Save in the case of leave preparatory to retirement, leave not due may be granted to a Government servant in permanent employment subject to the following conditions: —
 - (a) The authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry,
 - (b) the leave not due shall be limited to the half pay leave he is likely to earn thereafter;
 - (c) leave not due during the entire service shall be limited to a maximum of 360 days, out of which not more than 90 days at a time and 180 days in all may be otherwise than on medical certificate of the authorised medical attendant,
 - (d) leave not due shall be debited against the half pay leave the Government servant may earn subsequently.
- (4) A temporary Government servant, who has been appointed in accordance with the rules regulating recruitment and conditions of service framed under the proviso to Article 309 of the Constitution of India or where such recruitment rules have not been framed the appointment has been in accordance with orders issued by the Government from time to time prescribing academic qualification, experience etc., shall on completion of three years service be entitled to commuted leave and leave not due under sub-rule (2) and (3) respectively.
- (5) No leave salary shall be recovered where a Government servant, who has been granted commuted leave or leave not due under sub-rule (2) or (3) as the case may be, dies or is retired under *[rule 53] or is retired on invalid pension under *[rule 35 of Rajasthan Civil Services (Pension) Rules 1996]. In all other cases like resignation, voluntary retirement, removal, dismissal etc. the recovery of leave salary shall be made.

* The existing word & figure “Rule 244(2) and Rule 228” subsituted vide FD Notification No. F.1(5) FD/Rules/96 dated 29.10.1997 w.e.f. 1.10.1996

- *93A. (1) A member of Police Subordinate Service who is suffering from Tuberculosis shall be entitled to special medical leave for a period not exceeding six months during the entire period of service subject to fulfilment of the following conditions:—
- (i) the leave due and admissible under Rules 91 and 93 of Rajasthan Service Rules has been completely availed of and utilised ;
 - (ii) the special medical leave shall be admissible to an indoor patient admitted to a Government hospital/T.B. Sanitorium or a hospital or Sanitorium recognised by Government under Rajasthan Civil Services (Medical Attendance) Rules. 1970;
 - (iii) the special medical leave shall also be admissible to a member of the Police Subordinate Service undergoing treatment as out patient in a Government hospital/T.B Sanitorium on the basis of a medical certificate given by a Medical Board constituted in accordance with the instructions/directions issued by the Director of Medical & Health Services from time to time.
- (2) The special medical leave may be granted in combination or in continuation of any other kind of leave after leave due and admissible under Rules 91 & 95 has been fully utilised or consumed.
- (3) The leave salary in respect of the special medical leave referred to in sub-rule (1) above shall be equal to the pay to which he is entitled to on the day before the leave commences.

#94. **Admissibility of Terminal Leave:—** (1) Terminal leave to

* Inserted vide Finance Department Notification No. F. 1(58) FD/ Rules/70, dated 30-6-1980 with effect from 1-7-1980.

Substituted vide F.D. Notification No. F. 1 (49) FD (Gr.-2)/82, dated 22-2-1983 w.e.f. 1-1-1983 for:—

"£94 (1)The provisions of rules 91,92 and 93 apply also to an officer not in permanent employ except that in respect of the first year of the service, the privilege leave admissible to: —

(i) an officer employed in the Rajasthan Armed Constabulary and posted in the Border as defined in Government Order No. F. 1(21) GA/A/Gr. II/64 dated 9-5-1964 is one sixteenth of the period spent on duty;

(ii) a Government servant not covered by clause (i) above, is one twenty-second of the period spent on duty. Provided that in the case of such a Government servant: —

(a) no half pay leave may be granted unless the authority competent to sanction leave has reason to believe that the officer will return to duty on its expiry except in the case of an officer who has been declared completely and permanently incapacitated for further service by a medical authority, and

- (b) 'no leave not due' shall be granted.
- (2) (i) Privilege leave is not admissible to an officer not in permanent employ serving in a Vacation Department in respect of the first year of service in which he avails himself of the full vacation.
- (ii) The privilege leave admissible to an officer not in permanent employ serving in a vacation department in respect of the first year in which he is prevented from availing himself of the vacation is such proportion of 15 days as the number of days of vacation not enjoyed bears to the full vacation.
- (3) Notwithstanding anything contained in sub-rule (1) and (2) of this Rule—
- (i) The privilege leave admissible to an officer of a Civil Court not in permanent employ is 1/66 of the period spent on duty (excluding vacations) in respect of the first year of service, and in addition;
- £.Substituted vide F.D. Notification No. F. 1 (58) FD (Rules)/70, dated 12-1-1976 as amended vide Notification of even No. dated 15-9-1976 w.e.f. 12 1976. Previous Rules 94 be seen at the end of this Chapter (&&)
- (ii) The privilege leave admissible to such an officer in respect of the first year of service in which he is prevented from availing himself of the vacation, is such proportion of 10 days as the number of days of vacation not enjoyed bears to the full vacation.

@4. Notwithstanding anything contained in sub-rule (1), (2) and (3) of this rule a temporary Government servant, who has been appointed in accordance with the rules regulating recruitment and condition of service framed under proviso to Article 309 of the Constitution or where such recruitment rules have not been framed the appointment has been in accordance with orders issued by the Government from time to time prescribing academic qualification, experience etc., shall on completion of three years service be allowed leave as admissible to a Government servant in permanent employ.

Government of Rajasthan's Decision.

Terminal leave to the extent of privilege leave due and admissible may be granted at the discretion of the authorities competent to sanction leave, even when it has not been applied for and refused in the public interest, to the following categories of Government servants on the termination of their employment:—

- (a) a temporary Government servant whose services are terminated by Government on account of retrenchment or on the abolition of post before attaining the age of superannuation,
- (b) re-employed pensioners who are treated as 'new entrants' in the matter of leave, subject to the condition that such pensioners will not be entitled to draw their pension during the terminal leave if the pension was held in abeyance during the period of re-employment;
- (c) persons employed for a period exceeding one year on contract basis in terms of Appendix II of the Rajasthan Service Rules;
- (d) unqualified persons who have to vacate their temporary posts to make room for qualified candidates; and

@Added vide F.D. Notification No. F. 1(58) FD (Rules)/70, dated 14-12-1978.

- (e) Persons whose services may have to be dispensed with as a matter of administrative convenience as an alternative to the initiation of disciplinary proceeding against them.

The above decision is not applicable to :—

- (i) apprentices and persons in non-continuous employment of Government who will continue to be governed by the normal rules applicable to them; or
- (ii) where the Government servant concerned has been dismissed or removed from service; or where the services of the Government servant have been terminated for taking part in any anti-national movement.

If a temporary Government servant resigned his post on his own volition he may, at the discretion of the sanctioning authority, be granted leave not exceeding half the amount of privilege leave at his credit, which he can avail at a time.

It is not necessary to extend the temporary post or tenure of re-employment to cover the period of leave granted to a Government servant at the end of his temporary employment or period of his re-employment.

In all cases where any notice of termination of service is required to be given under the terms of employment of temporary Government servant concerned and that Government servant is relieved before the expiry of notice, such notice or the unexpired portion thereof should run concurrently with the leave granted.

the extent of privilege leave not exceeding *300 days may be sanctioned at the discretion of the authority competent to grant leave even when it has not been applied for and refused in the public interest to the following categories of Government servants on termination of their employment:—

- (a) a temporary Government servant whose services are terminated by Government on account of retrenchment or on the abolition of the post before attaining the age of superannuation;
 - (b) re-employed pensioners;
 - (c) persons employed for a period exceeding one year on contract basis in terms of Appendix II of Rajasthan service Rules;
 - (d) unqualified persons who have to vacate their temporary posts to make room for qualified candidates; and
 - (e) Persons whose services may have to be dispensed with as a matter of administrative convenience as an alternative to the initiation of disciplinary proceeding against them.
- (2) A temporary Government servant, who resigns on his own may at the discretion of the sanctioning authority be granted terminal leave not exceeding half the amount of privilege leave at his credit subject to a maximum of *150 days.
- (3) The cash payment of leave salary under sub-rule (1) and (2) shall be paid in lump sum as one time settlement in accordance with method of computation laid down in sub-rule (3) and (4) of rule 91B.

Clarification.

A question has been raised whether in the case of temporary 'Government servants whose services are terminated on payment of pay and allowances in lieu of notice under Rule 23- A of the Rajasthan Service Rules, privilege leave at their credit may be granted as terminal leave and now the leave salary therefor regulated. In accordance with "Government of Rajasthan Decision" below Rule 94, temporary Government Servants whose services are terminated may be granted terminal leave to the extent of Privilege Leave to their credit. In such cases, for the period of notice during which terminal leave is also availed of by the Government servant concurrently, only leave salary is admissible. It is hereby clarified that, in cases in which pay in lieu of notice is allowed, the Government servant concerned may be granted terminal leave to the extent due and admissible but the leave salary for such leave should be allowed only for the period of leave excluding that period for which pay and allowances in lieu of notice have been allowed.

* The existing word and figure ^240 days subsituted vide FD Notification No.F.1(5)FD/Rules/96 dated 2.4.1998 w.e.f. 1.1.1998.

^The existing word and figure 180 days subsituted vide FD Notification No.F.1(49)FD/Gr.2/82 dated 28.12.1991.

* The existing word and figure ^120 days subsituted vide FD Notification No. 1(5)FD/Rules/96 dated 2.4.1998 w.e.f 1.1.1998.

^The existing word and figure 90 days subsituted vide FD Notification No.1(49)FD/Gr.2/82 dt.28.10.1991.

- (4) Terminal leave under sub-rule (1) and (2) above shall not be admissible to:—
- (a) apprentices and persons not in the whole time employment of the Government;
 - (b) government servants dismissed or removed from service; and
 - (c) government servants whose services have been terminated for taking part in any anti-national movement.

Vacations.

*94-A. Unless the contrary appears from the context vacation counts as duty and not as leave.

A competent authority may specify the departments or parts of departments which should be treated as Vacation Departments and the conditions which a Government servant should be considered to have availed himself of a vacation.

Government of Rajasthan's Decision.

%The Governor is pleased to order that the Agriculture and Veterinary Institutions in Rajasthan, may be treated as vocational Institutions.

Annexure.

1. A vacation Department is a department, or part of a department, to which regular vacations are allowed during which Government Servants serving in the Department are permitted to be absent from duty.

2. (i) The following classes of Government servants should be deemed to be serving in Vacation Department when the conditions of paragraph 1 above are fulfilled :—

- (a) Education officers, other than the Director and Deputy and Assistant Directors of Education and Inspecting officers and their establishment,
- (b) Any other class of Government servant which a competent authority may declare to be so serving.

(ii) In case of doubt, a competent authority may decide whether or not a particular Government servant is serving in a Vacation Department.

3. A Government servant serving in a Vacation Department shall be considered to have availed himself of a vacation or a portion of a vacation, unless he has been required, by general or special order of a higher authority, to forgo such vacation, or portion of vacation. ^[]

NOTE.

1. A Government servant who has routine duties to discharge during a vacation which do not require his presence at his place of duty and which can be performed either by himself at some other place or by some other Government servant shall be considered to have availed himself of a vacation or a part of it. A Government servant, who absents himself from his place of

* Inserted vide F.D. Order No. F. 5(1) F/R/58, dated 11-1-1956.

% Inserted vide Agri. Department Order No. 5291/57/F. 31 (44)/ Agr./57, dated 11-5-1957.

^ Deleted vide F.D. Notification No. F. 1. (28) FD (Rules)/72, dated 6-6-1972, the following—
"Provided that if he has been prevented by such an order from enjoying more than 15 days of the vacation, he shall be considered to have availed himself of no portion of the vacation."

duty during any part of vacation is expected to arrange for and is responsible for the performance, without any cost to Government, of such routine duty. Should a Government servant who is absent from the place of duty during any portion of a vacation be recalled there to he will not be entitled to travelling allowance unless the vacation is combined with leave.

2. The words "higher authority" occurring in this paragraph mean, in the case of the Head of an Officer or Institution, the Head of Department and in other cases the Head of the Office or Institution.

@Exception: — The following specialties of the Ayurvedic Colleges will not be treated as a vacation department.

1.	Kaya Chikitas	काय चिकित्सा
2.	Shalya Shalakya	शल्य शालक्या
3.	Prasooti	प्रसूती
4.	Stri Rog	स्त्रीरोग
5.	Kaumar Bhartiya	कोमार भृत्य
6.	Agat Tantra	अगत तंत्र
7.	Vikriti vigyan	विकृति विज्ञान
8.	Sharir Kriya	शरीर क्रिया
9.	Ras Bheshajya	रस भषज्य

95. Leave to a temporary employees appointed substantively without interruption in duty.— An official not in permanent employ appointed without interruption of duty substantively to a permanent post will be credited with the privilege leave which would have been admissible if his previous duty had been duty as a Government servant in permanent employ diminished by any leave already taken. Leave is not an interruption of duty for the purpose of this rule.

***96. Extraordinary leave. — (a)** Extraordinary leave may be granted to a Government servant in special circumstances —

@ Inserted vide F.D. Notification No. F. 1 (62) F.D (Rules/68, dated 18-8-1969. Effective from 17-12-1968,

* Substituted for rule 96 by F.D. Order No. F. 12(4) F.II 1/53, dated 21-12-1953: —

*96.(i) Extraordinary leave may be granted to a Government servant in special circumstances: —

(a) when no other leave is by rule admissible; or

(b) when other leave is admissible, but the Government servant concerned applies in writing for the grant of extraordinary leave.

(ii) Except in the case of a Government Servant in permanent employ and an officer in quasi-permanent employ the duration of extraordinary leave shall not exceed three or twelve months on any one occasion, the longer period being admissible subject to such conditions as "the Government may by general or special order prescribe only when the Government servant concerned is undergoing treatment for tuberculosis is in a recognised Sanatorium by a qualified T. B. Specialist or an officer of or above the rank of a District Medical Officer.

(iii) The authority empowered to grant leave may commute retrospectively periods of absence without leave into extraordinary Leave.

- (i) when no other leave is by rule admissible, or
- (ii) when other leave is admissible, but the Government servant concerned applies in writing for the grant of extraordinary leave.

(b) Except in the case of a Government servant in permanent-employment, [] the duration of extraordinary leave shall not exceed three or eighteen months on any one occasion, the longer period being admissible, subject to such conditions as the Government may by general or special order prescribe, only when the Government servant concerned is undergoing treatment for—

- (i) Pulmonary Tuberculosis in a recognised Sanatorium, or
- (ii) Tuberculosis of any other part of the body by a qualified Tuberculosis Specialist or a Civil Surgeon, or
- (iii) Leprosy in a recognised Leprosy Institution or by a Civil Surgeon or a Specialist in Leprosy recognised as such by the State Administrative Medical Officer concerned.

@“Provided that a temporary employee who has been appointed after regular selection as per recruitment rules and who has completed three years regular service shall be entitled to extra ordinary leave on the scales admissible to a permanent Government servant.”

&(b) (A)—Where the extraordinary leave is granted, under sub-rule (b), to a Government servant undergoing treatment for T. B. and he resumes his duty after availing of such leave and earns subsequently half pay leave, the extraordinary leave so availed of by him will be converted into half pay leave and it shall be adjusted against the half pay leave earned.

NOTES.

The grant of Extraordinary Leave upto 12 months to temporary Government servants under this rule will be subject to the following conditions: —

- (i) The Government servant concerned has been in continuous Government service for a period exceeding one year;
- (ii) the post from which the Government servant proceeds on leave is likely to last till he returns to duty; and
- (iii) the Government servant produces a certificate from the Medical Officer Incharge or the Sanatorium of the T. B. Specialist, or other Medical Officer of the prescribed rank, who may be treating him, specifying the period for which leave is recommended.

The Medical Officer recommending leave will bear in mind that he must not recommended the grant of leave in any case in which there appears to be no reasonable prospect that the Government servant concerned will ever be fit to resume duties. In such case the opinion that the Government servant is permanently unfit to Government service should be recorded in the Medical certificate."

* Deleted words "and an officer in quasi-permanent employ" vide F.D. Order No. F. 1(53) FD-A (Rules)/61, dated 1-1-1965.

@ Insert vide FD Notification No. F.1(5)FD/Rules/96 dated 26.2.2002

& Inserted by F.D. Notification No. F. 1 (61) FD (E-R)/65, dated 17-11-1965.

NOTES.

1, The concession of extraordinary leave upto eighteen months will be admissible also to a Government 'servant ^[suffering from pul-mona Tuberculosis who] receives treatment at his residence under a Tuberculosis Specialist recognised as such by the State Administrative Medical Officer concerned and produces a certificate signed by that Specialist to the effect that he is under his treatment and that he has reasonable chances of recovery on the expiry of the leave recommended.

2. (i) The concession of extraordinary leave upto eighteen months under this sub-rule will be admissible only to those Government servants who have been in continuous Government service for a period exceeding one year.

(ii) The post from which the Government servant proceeds on leave is likely to last till he returns to duty, and

(iii) The Government servant produces a certificate from the Medical Officer-in-charge of the Sanatorium or the T. B. Specialist or other Medical Officer of the prescribed rank, who may be treating him, specifying the period for which leave is recommended.

The Medical Officer recommending leave will bear in mind that he must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government servant concerned will ever be fit to resume duties. In such cases the opinion that the Government servant is permanently unfit io Government service should be recorded in the Medical Certificate

Government of Rajasthan's Decision

@1. Cases are being received for relaxing provisions of the above rule either on grounds of prolonged illness of the Government servant concerned or to enable him to undertake different courses of studies.

It has been decided that in future the recommendations received from Administrative Department for the grant of extraordinary leave in relaxation of rule 96 (b) of the Rajasthan Service Rules will be considered only where the following conditions are satisfied: —

(i) The Government servant concerned should have completed three years continuous service (including leave admissible under the rules) on the date of expiry of three months extraordinary leave, normally admissible to a temporary employee,

[^] Substituted vide order No. 4438/58/F. 1 (40) F.D. (Rules)/56, dated 30-4-1959 for the words "who for want of accommodation in any recognised Sanatorium at or near the place of his duty."

[@] Inserted vide F.D. No. 8141/59/F. 7A(45) F D-A(Rules)/59-1, dated 15-12-1959.

- (ii) The total period of extraordinary leave (including three months admissible under the rules) should not exceed: —
- (a) six months, where the extraordinary leave is required on account of the illness of the Government servant and where the application of grant of such leave is supported by a Medical certificate as required under the rules; and
- (b) two years for the purposes of prosecuting studies certified to be in the public interest.

(c) Where a Government servant who is not in a permanent employ [] fails to resume duty on the expiry of the maximum period of extraordinary leave granted to him, or where such a Government servant, who is granted a lesser amount of extraordinary leave than the maximum amount admissible remains absent from duty for any period which together with the extraordinary leave granted exceeds the limit upto which he could have been granted such leave under sub-rule (b) % [he shall, unless the Governor in view of the exceptional circumstances of the case otherwise determines, @ [be removed from service after following the procedure laid down in the Rajasthan Civil Services (Classification, Control & Appeals), Rules, 1958.]

(d) The authority empowered to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

£2. Government servants suffering from T. B. before resuming duty should produce fitness certificate from the following authorities: —

(i) A tempoary gazetted Government servant suffering from pulmonary tuberculosis or tuberculosis of any other part of the body should produce a fitness certificate from a Medical Committee as laid down in Rule 84 irrespective of the fact whether the treatment is had at a Sanatorium or at the residence of the Government servant. A. T. B. Specialist should also be co-opted as a member of the Medical Committee.

(ii) A temporary non-gazetted Government servant suffering from pulmonary tuberculosis, should produce a certificate of fitness either from the Medical Officer in-charge of a recognised Sanatorium or from a T.B. Specialist recognised by State Government while such a Government servant suffering from tuberculosis of any other part of the body should produce a certificate from a qualified T.B. Specialist or a Civil Assistant Surgeon Class I.

%3. According to Rule 96 (b) of Rajasthan Service Rules a temporary Government servant is entitled to extraordinary leave for 3 months

* Deleted the words "or quasi-permanent employ" Vide F.D. Notification No. F. 1 (53) F. D. (Exp-Rules) 61, dated 1-1-1965.

% Substituted for the words "he shall be deemed to have resigned his appointment" by F. D. order No. 1972/57/F. 9(5) R/55, dated 29-4-1957.

@ Substituted vide F.D. Notification No. F. 1 (65) FD (Exp. Rules)/ 66, dated 25-1-1972 for "be deemed to resigned his appointment and shall accordingly ceases to be in Government employ".

£ Inserted by F.D. Order No. 1415/F. 7A (9) FD-A/53, dated 24-4-1958.

only. As extraordinary leave beyond 3 months can only be granted in relaxation of rules with the concurrence of Finance Department. It is essential that prior sanction of the competent authority (Finance Department) to sanction leave is obtained. Similarly in the case of a permanent Government servant he can be granted leave (including study leave) for a period upto 24 months only for the purpose of prosecuting of higher studies vide Rule 112 of Rajasthan Service Rules. Leave beyond 24 months in such cases also can be sanctioned with the prior concurrence of Finance Department.

Cases have come to the notice of the Finance Department in which the Administrative Department/Heads of Departments have acted in disregard to the provisions contained in the Rajasthan Service Rules and permitted Temporary/Permanent Government Servants to proceed on leave without obtaining prior sanction of Finance Department in relaxation of rules. It is brought to the notice of all concerned that henceforth Finance Department will not accept any proposal in which *ex post facto* sanction of the Finance Department is desired to regularise such cases except in cases of prolonged illness of Government servants.

* 4. A Case has come to the notice of the Finance Department in which the services of certain Medical Doctors were required to participate in the small pox Surveillance Drive organised by World Health Organisation in another State. According to the practice followed by such International Organisations they do not pay salaries and allowances to such officers but instead they pay travelling cost and per diem allowance.

A question has been raised as to what treatment should be accorded to State Government Officers who participate in such drives.

The matter has been considered and it has been decided that the officers who participate in such drives organised by International Agencies may be granted Extraordinary leave for the period they remain with the Organisation and the period of extraordinary leave should be counted for purposes of increment, pension etc.

@5. The undersigned is directed to say that temporary female Government servants who are wives of the Defence Services personnel have to face hardship in remaining with their husbands when posted to family stations because they are entitled to extraordinary leave up to three months only. The families of such Defence Services Personnel have to undergo a lot of extra expenses on account of running two establishments and suffer considerably long periods of separation.

In order to alleviate hardship in such cases it has been decided that the temporary female Government servants who are wives of the Defence Personnel may be granted extraordinary leave upto six months in relaxation of Rule 96 of Rajasthan Service Rules during the periods their husbands remain

% Inserted by F.D. Circular No. F. 1 (46) F.D. (Rules)/72, dated 9-10-1972.

* Inserted vide F.D. No. F. 1 (23) FD (Gr. 2)/74 dated 24-6-1974.

@ Inserted vide F.D. Memo. No. F. 1 (23) FD (Gr. 2)/79 dated 26-5-1979.

posted at family stations and thereafter rejoining their post when their husbands are posted out to non-family stations/operation areas.

6. It has come to the notice of the Government that some Government servants have applied for grant of extra ordinary leave for a few days say two or three days though other kind of leave are admissible to them with the explicit intention of getting the date of increment changed so that they may get increment after fixation of pay in the selection grade. On some stages of pay, fixation in the Selection Grade comes to the same stage with or without adding annual increment and hence in such situation employees have availed extra-ordinary leave to get the date of increment change so that they may be able to get annual increment after fixation of pay in the selection grade.

2. Provisions of Rule 96(a) of Rajasthan Service Rules which regulate grant of extraordinary leave are as follows: —

"96(a) Extraordinary leave may be granted to a Government servant in special circumstances: —

- (i) when no other leave is by rule admissible, or
- (ii) when other leave is admissible, but the Government servant concerned applied in writing for the grant of Extraordinary leave.

3. Where other leave is admissible to the Government servant but the Government servant concerned has applied in writing for the grant of extraordinary leave in such cases the competent authorities can grant extra-ordinary leave under Rule 96(a) of Rajasthan Service Rules if he is satisfied with the special circumstances indicated by the Government servant for grant of extra-ordinary leave and not otherwise.

4. It is therefore enjoined upon the authorities competent to sanction extra ordinary leave that in cases where extra-ordinary leave has been granted on or after 25-1-1992 may be reviewed and it may be ascertained whether the extraordinary leave already granted have not been taken by the Government servant with a view to getting the date of increment changed so that he may get annual increment after fixation of pay in the selection grade. In, cases where it is found that extra ordinary leave has been taken only with the above intention, the same may be refused and he may be asked to apply the leave which is admissible to him under rules.

5. In future such type of cases may also be decided accordingly.

[Order No. F. 20(1)FD(Gr. 2)/92, dt. Pt. IV dated 16-2-95.]

#7. राज्य सरकार ने राज्य कर्मचारियों को सेवा का परित्याग किए बिना अपना स्वयं का व्यवसाय करने अथवा अन्यत्र नौकरी करने की सुविधा प्रदान करने की दृष्टि से नियमित

Inserted vide FD order No.F.1(8)FD/Rules/2002 dated22-05-2003

कर्मचारियों के लिये विशेष अवकाश (अवैतनिक) योजना तुरन्त प्रभाव से लागू करने का निर्णय लिया है।

यह योजना चिकित्सा विभाग के तकनीकी कर्मचारी एवं चिकित्सक, शिक्षक चिकित्सा महाविद्यालय, शिक्षक (स्कूल एवं महाविद्यालय), पुलिस विभाग के अधिकारी व अलिपिकीय वर्ग के कर्मचारियों को छोड़कर समस्त नियमित राज्य कर्मचारियों पर लागू होगी, जो राज्य के कार्यकलापों के संबंध में लोक सेवा के पदों पर नियुक्त हैं और जिन्हें पेंशन के लिए अयोग्य घोषित नहीं किया गया है।

राज्य कर्मचारियों को यह विशेष अवकाश निम्न शर्तों के अनुसार देय होगा :—

- (i) एक राज्य कर्मचारी को आवेदन करने पर न्यूनतम दो वर्ष एवं अधिकतम पांच वर्ष तक के लिए यह विशेष अवकाश (अवैतनिक) स्वीकृत किया जा सकेगा, लेकिन कर्मचारी के अवकाश पर प्रस्थान के पश्चात् दो वर्ष की अवधि से पूर्व उसे सेवा में नहीं लिया जावेगा। ऐसा अवकाश कर्मचारी के पूरे सेवाकाल में मात्र एक बार ही देय होगा।

- (ii) विशेष अवकाश के प्रकरण पर निर्णय हेतु निम्नांकित प्राधिकृत होंगे :—

क्र.सं. केडर

प्राधिकारी

- | | |
|--|---|
| 1. अखिल भारतीय सेवा के अधिकारी/
विभागाध्यक्ष | कार्मिक विभाग (संबंधित विभाग के
मंत्री एवं मुख्यमंत्री के अनुमोदन पर); |
| 2. राज्य सेवा | प्रशासनिक विभाग; |
| 3. अधीनस्थ सेवा/मंत्रालयिक सेवा/
चतुर्थ श्रेणी सेवा | विभागाध्यक्ष। |

- (iii) राज्य कर्मचारी इस अवकाश अवधि में भारत अथवा भारत के बाहर स्वरोजगार करने अथवा अन्य रोजगार प्राप्त करने के लिए स्वतंत्र रहेगा, लेकिन वह राजस्थान सरकार के अन्य विभाग अथवा राज्य सरकार के नियंत्रणाधीन कम्पनी, निगम, स्वशाषी निकाय, स्थानीय निकाय संस्थाओं, सहकारी संस्थाओं और राज्य सरकार द्वारा अनुदानित संस्थाओं में कार्य नहीं कर सकेगा। इस अवधि में कर्मचारी राजनीतिक गतिविधियों में भाग नहीं ले सकेगा। कर्मचारी को सम्पर्क हेतु अपना स्थानीय (भारत में) पता, अवकाश आवेदन पत्र में अंकित करना होगा।

- (iv) विशेष अवकाश अवधि में स्वरोजगार अथवा अन्य संस्थान में नियोजन प्राप्त करने को राजस्थान सिविल सेवा (आचरण) नियम 1958 के तहत दुराचरण नहीं माना जावेगा।

- (v) राज्य कर्मचारी की उक्त अवकाश अवधि अवैतनिक होगी। यह अवधि अवकाश अर्जित करने एवं पेंशन के लिए सेवाकाल नहीं मानी जावेगी। कर्मचारी द्वारा नियमानुसार पेंशन

अंशदान जमा कराए जाने पर उक्त विशेष अवकाश अवधि पेंशन योग्य सेवा मानी जा सकेगी। इस अवधि के दौरान राज्य कर्मचारी का पद भरा हुआ ही माना जावेगा एवं उस पद पर भर्ती/पदोन्नति नहीं दी जा सकेगी।

- (vi) ऐसी अवधि में राज्य कर्मचारी उनको आवंटित राजकीय आवास को रख सकेगा, परन्तु उसका किराया नियमानुसार वसूली योग्य होगा जो संबंधित कर्मचारी स्वयं जमा कराएगा।
- (vii) स्वीकृत ऋण/अग्रिम की किश्तें स्वयं कर्मचारी द्वारा सम्बन्धित मद में चालान से जमा की जावेगी।
- (viii) राज्य कर्मचारी इस अवधि में राज्य बीमा पालिसी को जारी रख सकेगा। इस अवधि में अवकाश पर प्रस्थान करने के समय के मूल वेतन के अनुसार मासिक प्रीमियम की राशि चालान से संबंधित मद में जमा कराने की जिम्मेदारी कर्मचारी की स्वयं की होगी।
- (ix) राज्य कर्मचारी अवकाश अवधि में निम्न सुविधाओं के पात्र नहीं होंगे :—
 1. चिकित्सा पुनर्भरण सुविधा,
 2. राजकीय टेलीफोन/वाहन की सुविधा,
- (x) उपरोक्त विशेष अवकाश अवधि के दौरान राज्य कर्मचारी की मृत्यु होने पर उसके आश्रित को राज्य सरकार के अनुकम्पात्मक नियुक्ति नियमों के अनुसार पात्र होने पर नियुक्ति दी जा सकेगी।
- (xi) विशेष अवकाश अवधि में कर्मचारी की विभाग में वरिष्ठता प्रभावित नहीं होगी। यदि उक्त अवधि में कर्मचारी को पदोन्नति का अवसर बनता है तो विशेष अवकाश अवधि में विभागीय पदोन्नति समिति द्वारा पदोन्नति हेतु विचार करते समय ऐसे अवकाश काल का वास्तविक वार्षिक कार्य मूल्यांकन प्रतिवेदन नहीं होने से ऐसी अवधि का मूल्यांकन “अच्छा” माना जावेगा। पदोन्नति हेतु योग्य कर्मचारी को Proforma पदोन्नति देय होगी। कर्मचारी के अवकाश से लौटने पर पदोन्नति का काल्पनिक लाभ पदोन्नति की दिनांक से दिया जावेगा।
- (xii) (a) अवकाश अवधि में या अवकाश की समाप्ति पर यदि राज्य कर्मचारी की पेंशन योग्य सेवा 15 वर्ष से कम है तो वह राज्य सेवा से इस्तीफा दे सकेगा और इसके लिए नोटिस अवधि की आवश्यकता नहीं होगी। यदि ऐसा कर्मचारी अवकाश समाप्ति पर कार्य ग्रहण नहीं करता है तो संबंधित नियुक्ति अधिकारी कर्मचारी को ‘कारण बताओ नोटिस’ जारी कर अथवा बिन्दु-3 के अनुसार निवास के पते के अनुरूप वहां के स्थानीय समाचार पत्र में नोटिस प्रकाशित कराकर सूचित करेगा कि उसकी अनुपस्थिति को क्यों नहीं राज्य सेवा से उसका त्याग

(Resignation) समझा जावे। जवाब प्राप्त होने पर उसका परीक्षण कर एवं जवाब प्राप्त नहीं होने पर सेवा से पृथक् करने के आदेश जारी करेगा।

- (b) जिन कर्मचारियों की सेवा अवधि स्वैच्छिक सेवानिवृत्ति हेतु पूरी हो, ऐसे कर्मचारी अवकाश अवधि में अथवा अवकाश समाप्ति पर स्वैच्छिक सेवा निवृत्ति हेतु आवेदन कर सकेंगे और उन्हें भी स्वैच्छिक सेवानिवृत्ति हेतु नोटिस अवधि के लिये बाध्य नहीं किया जावेगा। नोटिस देने पर भी सेवा पर नहीं लौटने पर अवकाश समाप्ति की तिथि से स्वैच्छिक सेवा निवृत्त मान लिया जावेगा।

8. ¹राज्य सरकार के समसंख्यक आदेश दिनांक 22.5.2003 के द्वारा राज्य कर्मचारियों को सेवा का परित्याग किए बिना अपना स्वयं का व्यवसाय करने अथवा अन्यत्र नौकरी करने की सुविधा प्रदान करने की दृष्टि से नियमित कर्मचारियों के लिये विशेष अवकाश (अवैतनिक) लागू की गई थी।

इस योजना की समीक्षोपरान्त उक्त आदेश दिनांक 22.5.2003 एतद् द्वारा तुरन्त प्रभाव से वापस लिया जाता है। ऐसे कर्मचारी जो इस योजना के तहत विशेष अवकाश (अवैतनिक) का उपभोग कर रहे हैं, वे स्वीकृत अवकाश अवधि का यथावत उपभोग कर सकेंगे।

9. [@]राज्य सरकार ने समसंख्यक आदेश दिनांक 22.5.2003 के द्वारा राज्य कर्मचारियों को सेवा का परित्याग किये बिना अपना स्वयं का व्यवसाय करने अथवा अन्यत्र नौकरी करने की सुविधा प्रदान करने की दृष्टि से कतिपय संवर्ग के कर्मचारियों को छोड़कर नियमित कर्मचारियों के लिए विशेष अवकाश (अवैतनिक) योजना लागू की गई थी। यह योजना समसंख्यक आदेश दिनांक 1.2.2006 के द्वारा वापस ले ली गई है।

इस योजना के अन्तर्गत उपभोग की गई अवकाश अवधि को वेतन वृद्धि हेतु योग्य सेवा मानने के संबंध में प्रकरण वित्त विभाग को संदर्भित किये जा रहे हैं। प्रकरण पर विचार करने के पश्चात् राज्य सरकार ने निर्णय लिया है कि राज्य कर्मचारियों द्वारा समसंख्यक आदेश दिनांक 22.5.2003 के क्रम में लिये गये विशेष अवकाश (अवैतनिक) की अवधि वाषिक वेतन वृद्धि के लिये काल्पनिक (Notional) रूप में सेवा (Service) मान्य होगी।

[^]97. Amount of leave salary admissible in respect of leave of each kind. —

¹Inserted by F.D. order No. F. 1 (8) F.D. (Rules)/2002, dated 01-02-2006.

[@] Inserted by F.D. order No. F. 1 (8) F.D. (Rules)/2002, dated 01.08.2006.

[^] Substituted vide F O Noti. No F. 1 (27)/F-D. (Gr. 2)/76 dated 4-6-1976 w.e.f. 1-6-1976 for—

[@] 97. *Amount of leave salary admissible in respect of leave of each kind. —(1) (i) A Gazetted Government servant on privilege leave is entitled to leave salary equal to (a) or (b) whichever is higher:-*

- (a) the average monthly pay earned during the ten completed months immediately preceding the month in which the leave commences, and
- (b) the substantive pay which the officer is entitled to immediately before the commencement of the leave.
- (ii) A Non-Gazetted Government servant other than a Class IV servant on privilege leave is entitled to leave salary: —

- (a) equal to the pay to which he is entitled to on the day before the leave commences.

Provided if on that day he was in receipt of a special pay granted in consideration of additional work or was in receipt of additional pay on account of holding a post in addition to his own post under rule 50, such special pay and additional pay shall not be taken in to account for computing leave salary;

Or

- (b) as in (i) (a) above whichever is greater.

- (1) A Government servant on privilege leave is entitled to leave salary: —
 (a) equal to the pay to which he is entitled to on the day before the leave commences :

Provided that, if on that day he was in receipt of a special pay granted in consideration of additional work or was in receipt of additional pay on account of holding a post in addition to his own posts under rule 50, such special pay and additional pay shall not be taken into account for computing leave salary.

- (2) An officer on half pay leave or leave not due will be entitled to leave salary equal to half the amount specified in sub-rule (1) above subject to a maximum of [§]Rs.9500;
 Provided that this limit shall not apply if the leave is taken on medical certificate or for pursuing an approved course of study otherwise than on study leave terms.
- (3) An officer on commuted leave will be entitled to leave salary as admissible during the privilege leave.
- (4) A Government servant on extraordinary leave is not entitled to any leave salary.

Government of Rajasthan's Decisions.

* 1. —It has been decided that persons temporarily appointed on teaching side in Schools and Colleges on or before 31st December against

*(2) An officer on half pay leave or leave not due will be entitled to leave salary equal to half the amount specified in sub-rule (1) above subject to a maximum of Rs.750/: —
 Provided that this limit shall not apply if the leave is on medical certificate or for pursuing an approved course of study otherwise than on study leave terms.

(3) An officer on commuted leave will be entitled to leave salary as admissible during the privilege leave.

(4) A Government servant on extraordinary leave is not entitled to any leave salary.

(5) A class IV servant on privilege leave or commuted leave or half pay leave is entitled to leave salary equal to his pay including special pay or half of such pay as the case may be on the day before the leave commences.

* Substituted vide F.D. Order No. F. 16(12) FD-A (Rules) 58/I and II dated 30-5-1961:— (*Existing provisions may be seen at the end of this chapter)

[§] The existing word & figure ^"Rs. 3000/- " substituted vide FD Noti.No.F.1(5)FD(Rules)96 dated 2-4-1998 w.e.f. 1-1-1998

^Substituted vide F.D. Notification No. F. 1 (68) FD (Gr. 2/) 86 dated 23-9-1989 w.e.f. 1-9-1988 for the words & figures ££ Rs. 2600/-

££Substituted vide F.D. Notification No. F. 1 (68) FD (Gr. 2)/ 86 dated 2-2-1987 w.e.f. 1-9-1986 for the words & figures % Rs. 1550/-

%Substituted vide F.D. Notification No. F. 1 (54) FD (Gr. 2)/ 82 dated 17-2-1983 w.e.f. 1-9-1981 for the words & figures Rs. %%1200/-

%%Substituted vide F.D. Notification No. F. 1 (9) FD (Gr.2)/ 77 dated 26-5-1978 w.e.f. 1-9-1976 for the words & figures Rs. 750/-

* Substituted vide F.D. Notification No. F.1(50) FD (Exp. Rules)/66, dated 22-8-1970. Effective from 1-1-1967, for—

clear vacancies under orders of the competent authority may be allowed vacation salary, provided no other Government servant draws vacation pay against the same post and provided further that such Government servants join their duty within a period of one month from the date of opening of the session @ [and remains in service upto 31st December of that Session]

The service of all such temporary teachers who are appointed before 1st January in leave vacancies or by authorities incompetent to make such appointment and of all temporary teachers who are appointed after 31st December, shall be terminated on the last working Day of the session.

%2. Omitted.

"Government of Rajasthan Decision No. 1—It has been decided that temporary teachers who are appointed on or before 31st December against clear vacancies under orders of the competent authority may be allowed vacation salary, provided no other Government servant draws vacation pay against the same post and provided further that such teachers continue in service after vacation.

The services of all temporary teachers who are appointed before 1st January in leave vacancies or by authorities incompetent to make such appointment, and of all temporary teachers who are appointed after 31st December, shall be terminated on the last working day of the session,"

[F.D. Notification No. F. 1(50) FD (Exp. Rules) 66, dated 23-9-1966. Effective from 1-7-1965].

@ Added vide Notification No. F. 1(22) FD (Gr. 2)/75 dated 9-6-1975.

% Omitted vide F.D. Order No. 16 (12) F.D.A (Rules) 58-I dated 30-5-1961.

"2. The leave salary under Rule 97 of Rajasthan Service Rules in the case of a 'probationer' and person appointed 'on probation' should be regulated as follows: —

(1) In the case of a 'probationer' as defined in Audit Instructions below Rule 7 (30) of Rajasthan Service Rules whether he is already substantive in any other cadre or not, the pay drawn by him during the period of his probation will be regarded as his substantive pay for the purpose of Rule 97 of Rajasthan Service Rules.

(2) In the case of a person who is only appointed to a post 'on probation' as distinct from appointment as a 'Probationer' as defined in Audit instruction below Rule 7 (30) of Rajasthan Service Rules.

(a) if he was already holding a permanent post in a substantive capacity before being appointed 'on probation' to another post, his substantive pay in respect of the permanent post on which he holds a lien or on which he would have held a lien had such lien not been suspended will be the substantive pay for the purpose of calculation of leave salary under Rule 97 of Rajasthan Service Rules.

(b) if he was only in a temporary employ of Government or if he is a direct recruit appointed to the post on probation, the leave salary will be regulated under Rule 97(ii).

Note. 1—Any period of joining time taken either under Clause (b) of Rule 127 during the preceding 12/36 months should be ignored in calculating average monthly pay as no 'pay' is drawn in respect of such joining time.

Example: —Gazetted Government servant who was on leave from 14th April 1956 to 9th December, 1956 inclusive is granted leave from 12th March, 57. In order to arrive at his average monthly pay, the total pay earned for the periods of duty, viz, from 1st March, 56 to 13th April, 56 and from 10th December, 1956 to 28th February, 1957, should be divided by $3 + \frac{13}{30} + \frac{22}{31} = \frac{3853}{930}$ months, the fractions $\frac{13}{30}$ and $\frac{22}{31}$ representing period of duty, in terms of months, in April and December 1956 respectively. Where 'A' is the total pay earned by duty from 1st March, 1956 to 13th April, 56 from 10th December, 1956, to 28th February, 1957, the average monthly pay is equal to $930XA/3853$.

3. In the case of a Government servant of a Vacation Department the vacations falling in the periods of 12/36 complete months immediately preceding the month in which leave is taken should be treated as duty under Rule 94 (A) and the pay drawn by the Government servant during the vacation should be treated as pay drawn on duty and should therefore be taken into account in determining his leave salary during the succeeding leave.

[^]3. (1) Doubts have been raised about the correct entitlement of a retired and re-employed officer to leave salary or pension in respect of privilege leave, half pay leave, commuted leave and extraordinary leave taken by such an officer during the period of his reemployment. The position is as follows: —

(2) During re-employment after retirement from pensionable service, an officer's pension is either held in abeyance or is allowed to be drawn separately, a suitable reduction being made in the re-employed pay wherever. An officer whose pension is drawn separately during re-employment and who proceeds on privilege leave or half pay leave or commuted leave, will be entitled to leave salary based on the net re-employed pay i.e. exclusive of the pension and or pension (equivalent of gratuity) and will continue to draw the pension separately in addition. An officer whose pension has been held in abeyance will draw the leave salary based on the net re-employed pay (i.e. pay minus the amount of the uncommuted pension and/or pension equivalent of gratuity) and in addition an amount equivalent to the pension which was held in abeyance. In either case the leave salary (exclusive of the pension or the amount equivalent to pension which was held in abeyance, and/or pension equivalent of gratuity admissible during leave or commuted leave will be subject to the monthly maximum of +Rs.2600/- and +Rs.3350/— respectively.

(3) During the period of extraordinary leave, an officer whose pension has been held in abeyance will be allowed to draw only an amount equivalent to the pension which was held in abeyance. Where the pension is drawn separately it will continue to be so drawn during the period of extraordinary leave.

(4) The leave salary in respect of privilege leave, half pay leave and commuted leave of officers who were governed by the Contributory Provident Fund system prior to retirement, will be based on their net re-employed pay. They will not draw any leave salary during the period of extraordinary leave.

(5) Cases dealt with differently in the past need not be re-opened.

[@]4. Omitted.

4. In the case of a Government servant of a Vacation Department both pre fixing and affixing leave to vacation, the leave salary for the leave affixed should be calculated on the pay drawn by the Government servant during the twelve/thirty-six complete month preceding the commencement of his leave.

5. The term 'month' in this rule means 'calendar months' as in Rule 7 (20).

[^] Inserted vide F.D- Order NO. 5689/59 F. 7 A (II) F.D./A Rules 58 dated 19-12-1959,

⁺ Substituted for the words & Figures \$ Rs. 1550/- & Rs. 2250/- vide F.D. Notification No. F.1(68)FD(Gr.2)/86 dated 2.2.87 w.e.f. 1.6.86.

\$ Substituted for the words & Figures % Rs. 1200/- & % Rs. 1900/- vide FD Notification No.F.1(54)FD(Gr.2)/82 dated 17.2.1983 w.e.f. 1.9.81.

%Substituted for the words & figures Rs. 750/- and Rs. 1500/- vide FD Notification No. F.1(9)FD(Gr.2)77 dated 26.5.1978 w.e.f. 1.9.76.

[@] Vide F.D. Order No. F-19 (12) FDA (Rules) 58.II dated 30-5-1961

4. According to the further proviso to Rule 97 inserted vide finance Department Memo No. D. 5792/59 F. 7a (23) FE-Rules 59, dated 20-10-1959 the limit of three years referred to therein will

#Note— In respect of any period spent on deputation or foreign service out of India, the pay which the officer would have drawn if on duty in India shall be substituted for the pay actually drawn while calculating average pay.

%Explanation. — 1 & 2. Deleted.

include all periods of leave during which a Government Servant in permanent or quasi permanent employ would have officiated in the Post but for proceeding on such leave and all periods of officiating service rendered in an equivalent or a still higher post for appointment to which he would have officiated in that post. The periods of half pay leave, extra-ordinary leave, maternity leave etc. will also, therefore, be included for-calculating the limit of three years.

In order to allow the benefit of treating the pay drawn in the post in which he was officiating before proceeding on leave or in which he would have so officiated but for his officiating appointment in an equivalent or still higher post, as substantive pay, for the purpose of Rule 97, it will be necessary to obtain a suitable certificate from the competent authority concerned that during all the periods of leave or officiating service in an equivalent or still higher post, the Government servant concerned would have continued to officiate in the post concerned but for proceeding on leave or officiating service in an equivalent or still higher post.

It has now been decided that in all cases in which it is proposed to allow the benefit of the above-mentioned second proviso to the Explanation below Rule 97. The authority which is competent to fill the specified post in respect of which the benefit is proposed to be granted should furnish a certificate in the form (Annexure "A") appended below to enable audit to admit the claim.

ANNEXURE "A"

Certified that on*.....Shri/Shrimati/Kumari..... has been continuously officiating in the post**..... for more than three years inclusive of the following periods during which he/she/would have officiated in that post but for the following events:—

From To

- (1) Periods of officiation in the specified post.
- (2) Periods of officiation in equivalent or higher post in the same department.
- (3) Periods of deputation.
- (4) Foreign Service.
- (5) Periods of Leave.

Signature.....

Designation.....

*The date preceding the date of commencement of leave to be specified here.

**Designation of the post to be specified here,

Inserted vide F.D. Order No. F.1 (52) F.D.-A(R)/61 dated 30-12-1961

% Deleted vide FD Notification No Fl(27)FD(Gr. 2)/76, dated 4-9-1976 w.e.f. 1-9 1976 the following—

"Explanation 1. —For purposes of this rule, substantive pay means the substantive pay of the permanent post which the officer holds substantively or on which he holds a lien or would hold a lien had the lien not been suspended provided that the leave salary of a Government servant who is in permanent employ and who had been continuously officiating in another post for more than three years at the time he proceeds on leave shall be calculated as if he were the substantive holder of the post in which he was so officiating or in which he would have so officiated but for his officiating appointment in an equivalent or a still higher post.

The three years limit shall include: —

(a) all periods of leave during which the Government servant would have officiated in the post but for proceeding on such leave, and

(b) all periods of officiating service rendered in an equivalent or a still higher post but for appointment to which he would have officiated in that post.

Explanation 2: —The leave salary of an officer who is already on leave on the date of issue of this order shall from the commencement of such leave be re-calculated in accordance with the provision of above amendments.

%98 Deleted.

"Sanction is accorded for the payment of vacation salary to temporary teachers who are appointed during the period from the commencement of the session in July to 31st August in clear vacancies and work till last working day of the session provided no other Government servant draws his vacation pay against the same post. Those temporary teachers who are appointed after 31st August, will not be entitled to pay for the summer vacation. The temporary teachers appointed on or before August 31st, who are entitled to pay for the summer vacations in accordance with the above instructions should be given a notice on the last working day of the session that their services will not be required from the beginning of the next session. The services of all other temporary teachers whether appointed before or after August 31st who are not entitled to pay for the summer vacation should be terminated on the last working day of the session.

(For procedure in regard to drawal of leave salary by Gazetted and Non-Gazetted Government Servants from a Treasury or office of disbursement refer to Rule 171 of the General Financial and Account Rules).

" (Inserted vide Edu. Deptt. Order No. F. 17 (82) Edu. 1/52, dated 18-12-1954).

% Deleted vide FD Order No. F.16(12)FD(A)Rules/58-I dated 30.5.1961.

"98. Leave to quasi-permanent Govt. Servant if not confirmed after 3 years continuous service. —Quasi-permanent Government servant if not confirmed after completion of 3 years continuous service shall be entitled to leave as for a permanent Government servant his leave salary being calculated in accordance with sub-rule (1) of Rule 97.

NOTES

1. If a quasi-permanent Government servant is holding a temporary post substantively or has acquired superior quasi lien on such a post while officiating in a higher one such temporary post shall for the purposes of this rule be treated as his substantive post and the pay admissible in that post shall be deemed to be as the substantive pay for calculation of his leave salary.

2. The term "quasi lien" refers to the title of a Government servant in quasi-permanent employ to be employed in the temporary or officiating vacancy the permanent of which has been assured to him in writing. The Government servant having superior "quasi lien" only retains his title to treat the temporary post as his substantive post for the purpose of the calculation of his leave salary,"

SECTION III

Special Disability Leave.

99. **Special disability leave when admissible.** —Subject to the conditions specified in this section Government may grant special disability leave to a Government servant who is disabled by injury intentionally inflicted or caused in or in consequence of the due performance of his official duties or in consequence of his official position.

(ii) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed and the person disabled acted with due promptitude in bringing it to notice. But the Government, if it is satisfied as to the cause of the disability, may permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

(iii) The period of leave granted shall be such as is certified by a Medical Board to be necessary.

Government of Rajasthan's Decisions.

@Clause (iii) of Rule 99 of Rajasthan Service Rules provides that the period of Special disability leave granted shall be such as is certified by a Medical Board.

It has been decided that in the case of R.A.C. Battalions posted within Rajasthan the Medical Board for the purpose of aforesaid clause shall consist of the following: —

- | | |
|--|--|
| <p>(a) For Company Commandant & others above the rank.</p> | <p>(i) Officer-in-charge of hospital where treatment is being accorded, and</p> <p>(ii) P. M.H.O./ D. M.H.O. of the district and where he is also the incharge of the hospital as in (i) then an officer named by P.M. H.O./ D.M. H.O., and</p> <p>(iii) Medical Officer of the Battalions</p> |
| <p>(b) For others</p> | <p>(i) One Medical Officer of the hospital where treatment is being accorded to be named by Officer-in-charge of the hospital, and</p> <p>(ii) Medical Officer of the Battalion.</p> |

In the case of R.A.C. Battalions posted outside Rajasthan, the Medical Board shall consist of the following: —

@ Inserted by F.D- Memo. NO.F.1(57)FD(Exp. Rules)65-II, dated 2-11-1966, Effective from 5-9-1965.

- (a) Platoon Commander & other below that ranks requiring special disability leave not exceeding 2 months.
- (b) For all officers of the Battalion not covered by (a) above.
- (i) Medical Officer of the Battalion to be single Member of the Board.
- (ii) Officer-in-charge of hospital where treatment is accorded, and
- (iii) Medical Officers of the Battalion.

(iv) **Period of disability leave.** —It shall not be extended except on the certificate of a Medical Board, and shall in no case exceed 24 months. Such leave may be combined with leave of any other kind.

(v) Special disability leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a latter date, but not more than 24 months of such leave shall be granted in consequence of any one disability.

(vi) **Disability leave counts as duty for pension.** —Such leave shall be counted as duty in calculating service for pension.

(vii) **Leave salary during disability leave.** —Leave salary during such leave shall be equal—

- (a) for the first 120 days, ^x[] of any such leave including a period of such leave granted X [to Government servants in Superior service] under clause (v) of this rule, to leave salary in accordance with clause (1) to Rule 97, and

(b) for the remaining period of any such leave X[to Government servants in Superior service] to half pay [%][in accordance with proviso to clause (2) of Rule 97] or at the Government servant's option, for a period of not exceeding the period of privilege leave which would otherwise be admissible to him, to average pay. [@][In the latter case half the period of such leave shall be debited to his privilege leave account].

***Exception:** —In case of a member of Police Force who remains in Government Hospital for the treatment of injury received in encounter with dacoits, leave salary during such leave shall, notwithstanding the provisions of paras (a) and (b), be equal to the pay he would have drawn had he remained on duty. For the remaining period of such leave, leave salary shall be regulated in accordance with paras (a) and (b) of this clause.

^x Inserted by F.D. NO. F.1 (97) R/56, dated 11-9-1956 by deleting the words or "60 days according as the service is superior or class IV Service" after the words "120 days".

[%] Substituted for the words "in accordance with clause (2) of Rule 97" vide F.D. Order No. F.16 (12) F.D.A. (Rules) 58-1 dated 30-5-1961

[@] Added vide F.D. No. 3009/60 F.7a (55) F. D.A. (Rules)/59 dated 1-7-1960

* Added vide F.D Notification No. F.1 (11) F.D.A. (Rules)/62 dated 4-4-1962.

⁺ (viii) The leave salary to Class IV Government Servants shall be equal to—

- (a) for the first sixty days of any such leave including a period of such leave granted under clause V of this Rule, to leave salary equal to his pay on the day before the leave commences, and
- (b) for the remaining period of such leave to half pay or at the Government Servant's option, for a period not exceeding the period of privilege leave which would otherwise be admissible to him, to pay equal to pay on the day before the commencement of leave. In the latter case half of such leave shall be debited to his privilege leave account.

****Exception.***

Police personnel and Class IV servants [@][and Medical Veterinary and Wireless Staff and other departmental Staff] attached to the Police Force (including the R.A.C. and S.A.F. Battalion) who have been wounded or injured as a result of aggression by an alien power may be granted leave under this rule and notwithstanding the provisions contained in paras (a) & (b) of Clause VII and Clause VIII may be permitted to draw leave salary during such leave, equal to the pay they would have drawn had they remained on duty.

The period of such leave shall be counted towards pension, increments and other benefits admissible under Rajasthan Service Rules.

100. Reduction in leave salary when compensation granted for disability. —In the case of a person who is entitled under any law for the time being in force to compensation for disability in respect of which provision is made in this chapter the amount of leave salary payable under Rule 99 will be reduced by the amount of compensation payable to him under such law.

101. Application of special disability leave rules to Civil Servants. —The provisions of this section apply to a Civil servant disabled in consequence of service with military force, if he is discharged as unfit for further military service, but is not completely and permanently incapacitated for further civil service, and to a civil servant not so discharged who suffers a disability which is certified by a Medical Board to be directly attributable to his service with a military force; but in either case, any period of leave granted to such a person under military rules in respect of that disability shall be reckoned as leave granted under this rule for the purpose of calculating the period admissible.

⁺ Substituted vide F.D. No. 3009/60 F.7a (55) F. D.A. (Rules)/59 dated 1-7-1960

"(viii) Leave salary to Government Servants of class IV service shall be in accordance with clause V of Rule. 97."

^{*} Inserted vide F.D. Notification no. F.1 (57) F.D. (E-R)/65 dated 3-11-1965.

[@] Added vide F.D, Notification No. F.1 (57) FD (Exp. Rules) /65-1, dated 2-11-1966.

102. Government may extend the application of the provisions of this section to a Government servant who is disabled by injury accidentally incurred in or in consequence of the due performance of his official duties or in consequence of his official position, or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the civil post which he holds. The grant of this concession is subject to the further conditions: —

- (i) that the disability, if due to disease, must be certified by a Medical Board to be directly due to the performance of the particular duty; and
 - (ii) that, if the Government servant has contracted such disability during service, otherwise than with a military force, it must be, in the opinion of the Government so exceptional in character, or in the circumstances of its occurrence as to justify such unusual treatment as the grant of this form of leave; and
 - (iii) that the period of absence recommended by the Medical Board may be covered in part, by leave under this rule and in part by other leave, and that the amount of special disability leave granted on average pay may be less than 120 or 60 days according as the service is Superior or Class IV.
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SECTION IV

Maternity leave.

103. §Maternity Leave – Maternity leave may be granted to a female Government Servant with less than two surviving children upto a period of 135 days from the date of its commencement. However, if there is no surviving child even after availing it twice Maternity Leave may be granted on one more occasion.

During such period she will be entitled to leave salary equal to pay drawn immediately before proceeding on leave. Such leave shall not be debited to the leave account but such entry should be made in the service book separately.

NOTE.

***Note :** Maternity leave may also be granted to a female Government servant with less than two surviving children, in case of miscarriage including abortion

§ The existing rule except Note and clarification substituted vide FD Notification No. F.1(43)FD/Rules/83 dated 6.12.2004

&**Maternity Leave** – A competent authority may grant maternity leave to a female Government servant twice during the entire period of her service. However, if there is no surviving child even after availing of it twice, maternity leave may be granted on one more occasion.

The maternity leave may be allowed on full pay for a period which may extend upto the period of 120 days from the date of its commencement.

& The existing rule excluding Note and GRD and clarification substituted vide FD Notification No. F.1(5)FD/Rules/96 dated 2.4.1998 w.e.f. 1.1.1998.

@ **[103. Maternity leave.** —A competent authority may grant "Maternity Leave" to a female Government servant thrice during the entire period of her service. However, if there is no surviving child even after availing of it thrice, Maternity Leave may be granted on one more occasion.

£The maternity leave may be allowed on full pay for a period which may extend upto the period of 90 days from the date of its commencement.

@ Substituted vide F.D. Notification No. F. 1(43) FD (Gr.2)/83, dated 2-2-1984 for: —

+ "[A competent authority may grant "Maternity leave" to a woman Government servant thrice during the entire period of her service on full pay for a period which may extend upto the end of three months from the date of its commencement or to the end of six weeks from the date of confinement whichever be earlier.

A woman Government servant who has already been granted maternity leave three times or more prior to the-issue of these orders shall not be entitled to maternity leave in future.]"

+Substituted vide FD Notification No. F.1(88)FD(R)71 dt. 17.12.1971 for-

"103. A competent authority may grant to a woman Government servant "Maternity leave" on full pay for a period which may extend up to the end of three months from the date of its commencement or to the end of six weeks from the date of confinement whichever be earlier."

£ Substituted vide FD Notification No. F.1(43)FD(Gr.2)/83 dated 25.5.1985 for-

[The Maternity Leave may be allowed on full pay for a period which may extend upto the end of three months from the date of its commencement or to the end of six weeks from the date of confinement whichever is earlier.]

* Substituted vide FD Notification No.F.1(43)FD/(Gr.2)/83 dated 14.7.2006

@Maternity leave under this rule may also be granted in cases of Miscarriage, including abortion, subject to the conditions that: —

(i)the leave does not exceed six weeks, and

(ii)the application for the leave is supported by a certificate from the Authorised Medical attendant.

@Substituted vide FD Order No. 12(1)F.11/54 dt. 17.10.1955.

"Note: —Maternity leave under this rule may also be granted in cases of miscarriage, including abortion, subject to the following conditions: —

either once or twice subject to total of six weeks during the entire service provided that the application for leave is supported by a certificate from the authorised medical attendant.

Government of Rajasthan's Decision.

[^]1. Maternity leave is also admissible to temporary female Government servants under this Rule.

[^]2. Maternity leave is not admissible in case of incomplete abortion.

"Clarification"

^{\$}'Abortion' does not include 'threatened abortion' and maternity leave cannot be granted in the case of threatened abortion.

[&]**103A. Paternity Leave :** A male Government servant with less than two surviving children may be granted paternity leave (maximum two times) for a period of 15 days during confinement of his wife i.e. 15 days before to three months after childbirth and if such leave is not availed of within this period it shall be treated as lapsed.

During the period of such leave, the Government servant shall be paid leave salary equal to the pay drawn immediately before proceeding on leave. Paternity Leave shall not be debited against the leave account but such entry should be made in the service book separately and may be combined with any other kind of leave (as in the case of maternity leave).

Such leave shall not be allowed in case of miscarriage including abortion of the Government servants wife.

⁺ **"104. Combination of other leave with maternity leave –** Maternity leave may be combined with any other kind of leave".

(i)that the woman Government servant, if temporary, has been in continuous service for not less than one year before the commencement of the leave, and

(ii)that the leave does not exceed six weeks and the application of leave is supported by a certificate from the Authorised Medical Attendant."

[^] Inserted by F.D. 'Order No. F.12 (1) F. 11/54, dated 25-2-1955.

^{^^} Inserted vide F. D. Memo No. D6603/59F. 7A (17) F.D.A., (Rules) 57 dated 13-1-1960.

^{\$} Inserted vide F.D. Notification No. F.I (43) FD (Gr.-2)/83 dated 25-5-1985.

[&] Inserted vide FD Notification No.F.1(43)FD/(Gr.2)/83 dated 6.12.2004

⁺ Substituted vide FD Notification No.F.1(5)FD/Rules/96 dated : 26.2.2002

[%]**104. Combination of other leave with maternity leave, —**Maternity leave may be combined with leave of any other kind, but any leave applied for in continuation of the former may be granted only if the request be supported by a Medical Certificate.

% Substituted for "Leave of any other kind may be granted in continuation of maternity leave if the request for its grant be supported by a Medical Certificate" by F.D. Order No. F.12 (1) F.I 1/54 dated 31-8-1955.

[^] NOTE

[@] **Clarification.**

[^] Deleted vide FD Notification No. F.1(5)FD(Rules)96 dt. 26.2.2002-
Privilege leave to the extent admissible under Rule 91 may be granted in continuation of maternity leave if the request for such leave is supported by a Medical Certificate.

[@] Deleted vide FD Notification No.F.1(5)FD/Rules dated : 26.2.2002

[#]The female Gazetted Government servants applying for grant of 'leave under Rule (104 of R.S.R.) should, like all Gazetted Government servants applying for leave on medical certificate, produce the required certificate from a medical committee in accordance with Rules 71-72 of Rajasthan Service Rules, unless this requirement is relaxed under Rule 74 by the authority competent to grant leave.

[#] Inserted by F.D. Order No. 4785/F. 7A (17) F.D.A./Rules/57, dated 31 -7-1957".

SECTION V

Hospital Leave

NOTES

1.—In the case of a person to whom the Workmen's Compensation Act, 1923 applies, the amount of leave salary payable under these rules shall be reduced by the amount of compensation payable under the said law.

*2.—In the case of a person to whom the provisions of Employees' State Insurance Act, 1948 apply, leave salary payable under these rules shall be reduced by the amount of benefit admissible under the said Act for the corresponding period.

@105. **Extent of admissibility of Hospital Leave.**—A competent authority may grant hospital leave to a Class IV Government servant and to such Ministerial and Subordinate Government servants whose pay at the time of admission to hospital is less than ¹[Rs.5000/-] and whose duties involve handling of dangerous machinery, explosive materials, poisonous drugs etc. or the performance of hazardous tasks, while under

* Inserted vide F.D. Notification No. F. 1 (52) F D (Exp. Rules)/ 67, dated 12-6-1968.

@ Substituted vide F. D. Order No. F. 1, (51) F. D-A, (Rules)/61, dated 18-12-1961 effective from 1-9-1961-

"105. A competent authority may grant Hospital leave to Government servants of the following classes while under medical treatment for illness or injury, if such illness or injury is directly due to risks incurred in the course of their official duties:—

- (a) Police officers of rank not higher than that of a Head Constable.
- (b) Forest subordinates other than clerks in receipt of a pay not exceeding Rs. 40/-p.m.
- (c) Head Warders or Warders or Jails or Mental Hospital and Matrons of Jail Department.
- (d) Government servant employed in Government Presses whether on fixed pay or at piece rates other than those in permanent superior service, who are subject to the special leave rules applicable to Press employees.
- (e) Subordinates employed in Government Laboratories.
- (f) Subordinates of the Engineering Department drawing a pay not exceeding Rs. 120/-p.m. if the illness or injury is caused by shock received by them from high electric voltage in attending to electric installation, for charging plant or to lines at power crossings.
- (g) Subordinates of other department employed on the working of Government machinery.
- (h) Members of Class IV service in permanent employ,
- (i) Subordinate Customs staff of rank not higher than that of a Jamadar."

¹ The existing word and figure *"Rs.1640/-" substituted vide FD Notification No.F.1(5)FD/Rules/96 dated 2.4.1998 w.e.f. 1.1.1998.

* Substituted for the words & figures +"Rs. 1520/- vide F.D. Notification No. F 1 (68) F.D. (Gr.2)/86 dt. 23-9-89.

+ Substituted vide F.D. Notification F.1 (68) FD (Gr.2)/86 dated 2-2-87 w.e.f. 1-9-86 for the words & figurs. ^"Rs.840/-.

^ Substituted vide Notification No. F. 1 (54) F.D./Gr.2/82, dated 14-12-1983 for @ [Rs.540/-

@ Substituted vide F.D. Notification No. F. 1 (54) F. D./Gr.2/82, dated 17-2-1983 effective from 1-9-1981 for the existing words & figures \$[Rs. 400/-]

\$ Substituted vide F.D. Notification No. F. 1(9) F.D. /Gr. 2/77, dated 26-5-1978 effective from 1-9-1976 for words and figures. "Rs. 100/-".

medical treatment for illness or injury if such illness or injury is directly due to risks incurred in the course of their official duties.

^x[]

%106. **Leave salary during Hospital Leave:**—Hospital leave may be granted on leave salary ^{\$}[either under Rule 97 (1) or 97 (2)] and for such period as the authority granting it may consider necessary.

%107. Deleted.

108. **Combination of other leave with Hospital Leave:**—Hospital Leave in addition to other forms of leave that may be admissible to a Government servant under these rules.

^x Deleted vide F.D. Notification No. F. 1 (9) F.D./Gr.2/77, dated 26-5-1978 effective from 1-9-1976, the following:—

"Provided that in the case of Constables, Head Constables and persons of equivalent rank employed in Rajasthan Armed Constabulary and posted in border area as defined in General Administration Department Order No. F. 1 (21) GA/A/Gr. 11/64 dated the 8th May, 1964 the limit of pay referred to in the rule shall be Rs. 105/- at the time of admissible to hospital."

(Inserted vide F.D. Notification No. F.1 (43) F D (ER) 64, dated 17-11-1964.)

% substituted for Rule 106 and deleted Rule 107 vide F.D. Notification No. F. 1 (52) F.D. (Exp. Rules)/67, dated 12-6-1968.

106. Hospital leave may be granted on leave salary equal to either average or half average pay as the authority granting it may consider necessary.

107. The amount of Hospital leave which may be granted to a Government servant is limited to three months on average pay in any period of three years. Hospital Leave on half average pay counts for the purpose of this limit as half the amount of leave on half average pay.

^{\$} Substituted vide F.D. Notification No. F.1 (9) F.D./Gr.2/77, dated 26-5-1978 effective from 1-9-1976, for words "equal to either average or half average."

SECTION VI

Study Leave

109. **Applicability.**—The following rules relate to Study leave only. They are not intended to meet the cases of Government servants deputed to other countries at the instance of Government, either for the performance of special duties imposed on them or for the investigation of specific problems connected with their technical duties. Such cases will be dealt with on their merits under the provisions of Rule 51.

* **110. Admissibility of study Leave.**— (1) Study leave will be admissible to a permanent Government servant to pursue course of study or investigation of a scientific or technical nature which in the opinion of the sanctioning authority is considered necessary in the public interest for the working of the department in which he is employed. It will ordinarily be not granted to a Government servant who has completed 20 years of service or more.

(2) Notwithstanding the provisions contained in sub-rule (1) study leave will also be admissible to a temporary Government servant who has

* Substituted vide FD No.F.1(44)FD/Gr.2/79 dt. 24.12.1979

@ "**110. Admissibility of study leave.** — Study leave will be admissible to a permanent Government servant to pursue a course of study which is necessary in public interest for the working of the department in which he is employed.

Exceptions.

£ 1. Teachers of Education Department whether temporary/ permanent/Officiating who undergo professional training on or after 1-7-1965 shall be entitled to study leave under this rule provided they had been appointed before 31-3-1963.

£ Inserted vide FD Noti. No.F1(56)FD(E-R)/66 dated 6-09-1966 w.e.f. 1-7-1965.

*2. Temporary Government servants who are members of Scheduled Castes / Tribes and have completed 3 years continuous service shall be entitled to study leave under this rule provided that the initial appointment was made on the advice of R.P.S.C. in case the post was within the purview of the R.P.S.C., while in other cases appointment should have been made in accordance with rules for regular direct recruitment under the service rules concerned."

* Inserted vide FD Noti.No.F.1(56)FD(Gr.2)76 dated 13-5-1976.

Government of Rajasthan's Decision.

^Under Rule 110 of the Rajasthan Service Rules, it has been decided to extend the study Leave Rules contained in section VI, Chapter XI of Rajasthan Service Rules to the Government employees belonging to Scheduled Castes and Scheduled Tribes for the purpose of prosecuting, higher studies."

^ Inserted vide FD No.I.D.4494/F.7A(21)FDA/Rules/59 dated 17-08-1959.

@ Substituted vide F D Notification No. F. 1 (53) FD (E-R)/65, dated 18-10-1965 for—

110. Study Leave, will be ordinarily admissible to Government servants serving in the Public Health, Medical and Medical Research Departments, the Civil Veterinary Department, the Factory Department, the Agriculture Department, the Education Department, the Public Works Department and the Forest Department.

The rules may be extended by Government to any Government servant not belonging to any of the departments mentioned above, in whose case Government is satisfied that leave should be granted, in the public interests, to pursue a special course of study or investigation of a scientific or technical nature.

completed three years continuous service provided that the initial appointment has been made on the advice of the Rajasthan Public Service Commission in case the post falls within the purview of the Rajasthan Public Service Commission or the appointment has been made by the competent authority in accordance with the rules regulating recruitment and conditions of service framed under proviso to Article 309 of the Constitution or where such rules have not been framed the appointment has been made by the competent authority in accordance with the orders issued by the Government prescribing academic qualification, experience etc.

(3) In case of a temporary Government servant who has completed three years continuous service and is not covered by provisions of sub-rule (2) above extra ordinary leave may be granted for a period of two years for purpose of prosecuting higher studies certified to be in the public interest in relaxation of provision contained in rule 96 (b) of Rajasthan Service Rules.

Note.—1. Diploma holders in any branch of engineering who are entitled to study leave under sub-rule (1) & (2) above may be granted study leave for a period of 24 months and in addition any kind of leave due and admissible to them upto a period of one year to enable them to obtain a degree in engineering. In case any other kind of leave is not due and admissible he may be granted extra ordinary leave not exceeding one year in addition to study leave admissible to him under this rule.

3. Temporary diploma holders in any branch of engineering who have completed continuous three years service and are not covered by the provisions contained in note 1 above may be granted extra ordinary leave for a period not exceeding three years for the purpose of obtaining a degree in Engineering from any University in relaxation of the provisions contained in rule 96 (b) of Rajasthan Service Rules.

Government of Rajasthan's Decision

@1. राज्य कर्मचारियों को वैज्ञानिक शोध एवं तकनीकी प्रकृति के पाठ्यक्रम आदि, जो राजकीय कार्य में उपयोगी हो, के लिए उच्च अध्ययन हेतु अवकाश अनुमत करने के संबंध में राजस्थान सेवा नियम, 1951 के अध्याय -XI सेक्शन -VI में प्रावधान हैं। उच्च अध्ययन हेतु अध्ययन अवकाश अवकाश अथवा/और असाधारण अवकाश स्वीकृत करने के संबंध में राजस्थान सेवा नियम, 1951 के अध्याय -XI सेक्शन -VI में निम्नानुसार मानदण्ड (Parametre) निर्धारित किये हुए हैं:-

(I) अध्ययन अवकाश स्थाई राज्य कर्मचारी को अनुक्षेय होगा।

(II) अध्ययन अवकाश उन अस्थायी राज्य कर्मचारियों को भी अनुक्षेय होगा जिन्होंने तीन वर्ष की निरन्तर सेवा पूर्ण करली है तथा जो राजस्थान लोक सेवा आयोग की अभिशंषा पर नियुक्त किये गये हैं। यदि कोई पद राजस्थान लोक सेवा आयोग की परिधि में नहीं आता है तो संविधान के अनुच्छेद 309 के परन्तुक के अन्तर्गत बने भर्ती नियमों के तहत नियुक्त अस्थायी राज्य कर्मचारियों को तीन वर्ष की निरन्तर सेवा के पश्चात् अध्ययन अवकाश स्वीकृत किया जा सकता है।

(III) उन अस्थाई राज्य कर्मचारियों को, जिन्होंने तीन वर्ष की निरन्तर सेवा तो पूर्ण करली है, किन्तु उपर्युक्त श्रेणी (I) या (II) में नहीं आते हैं, उन्हें उच्च अध्ययन हेतु अधिकतम 2 वर्ष का असाधारण अवकाश नियमों में शिथिलता देकर स्वीकृत किया जा सकता है।

(IV) उच्च अध्ययन हेतु अवकाश सामान्यतया उन कर्मचारियों को स्वीकृत नहीं किया जायेगा, जिन्होंने 20 वर्ष या अधिक की सेवा पूर्ण करली है।

(V) पूर्ण सेवाकाल में अध्ययन अवकाश 2 वर्ष के लिए स्वीकृत किया जा सकता है।

(VI) अपवाद स्वरूप प्रकरणों को छोड़कर एक बार में अध्ययन अवकाश की उपयुक्त (Suitable) अधिकतम अवधि 12 माह होगी।

(VII) अध्ययन अवकाश स्वीकृत करने वाले अधिकारी द्वारा यह सुनिश्चित किया जायेगा कि ऐसे अवकाश से राजकीय कार्य में बाधा तथा केडर प्रबंधन संबंधी अड़चने उत्पन्न नहीं होगी।

अतः समस्त प्रशासनिक विभागों/विभागाध्यक्षों से यह अपेक्षा की जाती है कि राजस्थान सेवा नियमों में विहित मानदण्डों के अनुरूप ही अध्ययन अवकाश/असाधारण अवकाश अनुमत करें।

उच्च अध्ययन के जो प्रकरण राजस्थान सेवा नियमों में निर्धारित मानदण्डों एवं शर्तों की परिधि में नहीं आते हैं, उन प्रकरणों में उच्च अध्ययन हेतु अनुमति न दी जावे।

² राजस्थान सेवा नियम 1951 अध्याय 11 के खण्ड IV में राज्य कर्मचारी के लिए उच्च अध्ययन हेतु अध्ययन अवकाश स्वीकृत करने के प्रावधान किये गये हैं। नियम 110 में अध्ययन अवकाश स्वीकृत करने हेतु आधार स्पष्ट किया गया है। इसके अनुसार "राज्य कर्मचारी को अध्ययन अवकाश, अध्ययन के ऐसे पाठ्यक्रम या वैज्ञानिक" या तकनीकी प्रकृति के अनुसंधान कार्य करने, जो स्वीकृतकर्ता प्राधिकारी की सम्मति में विभागीय कार्य, जिसमें वह नियोजित है, के हित में आवश्यक समझा जाता है, अनुज्ञेय है। इस प्रावधान से स्पष्ट है कि राज्य कर्मचारी को अध्ययन के ऐसे पाठ्यक्रम हेतु ही अध्ययन अवकाश स्वीकृत किया जाना चाहिए जोकि उसके (राज्य कर्मचारी के) वर्तमान पद के कर्तव्यों से जुड़ा हुआ हो एवं ऐसे पाठ्यक्रम के अध्ययन से विभागीय कार्य निस्तारण में कर्मचारी को निपुणता प्राप्त होती हो। अन्य किसी स्थिति में अध्ययन अवकाश स्वीकृत नहीं किया जाना चाहिए। अतः समस्त अवकाश स्वीकृतकर्ता प्राधिकारियों से निवेदन है कि राज्य कर्मचारी को अध्ययन अवकाश स्वीकृत करने के लिये निर्धारित प्रावधानों की पालना सुनिश्चित की जावे।

111. *Deleted.

@112. Condition for grant of Study leave. — (I) Study leave shall be granted to enable a Government servant: —

² Inserted vide FD Circular No. F.1(3)FD/Rules/2002 dated 20.2.2004

* Deleted vide F. D. Notification No. F. 1(44) FD (Gr. 2)/79 dated 24-12-1979

111. Conditions for grant of Study Leave.—Study Leave will be granted only if the sanctioning authority is of the opinion that leave should be granted in the public interests to pursue a special course of study or investigation of a scientific or technical nature. It will not be admissible to a Government servant % [] who has completed 20 years of service.

NOTES.

1. The restriction "regarding grant of Study Leave to officers who have completed 20 years of service may be relaxed provided the Government servant undertakes to serve the Government for a period of five years after his return from leave or to refund the cost of Study Leave to Government in the event of his not being able to serve the Government for a period of five years.

@ 2. Deleted.

% Deleted "of less than 5 years of service or" vide FD Noti.No. F.1(53)FD(E-R)/65 dated 18-10-1965.

@ Deleted vide F.D. Notification No. F. 1(23) FD (Gr. 2)/76 dated 13-5-1976, the following:—

£"2 The restriction regarding minimum service of 5 years for eligibility to study leave shall not be enforced in the case of Government servant belonging to scheduled castes and Scheduled Tribes. They will be eligible to get study leave after service of 3 years,"

£ Inserted vide F.D- Order No. F. 7A (34) F.D- A. (Rules) 60 dated 18-11-1960.

@ Substituted vide F.D. Notification No. F. 1(24) FD (Gr.2)/79, dated 16-6 1979 for—

"112. (1) Study leave, *(for) the purpose of study may be taken either in India or outside India. It may be combined with such other leave as the Government servant is entitled to. In no case

- (i) to pursue a course of study or investigation of a scientific or technical nature either in India or outside India provided that it is certified by the authority competent to sanction that the grant of study leave will be in the interest of the working of the department or the service to which the Government servant belongs. The authority competent to grant study leave shall ensure that it is not granted to a Government servant with such frequency work or to cause cadre difficulties owing to his as to remove him from contact with his regular absence on leave. A period of 12 months at one time should ordinarily be regarded as a suitable maximum and should not be exceeded save for exceptional reasons.
- % (ii) The total period of study leave during the entire period of service of a Government servant shall not be more than 24 months. It may be taken in one spell or more than one spell. Study leave may be combined with other kinds of leave, but in no case shall the grant of this leave in combination with leave, other than extra-ordinary leave, involve a total absence of more than twenty-eight months from the regular duties of the Government servant.

* (2) Study Leave is extra leave on half pay and leave salary during such leave shall be regulated in accordance with rule 97 (2).

113. Combination of study leave with other leave.—A Government servant whose study leave is combined with any other kind of leave should be required to take his period of Study Leave such a time as to retain, at its conclusion, a balance of other previously sanctioned leave sufficient to cover the period spent in returning to duty,

114. Procedure when study period falls short of period of leave:—When a Government servant has been granted a definite period of Study Leave and finds subsequently that his course of study will fall short of the sanctioned period to any considerable extent his absence from duty should be reduced by the excess period of study leave unless he produces the assent of the sanctioning authority to take it as ordinary leave.

should the grant of this leave, in combination with leave other than extraordinary leave or leave on medical certificate, involve an absence of over 24 months from a Government servant's regular duties, or exceed two years in the whole period of a Government servant's service; nor should it be granted with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave. A period of 12 months at one time should, ordinarily be regarded as a suitable maximum, and should not be exceeded save for exceptional reasons.

*The words "which is extra leave on half average pay or half average substantive pay, whichever may be greater subject in either case to a maximum of Rs. 750" deleted by F. D. Order No. F. 35 (7) F.II/53, dated 2-5-1953.

% Substituted vide F.D. Notification No. F. 1 (24) FD (Gr. 2)/79, Dated 10-9-1984, for: —

"(ii) The total period of study leave during the entire period of service of a Government servant shall not be more than 24 months. It may be taken in one spell or more than one spell and can also be taken in combination with any other kind of leave than extra ordinary leave."

* Inserted vide F.D. Order No. F. 35 (7) F.II/53, dated 9-5-1953 and FD order No. F. 12 (2) F.D. /53 dated 9-12-1953.

115. Submission of application for Study Leave.—Except as provided in Rule 116 all applications for study leave should be submitted with the ⁺ [Chief Accounts Officer's/Senior Account officer/Account officer as the case may be] certificate to [@] [competent authority] and the course or courses of study contemplated and any examination which the candidate proposes to undergo should be clearly specified therein. In the case of Study Leave outside India if he wishes to make any changes in the programme which has been approved by the competent authority he should submit particulars of such changes to the sanctioning authority and should not, unless prepared to do so at his own risk, commence the course of study, nor incur any expenses in connection therewith, until he receives approval to the course.

116. Conversion of leave into Study Leave. —Government servants on leave in Europe or America who wish to convert part of the leave into Study Leave or to undertake a course of study during leave, should before commencing study and before, incurring any expenses in connection therewith, submit a programme of their proposed course of study to the Government. The programme should be accompanied by an official syllabus of the course, if one is available, and by any documentary evidence of the particular course.

^{*}**117. Study Allowance.** —Government may prescribe the rate of study allowance for the period spent in prosecuting a definite course of study at a recognised institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study.

118. Study Allowance for vacation. —Study Allowance be admissible upto 14 days for any period of vacation. A period during which a Government servant interrupts his course for his own convenience cannot be considered as vacation. Study allowance may be given at the discretion of the Government for any period upto fourteen days at one time during which the officer is prevented by sickness duly certified by a medical practitioner from pursuing the sanctioned course of study. In the case of a Government servant retiring from the service without returning to duty after a period of Study Leave the study Allowance will be forfeited. The study leave will be converted into ordinary leave to the extent of the ordinary leave standing to his credit at the date of retirement. Any balance of the period of Study Leave mentioned above, which cannot be so converted will be excluded in reckoning service for pension.

⁺ Substituted vide F.D. Notification No. F. 1 (44) F.D. (Gr.2)/79, dated 24-2-1984 for the word "Audit officers."

[@] Substituted for the words "Government through the Head of deptt." by F.D. Order No. F. 6(11) FD (A) Rules/58, dated 28-2-1959.

^{*} Substituted vide F.D. Order No. F.7.A. (50) F.D.A. (Rules) 59-II dated 28-4-1961-

"117. A Study Allowance will be granted for the period spent in prosecuting a definite course of study at a recognised institution or any definite tour of inspection of any special class of work; as well as for the period covered by any examination at the end of the course of study. The rates will be the same as prescribed by the Government of India for Government servants under their rule making authority."

119. Fee for Course of Study. —Government servants who are granted study leave are ordinarily required to meet the cost of fees paid for courses of study. In exceptional cases the Government will be prepared to consider proposals that such fees should be paid by Government.

Government of Rajasthan's Decisions

@ 1. The Government have had under consideration the question whether a Government servant, who is granted study leave, may be permitted to receive and retain, in addition to his leave salary, any scholarship or stipend that may be awarded to him from Government or non-Government source.

After careful consideration of the matter it has been decided as follows:--

- (i) A Government servant who is granted study leave to prosecute a course of studies or for receiving specialised training in professional or technical subject, may be permitted to receive and retain, in addition to his leave salary, any scholarship or stipend that may be awarded to him from a Government or non-Government source.
- (ii) Where a Government servant on study leave is in receipt of a scholarship or stipend (from whatever source granted), the cost of the fees payable for the course of study may not be paid by Government under Rule 119 of the Study Leave Rules.

%2. In continuation of Government of Rajasthan's Decision No. 1 inserted vide Finance Department Memo, dated 13-1-60 it has further been ordered that a Government servant on study leave who is in receipt of a Scholarship or Stipend (from whatever source granted), should ordinarily not be granted any study allowance; but in special cases where the net amount of the Scholarship or Stipend (i.e. the value of the scholarship or Stipend, minus any tuition fee paid) is less than the study allowance that would be admissible but for the Scholarship or Stipend the difference between the value of the net Scholarship or stipend and the usual study allowance may be granted by special sanction of the Government.

120. Certificate of completion of course. —On completion of a course of study a certificate on the proper form, together with certificates of examinations passed or of special study shall be forwarded to Government.

121. Counting of Study leave for promotion and pension. —Study leave will count as service for promotion and pension, but it will not affect any leave which may already be due to a Government servant. It will count as

@ Inserted vide F. D. No. D. 3942/69 F.7.A (50) F.D.A. (Rules)/59, dated 13-1-1960.

% Inserted vide F.D. Order No. F.7.A.(50) F.D. (A) Rules/59-I, dated 28-4-1961.

extra leave on @ [half pay] and will not be taken into account in reckoning the leave on half pay towards the maximum period admissible under the rules in Section II.

*** 121-A. Execution of Bond to serve the State.** —Those who avail of the Study Leave admissible under the R.S.R., for training should execute bond to serve the State after conclusion of the training for a period shown in the following scale—

<i>Period of Study Leave</i>	<i>Period for which bond is to be executed.</i>
Three months	One year.
Six months	Two years.
One year	Three years.
Two years	Five years.

The form of the bond to be executed should be as given in the Appendix XVIII.

Government of Rajasthan's Decisions.

^The question of the amount of penalty to be recovered from Government servants who are granted study leave for the purpose of study and who resign or retire from service without returning to duty after the period of study leave or at any time within the stipulated time after their return to duty has been under consideration. It has been decided that the amount of refund in such cases should be double the amount of leave salary, study allowance and the cost of fees and travelling and other expenses which will be paid to the Government servant during the period of study leave or otherwise incurred on him together with interest thereon. To achieve this purpose the form of bond prescribed in respect of study leave under rule 121-A vide Appendix XVIII of the Rajasthan Service Rules substituted by the forms (Form A & B).

In the case of study leave granted to a temporary Government servant in relaxation of study leave rules, the amount of penalty shall also be the same as in para I above.

There may also be cases where temporary Government servants who are granted extraordinary leave as a special case in relaxation of the rules in continuation of other regular leave for study in India or abroad subject to their giving an undertaking in writing to serve the Government for a specified period after the expiry of their leave it has been decided that in such cases also an undertaking should be obtained from the Government servant concerned in the Form C (in Appendix XVIII) before extra-ordinary leave in relaxation of the rules is granted. The amount of penalty to be filled in the form of the bond in these cases will also be worked out on the basis mentioned in para 1 above.

@ Substituted vide Notification No. F.1 (9) FD (Gr.2)/77 dated 26-5-1978 w.e.f. 1-9-1976 for "half average Pay or half average substantive pay as the case may be."

* Inserted by F.D. Order F.10 (10) F.II/53, dated 22-8-1955

^ Inserted by F.D. Office Memorandum No. F.10 (10) F.II/53, dated 28-4-1961.

Clarification.

%1. A doubt has arisen as to how amount of penalty is to be calculated in respect of a Government servant who is granted extra-ordinary leave as a special case in relaxation of rules in continuation of other regular leave for study in India or abroad and who resign or retire from service without returning to duty after the period of leave or at any time within the stipulated time after his return to duty.

It is clarified that the amount of penalty to be filled in the Bond (Form 'C') for temporary Government servants granted extraordinary leave in relaxation of rule 96(b) of the Rajasthan Service Rules for study in India or abroad will be double the amount of the leave salary paid to the temporary Government servant on account of regular leave taken by him (if any) and the amount of expenditure which is likely to be incurred on the substitute appointed to perform duties in the leave vacancy of the incumbent proceeding on extraordinary leave.

*2. question has been raised whether the bond required to be executed by temporary Government servant granted extraordinary leave for prolonged periods in relaxation of rule 96(b) of the Rajasthan Service Rules in continuation of other regular leave, if any, due and admissible for study in India or abroad in terms of Government Decision below Rule 121 A and clarification made thereunder should be supported by a contract of guarantee by a surety or more than one surety to discharge the liability of the official in the event of any default on this part.

It has been decided that to ensure the fulfilment of the obligations under the bond by the Government servant concerned, it should invariably be supported by sureties from two permanent Government servants having a status comparable to or higher than that of the Government servant who is granted extraordinary leave in relaxation of the rules. A revised form of the bond in supersession of the one prescribed vide this Department Memorandum dated 28-4-1961 referred to in para 1 above is also included in appendix XVIII.

@3. In accordance with provisions of Rule 121 A of the Rajasthan Service Rules, Government servants who are granted study leave or extraordinary leave for purpose of study in India or abroad are required to execute a bond to serve the Government of Rajasthan for a specified period. Similarly those who are deputed for training abroad have to execute a bond. The form of bond are given in Appendix XVIII and XVIII-A of the Rajasthan Service Rules, Volume II.

As a result of transfer of Colleges to Universities in Rajasthan, service of teaching staff who were serving in Colleges were transferred to Universities. Some members of teaching staff were, however, under the Bond

% Inserted by F.D. Memo. No. F.1/38) F.D. (E. R.) 63, dated 14-11-1963.

* Inserted vide F.D. Memorandum No. F.1 (38) F. D. (E.R.)/64 dated 22-6-1964.

@ Inserted vide F.D. Memo No. F. 1 (87)F.D.(Rules)/62, dated 21-11-1969.

to serve the Government. The matter has been examined and it has been decided that for the purpose of Bond executed in terms of rules referred to in Paragraph 1 above the service rendered in the Universities of Rajasthan by such Government servants shall be treated as service under Government.

The decision contained in paragraph 2 above shall also apply to Government servants who on their own accord applied for direct recruitment and are appointed on teaching posts in Universities in Rajasthan or Malviya Regional Engineering College Jaipur.

SECTION VII

Leave to probationers and Apprentices.

122. Leave to probationers. -Leave may be granted to a probationer if it is admissible under the leave rules which would be applicable to him, if he held his post substantively otherwise than on probation. If for any reason it is proposed to terminate the services of a probationer any leave which may be granted to him should not extend beyond date on which the probationary period as already sanctioned or extended expires, or any earlier date on which the services are terminated by the orders of an authority competent to appoint him.

NOTE.

[%]Persons serving in vacation Department will be governed by Government of Rajasthan Decision No. 2 below Rule 92(b) of R.S.R.

⁼122A (i) Probationer-trainee shall earn no leave during the period of probation.

(ii) Female probationer-trainees shall be granted maternity leave as per Rule 103 and 104".

123. Leave to Apprentices. - An apprentice may be granted leave on medical certificate or extraordinary leave on the same terms as those applicable to an official not in permanent employ.

[%] Inserted by F.D. Order No. D3507/1 .7a(18) F.IIA/Rues/57 dated 13-7-1957.

⁼ Inserted vide FD Notification No. F.1(2)FD/Rules/2006 dated 13.3.2006

SECTION VIII

Leave earned by part-time Service

124. Leave to part-time Government servants Lecturers in Educational Institutions and Law Officers. —^{*}[Part-time Lecturers in Educational Institutions and Law Officers] holding posts carrying a definite rate of pay but whose whole time is not retained for the service of Government may be granted leave as follows. —

- (a) Leave of full pay during the vacation of [@] [the Institution *in* which or] the Court within whose jurisdiction [%][such Lecturer or Law Officer] serves; Provided that no extra expense is thereby caused to Government, such leave will be counted as duty.
- (b) Leave on half pay for not more than three months once only in his service after six years of duty.
- (c) On Medical Certificate, leave on half pay upto a maximum of two months at any one time:
Provided that three years of duty must intervene between any two periods of leave on medical certificate.
- (d) On the conditions prescribed in Rule 95, extraordinary leave.

125. Combination of leave of various kinds admissible. —Leave under any one of the clauses of Rule 124, may be combined with leave under any other clause.

^{*} Substituted for 'A Law Officer' by F.D. Order No. F.9 (2)/R/55, dated 13-6-1955.

[@] Inserted by F.D. Order No. F.9 (2)-R/55 dated 13-6-1955.

[%] Substituted for "be" by F.D. Order No.F.9 (2) R/55, dated 13-6-55.

SECTION IX

Leave earned by service remunerated by honoraria or daily wages,

126. Leave in respect of service remunerated by honoraria or daily wages. —A Government servant remunerated by honoraria or daily wages may be granted leave on the terms laid down in Rules 124 and 125, provided that he makes satisfactory arrangements for the performance of his duties and that no expense is caused to Government, and that during leave of the kind contemplated by clause (b) of Rule 124, the whole of the honoraria or daily wages are paid to the person who officiates in his post.

Matter End of the Chapter

? Rule 91 Substituted vide FD Notification No.F1(58)-A(Rules)62 dated 21-11-1962 Effective from 1-10-1962.

91.The privilege leave admissible to a Government servant in permanent employ is—

- (a) to a Government servant in service other than Class IV service, one eleventh of the period spent on duty.
- (b) to a Government servant in Class IV service—
 - (1) One-twenty second of the period spent on duty during the first ten years of service;
 - (2) One-sixteenth of the period spent on duty during the next ten years of service; and
 - (3) One-eleventh of the period spent on duty thereafter:

Provided that a Government servant will cease to earn such leave when the privilege leave due amounts to—

- (i) 180 days in the case of Government servant in service other than class IV service.
- (ii) In the case of Government servant in Class IV service—
 - (1) 60 days during the first ten years of service,
 - (2) 90 days during the next ten years of service; and
 - (3) 180 days thereafter.

% *Government of Rajasthan's Decision [deleted]*

NOTES.

1. A Government servant who was in the service of one of the integrating States and eligible, under the rules applicable to him in respect of such service, to accumulate privilege leave in excess of the limits specified in the proviso shall be permitted to carry forward leave accumulated by him in excess of such limits on the date of introduction of these rules.

%2, Deleted.

2. A provisionally permanent Government servant is an official in permanent employ for the purposes of these rules.

%4. Deleted.

%5. Deleted.

% Government of Rajasthan's Decision and Notes 2, 4 and 5 deleted and Note 3 renumbered as Note No. 2 vide F.D. Notification No. F. 1 (58) FD-A (Rules)/62, dated 21-11-1962. Effective from 1-10-1962.

"Extra credit upto a maximum of 60 days privilege leave ex-India may be allowed to be carried forward provided that whenever the leave earned plus the extra credit of leave ex-India or the balance of such extra credit as the case may be exceeds 180 days such excess shall be deducted from the extra credit of leave ex-India or balance of such credit and the net balance of the extra credit after such deduction is availed of by an officer only when having exhausted his normal credit of leave he, spends such leave elsewhere than in India, Burma etc.

Note 2. In calculating the privilege leave the actual number of days of duty performed first be counted and than multiplied by 1/11 or 1/16 or 1/22 as the case may be the product expressed in days (and fraction of a day) and limited to 120 or 90 or 60 days respectively being the privilege leave admissible, under rule 91 of this chapter.

In maintaining the leave accounts of Government servants governed by these rules whenever the rate of earning leave changes the fraction in the earned leave accumulated at the earlier date should be rounded off to the nearest day i.e., fraction below half should be ignored and that of half and more should be rounded as day."

"Note 4. The method of calculation of leave admissible to an official on promotion from Class IV service in higher classes under the leave rules should be as follows.

The privilege leave due to a Government servant should be calculated at 1/22 and or 1/16 and or 1/11 of the period spent on duty in class IV service and at 1/11 of the period spent on duty in service higher than class IV subject to the condition that the maximum is applicable in both the cases separately."

'Note 5, The following treatment may be accorded to the leave earned by a Class IV Government servants on his promotion to post other than Class IV or his reversion to a class IV post:— The leave earned in other than Class IV post will be allowed to be carried forward on reversion to a Class IV post provided that the maximum permissible leave in the later Glass of post is not exceeded. Any balance of leave earned in the post other than Class W which it has thus not been possible to carry forward on reversion to Class IV post will be credited to his leave account if and when the Government servant concerned is again promoted to a post other than Class IV."

(&) For More information regarding Rule 91A.)

* Inserted vide F. D. Notification No, F.l(49)FD(Gr.2)/82, dated 22-2-1983 w.e.f. 1-1-1983 in place of following Government of Rajasthan's Decision:—

Government of Rajasthan's Decisions.

%The State Government have examined the question whether the Government servants who take privilege leave for a period of not less than 30 days should be allowed to surrender an equal period of privilege leave if due and admissible and get leave salary and allowances for the leave so surrendered. After consideration it has been ordered that the concession of encashment of privilege leave may be allowed to the employees under the following conditions;—

2(i) Government servants (both gazetted and non-gazetted) who take Privilege Leave for a period of not less than 15 days will be allowed to surrender the balance of Privilege Leave to their credit on the date of commencement of leave or any portion thereof, at their option Subject to a maximum of thirty days and will be sanctioned leave salary and allowances for the leave so surrendered.

(ii) The concession of encashment of privilege leave surrendered shall be allowed once in a block of two years, first block commencing from 1-4-1974.

(iii) The total of the privilege leave actually availed of and the privilege leave surrendered shall not exceed 120 days.

(iv) The amount of leave salary for the period for which leave is surrendered shall be calculated in accordance with the provisions of rule 97 and in addition dearness allowances the rates in force from time to time shall be admissible. The leave salary and allowances admissible for leave surrendered shall be computed on the basis of rate of pay which a Government servant is drawing immediately before the date of sanction of leave. A month for the purposes of calculation of leave salary and allowances shall mean +15 days. The number of days of privilege leave surrendered under these orders need not be referred to any particular period but may be reckoned as surrendered on the date of commencement of the actual leave taken and debited against the leave account of the Government servant.

(v) The authorities who are empowered to sanction privilege leave will be competent to accept surrenders of privilege leave. The number of Government servants in an office or Department to whom privilege leave is sanctioned at a time for the purpose of enabling surrendered leave should not exceed 4% of the total number of employees in a month, so that conduct of work in an office is not effected. This restriction shall not apply to offices having strength of less than 25. In deciding the priority of claims to privilege leave under this order, the considerations laid down in rule 80 of Rajasthan Service Rules shall invariably be taken into account while permitting surrender of leave for encashment.

(vi) In the case of Government servants who are on the verge of retirement the period of leave surrendered should not exceed the period of duty between the date of expiry of the privilege leave actually availed of and the date of compulsory retirement.

(vii) (a) the amount of leave salary for the period for which leave s surrendered will be calculated in accordance with provisions contained Rajasthan Service Rules and in addition, dearness allowance, *ad-hoc* relief in rule 91 and additional dearness allowance shall be admissible.

@(b) The leave salary and allowances admissible for the leave surrendered will be computed on the basis of the monthly rate of pay which a Government servant is drawing immediately before the date of the commencement of leave. A month for the purpose of calculation of leave salary and allowances

shall mean 30 days. The leave salary and allowances for the surrendered leave shall be worked out as per the illustrations given in the Appendix to this order.

(viii) The leave salary and allowances for the period of surrendered leave will be paid along with the leave salary and allowances for the privilege leave of not less than thirty days actually availed of by the Government servant. If the leave salary for the first *[15 days] of the actual leave availed of is drawn in two instalments, consequent of the leaves falling partly in two months, the leave salary for the surrendered leave will be drawn along with the second spell of such leave salary. This leave salary is not liable to deductions on account of State Life Insurance premium, Provident Fund subscription, repayment of advances etc. to government, house rent and repayment of any dues to Co-operative Societies etc. Income tax should be deducted on this additional income.

(ix) The concession shall apply to Government servants who are on Foreign Service or on deputation to the Government of India or other State Governments or any non-Government body or institution or have been sent on training within the country or abroad.

(x) The benefit of surrender of privilege leave will not be allowed in the cases of leave preparatory to retirement or, refused leave granted under the leave rules in Rajasthan Service Rules; this concession will also *not* be available to re-employed persons or those under extension of service.

(xi) If a Government servant, not on the verge of retirement applies for privilege leave for *[15 days] or more and intimates a desire to encash a portion of his privilege leave and is not permitted to proceed on leave in public interest, permission for encashment should not be given to him. It is however, desired that unless it is absolutely necessary to refuse leave, in public interest, in such cases, application for leave and surrender of leave should be considered liberally.

(xii) If a Government servant who is permitted to surrender leave, voluntarily returns to duty before the expiry of *[15 days] leave, he should not ordinarily be permitted to rejoin duty. If, however such an officer is permitted to rejoin duty, the orders regarding surrender of leave should be cancelled.

(xiii) If a Government servant has proceeded on privilege leave for not less than *[15 days] and has intimated a desire to encash a portion of his privilege leave then encashment should be permitted even if he is recalled from leave, before he actually remained on leave for *[15 days].

(xiv) In cases of compulsory recall to duty the Government servant may be allowed to enjoy the balance of his leave as soon as he is spared.

(xv) The term "leave" used in this order for the purpose of surrender of leave means "privilege leave," only and not any other kind of leave.

(xvi) The concession shall apply to Government servants who avail themselves of leave after 15-9-1974.

@Persons who are on privilege leave on 15-9-1974 will also be entitled to the concession provided they have availed of a minimum of 30 days privilege leave beyond 15-9-1974.

(xvii) In order to guard against omission to post a debit in the leave account in respect of the leave surrendered, in the case of non-Gazetted Government servants and such Gazetted Government servants whose pay is drawn on Establishment bills, the details of the surrendered leave and the Block year to which such leave pertains should be noted in the body of the Service Book in the leave account in red Ink. when the leave salary is drawn. A certificate to the effect that the necessary entries have been made in the Service Book and the leave account should be furnished by the Drawing Officer in the bill in which the leave salary for the surrendered leave is drawn.

(xviii) Payment on account of surrender of leave shall be drawn on a separate bill. A statement, of leave availed of and encashed shall be attached to the bill.]

***Appendix**

Illustration No. 1—Period of privilege leave actually taken from 1st March to 15th March 1980 (15 days)

Rate of Leave Salary—Rs. 450/- per-month.

Leave salary for the surrender of 30 days of Privilege Leave—Rs.450

Leave salary for the surrender of 20 days of Privilege—Rs. 300/

Illustration No. II-Period of Privilege Leave actually taken from 1st February to 15th February, 1980 (15 days).

Rate of Leave Salary-Rs. 450/- per mensem.

Leave salary for the surrender of 30 days of Privilege Leave-Rs.450/-Leave salary for the surrender of 20 days of Privilege Leave-Rs.300/-

Illustration No. III-Period of Privilege Leave actually taken from 20th June to 4th July, 1980 (15 days).

Rate of leave salary-Rs. 450/-per mensem.

Leave salary for surrender of 30 days of Privilege leave. Rs. 450/-

Leave salary for the surrender of 20 days of Privilege Leave Rs, 300/-

Illustration No. IV-Period of Privilege Leave actually taken from 5th September to 19th September 1980 (15 days).

Rate of leave salary— Rs.450/- per mensem.

Leave salary for the surrender of 30 days of Privilege Leave— Rs. 450/- leave salary for the surrender of 20 days of Privilege Leave— Rs. 300/-

Allowances admissible along with leave salary should also be worked out as above.

% Inserted vide FD Order No. F.1(38)FD(ER)/65/II dated 12.9.1974.

@ Substituted vide FD order No. F.1(38)FD(Gr.2)65-II dated 25.10.1979 for the following-

"(i) Government servants (both gazetted and non-gazetted) who take privilege leave for a period of not less than 30 days will be allowed to surrender the balance of privilege leave to their credit on the date of commencement of leave or any portion thereof, at their option subject to maximum of thirty days and will be sanctioned leave salary and allowances for the leave so surrendered".

@ Substituted vide FD order no. F.1(38)FD(Gr.2)/65-II dated 25.10.1979 for the following –

"(b) The leave salary and allowances admissible for the leave surrendered will be equivalent to the leave salary and allowances for the first thirty days of the leave enjoyed. The leave salary and allowances for the surrendered leave shall be worked out as per the illustrations given in the Appendix to this order."

* Substituted for the words & figures "30 days" vide F.D. Order No. F.1(38)FD(Gr.2)/65, dated 25.10.1979.

@ Added vide F.D. Order No. F.1(38)FD/ER/65_II dated 4.6.1975.

@ Substituted vide FD order No. F.1(38)FD(Gr.2)65-II dated 25.10.1979 for the following-

Appendix

Illustration No. I—Period of privilege leave actually taken from 1st March, 1974 to 30th March, 1974 (30 days).

Rate of leave salary Rs. 360 per mensem.

Leave salary for the surrender for 30 days of privilege leave Rs. 348.50 (30/31 days).

Illustration No. II—Period of privilege leave actually taken from 1st February, 1974 to 2nd March 1974 (30 days).

Rate of leave salary—Rs. 360 per mensem.

Leave salary for the surrender of 30 days of privilege leave. Rs. 360- Rs. 23.22 (1+2/31 month) Rs. 383.20 (rounded).

Illustration No. III—Period of privilege leave actually taken from 15th June, 1974 to 14th July, 1974 (30 days).

Rate of leave salary Rs. 360 per mensem.

Leave salary for the surrender of 30 days privilege leave Rs. 192.00+ Rs. 162.58 (16/30+14/31 months) Rs. 354.60 (rounded).

Illustration No. IV—Period of privilege leave actually taken from 15th February 1974 to 16th March 1974.

Rate of leave salary Rs. 360 per mensem. Leave salary for the surrender of 30 days of privilege leave Rs. 180.00+Rs. 185.81 (14/28+15/31 months) Rs. 365.80 (rounded).

Allowances admissible along with leave salary should also be worked out as above.

*2. According to Para 2(ii) of the F. D. Order No. F, 1(38) FD (E. R.)65 II, dated 12-9-1974 on the above cited subject the concession of encashment of privilege leave surrendered can be availed of in the first Block upto 31-3-1976. In pursuance of Government orders, officers of the Rajasthan Administrative Service and Rajasthan Tehsildar Service who were engaged in the work of finalization of ceiling cases and entrusted with the time bound 20—point Economic Programme were not allowed to avail of the concession within the block period ending on 31-3-1976.

The Governor is pleased to order that, in respect of the officers of the Rajasthan Administrative Service and of the Rajasthan Tehsildar Service who could not thus utilize the concession within the current block ending on the 31-3-1976, due to refusal of privilege leave alongwith encashment of surrendered leave applied for by them, in public interest, the first block is extended up to 30-6-1976.

@3. By Finance Department Order of even number dated 18th February, 1976 the period of first block which expired on 31st March, 1976, was extended upto 30-6-1976 in respect of the officers of the Rajasthan Administrative Service and Rajasthan Tehsildar Service who were refused the benefit of privilege leave along with encashment of surrendered leave applied for by them due to their being engaged in the work of finalization of ceiling cases and entrusted with the time-bound 20-point Economic Programme.

The Governor is pleased to order, that the period of first block which was extended upto 30th June, 1976 be further extended up to 30-9-1975, in respect of Sub-Divisional Officers and Assistant Collectors engaged in the above said work.

*4. In accordance with Para 2 (ii) of Finance Department Order of even number dated 12-9-1974, the concession of encashment of surrendered privilege leave has been allowed once in a block of two years to Government servants, the first block period being from dated 1-4-1974 to 31-3-1976.

It has been brought to the notice of the Government that due to compelling exigencies of public service like Lok Sabha Elections, 1980, draught conditions, Budget session etc. during the current financial year, it may not be possible for quite a good many Government Servants to avail leave encashment concession pertaining to block 1978-80 including the leave encashment concession pertaining to block 1976-78 carried forward to the current block 1978-80.

The matter has been considered and it has been decided to extend the term of current block i.e. 1978-80 up to 31-12-1980. Government servants who could not avail of the concession of encashment of privilege leave pertaining to the current block i.e. 1-4-1978 to 31-3-1980 by the end of the current block may avail the encashment benefit of privilege leave up to 31-12-1980.

This facility of extension is also available in respect of carried forward leave encashment benefit pertaining to the previous block i.e. 1976-78.

%5. The undersigned is directed to refer to the Finance Department Order of even number dated 12-9-74 as amended from time to time on the subject noted above. According to these orders a Government servant is required to proceed on Privilege leave for a period of not less than 15 days in order to become eligible for leave encashment benefit by surrendering the balance of privilege leave to his credit on the date of commencement of leave or any portion thereof at his option subject to a maximum of 30 days, and he becomes entitled to leave salary and allowances for the leave so surrendered.

2, With a view to obviate difficulties that arose from time to time in the actual operation of the above orders, the Governor has been pleased to order that it will now be not obligatory on the part of a Government servant to proceed on privilege leave for a period of 15 days in order to get the benefit of leave encashment under the aforesaid orders once in a block of two years. Accordingly Government servants who have not already availed of the leave encashment benefit during the current block 1980-82 may be allowed leave encashment benefit on surrender of privilege leave of 30 days from the date of their application under the aforesaid orders. The leave salary and allowances for leave surrendered will be calculated on the basis of monthly rate of pay which a Government servant is drawing immediately before the date of his application for leave encashment benefit on surrendering of 30 days privilege

* Added vide F.D. Order No.F. 1(38) FD (E-R) 65-II, dated 18-2-1976.

@ Inserted vide F, D. Order No. F, 1(38) FD(E-R)65-II, dated 14-5-1976,

* Inserted vide FD Order No. F, 1(38) FD (E-R) 65-11, dated 7-2-1980.

% Inserted vide FD Order No. F. 1(38) FD (E-R) 65-II, dated 29-12-1980.

leave. A month for the purpose of calculation of leave salary and allowances shall mean 30 days as at present.

3. It has also been decided that Government servants who could not avail of the concession of leave encashment during the extended period up to 31-12-1980 as envisaged in Finance Department Order No. F, 1 (38) FD (E-R)/65-II dated 7-2-1980 will also be eligible for the liberalized concession of leave encashment referred to in Para 2 above.

4, The Finance Department order of even number dated 12-9-1974 as amended from time to time shall be deemed to have been modified to the extent indicated in Para 2 & 3 above,

* 6. In accordance with Para 2(ii) of Finance Department order of even number dated 12-9-1974 the concession of encashment of privilege leave surrendered has been allowed once in a block of two years to Government servants, the first block commencing from the years 1974-75 & 1975-76. It has been brought to the notice of the Government that some of the Government servants who apply for grant of privilege leave to avail themselves of the leave encashment concession as refused leave in the public interest by the competent authority. Consequently such Govt. Servants who are not able to get leave encashment benefit on account of refusal of leave are put to hardship.

(2) The matter has been considered and It has been decided that a Government servant who applies for grant of privilege leave of 30 days with request for leave encashment benefit under Para 2(ii) of the aforesaid order and he is refused leave In public interest in block of 2 years may be permitted to carry forward subject to the following conditions:—

- (i) The leave applied for has been refused In public interest by the authority competent to grant leave and an order to this effect has been issued by him.
- (ii) It Is certified by the competent authority that amount of privilege leave due on the date of his application is not less than 60 days.
- (iii) 50% of the amount of leave encashment benefit is invested in any one of approved securities given in the annexure.

NOTE:—if 50% of the leave encashment benefit work out to be more than multiple of 10/-the investment will be restricted to multiple of Rs. 10/-and in case of time deposit security In multiple of Rs. 50/-.

(3) The carry forward of encashment of privilege leave surrendered shall be permitted to the next block of two years only. Carry forward of the concession of leave encashment benefits mentioned in Para 2 above shall be admissible only from the current block of two years commencing from 1-4-1976 and ending on 31-3-1978. No. carry forward of benefit of encashment of privilege leave shall be admissible in respect of previous block of two years i.e. 1974-75 & 1975-76 during the current block 1976-77 & 1977-78.

(4) A Government servant who avails himself of carry forward of leave encashment benefit in the next block of two years shall indicate his preference for investment of 50% of amount of leave encashment benefit in respect of leave surrendered in one of the approved Small Savings Scheme in his application form itself. The 50% of the amount of leave salary in respect of surrendered leave shall be invested by the Head of Office/Head of Department and the remaining 50% of the amount of carry forward leave shall be paid in' cash alongwith the amount of full leave salary of 30 days of leave actually taken, necessary entry in respect of encashment benefit and 50% of The amount invested in the Small Saving Schemes shall be made in the Service Book, the pass book or the certificates should be delivered to the employee and his acknowledgement obtained,

* Inserted vide RD. Order No. F. 1 (38) FD/OE-R) 65-II, dated 26-11-1977,

ANNEXURE

National Savings Securities

S.No.	Securities	Interest per annum	Remarks,
1.	7-Years National Savings Certificates II & III issue	5%.	Interest tax free.
2.	7-Years National Savings Certificates IV issue.	10-1/4%	Interest payable annually
3.	7-Years National Savings Certificates V issue.	10-1/4%	1. Interest payable annually. 2. Rs. 100/- become Rs. 200/- after 7 years.
4.	<i>Post Office Time Deposit:—</i> 2—Years Account. 3—Years Account. 4—Years Account.	8-1/2% 9% 10%	Interest payable annually
5.	<i>New 5- Years Post Office Recurring Deposit Accounts: Monthly Deposits.</i> Rs. 5/- 10/- 20/- 50/- 100/-	<i>Maturity value 9-1/4% after 5-years.</i> Rs. 380/- 760/- 1520/- 3800/- 7600/-	1. Concession of pro-tested savings Scheme is available in the account up to Rs. 20/- denomination. 2 Maturity amount can be kept for 5 years after maturity with interest @ 9-1/4 per annum. 3.An account can also be extended for 5 years more with interest @9-1/4% p.a,
6.	<i>New 10-years Post Office Cumulative Time Deposit Accounts;—</i>	6-1/4%	Rebate of Income-tax is available,

Note—if an employee has already got Cumulative Time Deposit/ Recurring Deposit Accounts, he will not deposit this amount in these existing accounts. For this purpose, he will be required to open a new C.T.D./R.D.Account afresh and make advance deposits in the account.

7.	5-years National Development Bond	13% i.e. Rs. 100/- will become 165/- In 5 years.	
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*8. Public Provident Fund.

*9. (i) Interest upto 3000/- p. a. along with interest on other specified scheme is tax free on 7 years National Savings Certificates IV & V issue. Post Office Time Deposit, 5 years Post Office Recurring Deposit Accounts & National Savings Account Certificates & National Development Bonds.

(ii) The Head of Department/Office and disbursing officer may obtain the services of District Saving Officers for investing the 50 %amount of carry forward leave encashment benefit in the aforesaid Small Savings Securities.

(iii) The leave sanctioning authority will endorse the copy of the order sanctioning carry forward leave encashment benefit to the Collector and District Savings Officer for needful.

Clarifications.

@1. Attention is invited to Para 2(ix) of Finance Department order No.F.1 (38) FD/ (E-Rules) 65-II, dated 12-9-1974 under which concession of encashment of privilege leave has also been allowed to government servants who are on foreign service or on deputation. A question has been raised as to who will pay the compensatory allowances for the period of leave surrendered in respect of a deputationist.

The matter has been examined, under the existing instructions as contained in government of Rajasthan's decision no.2 below rule 146 Of Rajasthan Service Rules leave salary is paid by the parent department and in lieu there of leave salary contribution is received from the foreign employer. However, compensatory allowances in such cases for the period of leave are paid by the foreign employer.

Since the concession of encashment of leave has been allowed by the government to deputationist also the government accepts the charge for compensatory allowances also and accordingly it has been decided that for the period of leave surrendered, compensatory allowances payable shall be paid by the parent department in addition to leave salary.

@2 cases have come to the notice of the government in which a government servant has been compulsorily recalled from privilege leave before he actually remained on leave for 30 days and was allowed the benefit of encashment of surrendered leave. According to provisions contained in Para XIV of Finance Department order no. 1(38) FD (E-R) 65-II, dated 12 -9-1974, a government servant compulsorily recalled to duty should be permitted to enjoy the balance of his leave as soon as he spared. From this it follows that the benefit of encashment of surrender of privilege leave would be admissible to him only after he enjoys the balance of privilege leave in terms of Para XIV.

To remove doubts in the matter it is clarified that no benefit of encashment of surrender of privilege leave may be allowed in cases where a government servant is compulsorily recalled from leave before he actually remained on privilege leave for 30 days. In such a case the benefit of encashment should be permitted only after he has enjoyed the balance of privilege under para XIV.

Past claims already settled otherwise in which the benefit of encashment of leave has been permitted need not be reopened but pending claims be regulated under these orders.

*3. It is clarified that compensatory allowances for the purpose of surrender and encashment of privilege leave shall mean dearness allowance, adhoc relief and additional dearness allowance only.

£4. According to Para 2 (i) of Finance Department Order No. F.1(38)FD/(E-R)65-II dated 12-9-1974 a Government servant who takes privilege leave for a period of not less than 30 days will be allowed to surrender the balance of privilege leave subject to maximum of 30 days. The authority that is empowered to sanction privilege leave is also being competent authority to accept surrender of privilege leave.

With reference to above it is clarified that since the total period of privilege leave including surrendered leave is debited to the account of the Government servant concerned, the powers to sanction leave by the competent authority should be exercised with reference to .total leave actually availed of for exemple 'X' is empowered to sanction privilege leave upto 60 days. If an employee takes

* Added vide or. No.FI (38) FD (E-R) 65, dt 1-7-1980& existing item No. 8 renumbered as item No.9.

@ Inserted vide F.D. Clarification No.F.I(38)FD/(Rules)/65-II, dated 7-1-1975

@ Inserted vide F.D. Memo. No. F.1 (38) (E-R)/ 65-II, Dated 3-5-1975.

* Inserted vide F. D, Clarification No. F.1 (38) F.D./E.R/65.II dated 23-6-1975.

£ Inserted the clarification vide F.D. Clarification No, F, 1 (38) (E,R.) 65-II dated 22-7-1975

privilege leave for 30 days and surrender 30 days also, he is competent to sanction leave including surrendered leave. But if the employee takes 31 days privilege and surrender 30 days privilege leave than that case 'X' will not be the competent authority to sanction leave and in such a case sanction of the competent authority would be required.

%5. According to clause (xiv) of the Finance Department Order of even number dated 12-9-1974, a Government servant on privilege leave with benefit of encashment when recalled to duty compulsorily is allowed to enjoy the balance of his leave as soon as he is spared and the leave is thus availed of by him in two spells. A question has been raised as to at what rate the leave salary for the second spell of leave is to be paid in such cases where the pay of the Government servant undergoes change due to, grant of annual grade increment/promotion/ reversion as the case may be

The matter has been examined and it is clarified that the rate of leave salary for the second spell of leave in such cases will be the rate at which the leave salary for the first spell of leave was drawn.

Past cases already decided otherwise than in accordance with this clarification will not be reopened but pending cases will be finalized in accordance with these orders.

*6. The undersigned is directed to refer to Finance Department Order of even number dated 29th December, 1980 on the subject noted above and to say that certain questions have been raised by various departments in regard to actual implementation of the above order. Accordingly, the points raised are hereby clarified as follows:—

<i>Question.</i>	<i>Answer.</i>
(1) Whether the leave encashment benefit in respect of the block 1978-80 which was subsequently extended upto 31-12-1980 vide Finance Department Memo of even number dated 7-2-1980 can be sanctioned after 31-12-1980 under para 3 of Finance Department Order of even number dated 29th December, 1980.	The term of the block 1978-80 has not been extended beyond 31-12-1980 as such Government servant who could not avail of the concession of leave encashment pertaining to block 1978-80 by 31-12-1980 cannot be allowed to avail of the leave encashment benefit under para 3 of Finance Department Order of even number dated 29-12-1980 after 31-12-1980.
(2) Whether the number of Government servants in an office or department who claim leave encashment benefit should be restricted to 4 % of the total number of employees in a month as envisaged in para (V) of Finance Department Order of even number dated 12-9-1974.	The liberalized concession of surrender of privilege leave and encashment there of allowed under Finance Department Order of even number dated 29-12-1980 is subject to the restriction envisaged in para (V) of the Finance Department Order of even number dated 12-9-1974. Thus the leave encashment benefit to Government servants in a particular month should be restricted to 4% of total number of employees in a month. In deciding the priority of claims to concession of leave encashment, the consideration laid down in Rule 80 of Rajasthan Service Rules shall be taken into account while permitting surrender of leave encashment.

% Added the clarification vide F.D. Memo. No. F, 1 (38) FD 65-II dated 1-12-1976.

* Inserted vide F.D. memo. No. F.1(38)FD(E.R)65 II, dated 27-2-1981i

<p>(3) Whether the payment of leave salary in case of a Government servant surrendering privilege leave in a block of 2 years can be made in the month in which he makes a request or it should be made in the subsequent month after expiry of period of 30 days from the date of application.</p>	<p>A Government servant is not required to proceed on leave in order to claim leave encashment benefit under Finance Department Order of even number dated 29-12-1980. In view of this position, a Government servant may be paid leave salary in lieu of the privilege leave surrendered in the month in which he makes an application after issuing the formal sanction in this regard.</p>
<p>(4) Whether a Government servant whose balance of privilege leave on the date of application for claiming leave encashment benefit is less than 30 days, the leave encashment benefit in respect of the amount of leave falling short of 30 days privilege leave can be claimed subsequently in the same block.</p>	<p>The answer is in negative. The leave encashment benefit shall in such cases be allowed only to the extent of actual balance of privilege leave to his credit or any portion thereof at his option where the amount of leave at his credit is less than 30 days privilege leave.</p>

*7. Doubts have been raised whether the claims 'pertaining to of block 1980-82 which are leave encashment benefit in respect supported by sanction issued upto 31-3-1982 could be enforced for payment by the Treasury Officers or not. It is hereby clarified that in cases where formal orders sanctioning leave encashment benefit in respect of block 1980-82 have been issued by the competent authority upto 31-3-1982, the claims presented to the Treasury Officers shall be entertained and encashed for payment It may, however, be added that in cases where formal orders for grant of leave encashment benefit in respect of block 1980-82 have not been issued upto 31-3-1982 by the competent authorities, the sanction for leave encashment benefit in respect of previous block cannot be issued now on the expiry of the block on 31-3-1982.

(^) For More information regarding Rule 91B)

Government of Rajasthan's Decisions.

#1. The question of grant of cash equivalent for un-utilised privilege leave at the credit of State Government employees was under consideration of the Government for some time past The matter has been considered and the Governor has been pleased to order that State Government servants retiring on superannuation on or after 28-2 1978 will be paid cash equivalent or leave salary in respect of the period of privilege Leave at their credit at the time of retirement on superannuation.

(2) This concession will be subject to the following conditions: -

(a) The payment of cash equivalent of leave salary shall be limited to a maximum of 120 days privilege leave.

(b) The cash equivalent of leave salary thus admissible will become payable on retirement and will be paid in one lump sum as a one-time settlement.

* Inserted vide F.D. Memorandum No. F. 1(38) FD (E-R)/65 II, dated 30-4-1982.

Inserted vide FD. order No. F.1(a) (26) FD (Gr-2)/77, dated 11-5-78.

(c) Cash payment under this order will, subject to (d) below, be equal to leave salary as admissible for privilege leave and dearness allowance admissible on that leave salary at the rates in force on the date of retirement. No city Compensatory Allowance and/or House Rent Allowance shall be payable.

(d) From the cash amount worked out in accordance with (c) above, deductions of pension and pensionary equivalent of other retirement benefits for the period for which cash equivalent is payable shall be made.

(e) The authority competent to grant leave shall *suo-moto* issue order granting cash equivalent of Privilege Leave at credit of Government servant on the date of retirement.

(3) These orders will not apply to the cases of premature/voluntary retirement under Rule 244 of Rajasthan Service Rules. Persons who are compulsorily retired as a measure of punishment under the Rajasthan Civil Services (Classification, Control & Appeal) Rules will also not be allowed this benefit.

(4) A Government servant already on leave preparatory to retirement and who has been allowed to return to duty in accordance with Rule 85 (ii) of Rajasthan Service Rules shall be entitled to the benefit under this order on the date of retirement.

(5) The benefit of this order shall also be admissible to Government servants who attain the age of superannuation on or after 28-2-1978, and are granted extension of service after that date. In such cases, the benefits shall be granted on the date of final retirement in expiry of extension, to the extent of privilege leave at credit on the date of superannuation plus the privilege leave earned during the period of extension reduced by privilege leave availed of during such period subject to a maximum of 120 days. The above benefit will not, however, be available to those who attained the age of superannuation before 28-2-1976 and were on extension of service thereafter.

(6) Consequent upon issue of this order, refusal of privilege leave as preparatory to retirement, under Rule 89 of Rajasthan Service Rules would no longer be necessary. Government servant who avails of 120 days privilege leave as Leave Preparatory to Retirement shall not be entitled to cash equivalent of leave salary in respect of leave, if any, remaining to his credit on the date of retirement.

@2. The question regarding non-deduction of pension and pensionary equivalent of other retirement benefits from the cash amount worked out under clause (d) of Para 2 of this Department Order of even number dated 11-5-1978 has been under consideration of the Government.

(2) The matter has been considered and Governor has been pleased to order that no deductions on account of pension and pensionary equivalent of other retirement benefits shall be made from the cash payment made in lieu of un-utilized privilege leave in respect of the Government servants retiring on superannuation on or after 28-2-1978. Accordingly, clause (d) of Para 2 of this department order of even number dated 11-5-1978 shall be deemed to have been deleted *ab initio*.

(3) As a result of the decision mentioned in Para 1 above, past cases in which payment have already been made prior to issue of these orders shall be reviewed *suo-moto* and necessary revised orders for cash payment issued.

*3 The Governor has been pleased to order that payment of cash equivalent of leave salary in respect of period of privilege leave at the credit of a Government servant at the time of retirement on superannuation shall be limited to a maximum of 180 days of privilege leave instead of 120 days privilege leave.

2. The provisions contained in Para 2(a) of Finance Department Order of even number dated 11-5-1978 shall be deemed to be modified to the extent indicated above.

3. These orders shall be applicable to Government servants, who attain the age of superannuation on or after 29th February, 1980.

@ Inserted vide F.D. Order No. F.1 (a) (26) FD/(Gr.2)/77 dated 30-8-1978

*Inserted vide F.D. Order No. F. 1 (a) (26) F.D. (Gr.2)/77 dated 6-2-1980.

Clarification

[£]The undersigned is directed to invite attention to the department order of even number dated 11-5-1978 as modified by this department Order of even number dated 30-8-1978 & 6-2-1980 and to say that the question of simplifying the method of calculation of cash payment as prescribed in Para 2(c) of the order dated 11-5-1978 has been under consideration. After examining the matter, the Governor is pleased to decide, in the interest of simplification, that the cash payment for unutilized privilege leave shall henceforth be made in the manner indicated below : —

Cash payment =	Pay admissible on the date of retirement plus Dearness allowance admissible on that date	Number of unutilized privilege leave at credit on the date of retirement subject to a maximum of 180 days.
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(&)Previous Rule 92 as stood before 01.01.1985

Substituted vide FD Notification No.F.1(49)FD(Gr.2)82, dated 29.3.1985 w.e.f. 1.1.1985 for :-

%92. Special rules applicable to Officers in Vacation Departments – (a) Privilege leave is not admissible to an officer * [whether temporary or permanent] serving in a vacation Department in respect of duty performed in any year in which he avails himself of the full vacation.

+⁺Provided that. — %(/) teaching staff in Government Arts & Science Colleges, and

(ii) Teaching staff in Schools, @ (iii) teaching staff in Government polytechnics,

Shall be entitled to X [15days] privilege leave in a year in addition to privilege leave admissible under clause (b).

^[Provided further that—

(i) Provisions of Rule 91A regarding encashment of surrender of privilege leave while in service shall not be applicable in case of privilege leave allowed under the aforesaid proviso.

(ii) the balance of privilege leave not availed during the year shall not accumulate and will not be carried forward to the next year.]

(b) The Privilege leave admissible to such an officer in respect of any year in which he is prevented from availing himself of the full Vacation is such proportion of⁺⁺ [15 days] as the number of days of vacation not taken bears to the full vacation. If in any year the officer does not avail himself of the vacation, privilege leave will be admissible to him in respect of that year in accordance with Rule 91.

Clarification.

[£]Inserted vide F.D. Order No. F. 1 (a) (26) F.D. (Gr. 2)/77 dated 11-8-1980,

% substituted vide F. D. Notification No. F. 1(58) F.D. A (Rules)/ 62, dated 21-11-1962. Effective from 1-10-1962. Previous rule may be seen at the end of this footnote.

* Substituted vide FD Notification No. F.1(49)FD(Gr.2)82 dated 22.2.1983 for the words "in permanent employee" w.e.f. 1.1.1983.

⁺ Substituted by F.D. Notification No.F.1(9)FD (Rules)/69,dated 26-2-1969for :—

"Provided that teaching staff in Government Arts and Science Colleges of the rank of Lecturers and above shall be entitled to 3 days privilege leave in a year in addition to privilege leave admissible under clause (b)."

(FD Notification No. F. 1 (87) FD/ER/66, dated, 3-12-1966.)

%substituted vides F.D. Notification No. F. 1 (9) FD (Rules)/69, dated 2-1-1970 for—(i) teaching staff in Government Arts and Science Colleges of the rank of Lecturers and above; and

@ Inserted vide F.D. Notification No. F. 1(9) FD (Rules)/69, dated 15-1-1971.

⁺⁺ Substituted for figures and words "30 days" vide F.D. Notification No. F. 1 (49) FD (Gr. 2)/82 dated 23-1-1985, w.e.f. 1-1-1985.

@@1. According to proviso appearing below Clause (a) of Rule 92 of Rajasthan Service Rules (inserted vide Finance Department Notification No. F. 1 (87) FD (E-R)/66 dated 3-12-1966 as amended from time to time) the teaching staff in Government Arts and science Colleges, Schools and Govt. Polytechnics are entitled to ^x[15 days] privilege leave in a year in addition to privilege leave admissible under clause (b) of the said Rule. A question has been raised whether the credit of privilege leave will be given with reference to duty period, in a calendar year. The matter has been examined and it is clarified that the credit of % [15 days] privilege leave may be given to teaching staff on completion of one year's service from the date of issue of orders applicable in their cases. % [15 days] privilege leave will be earned only on each completed year of service and not by duty. Those who do not complete one year's service will not be entitled to the benefit of % [15 days] privilege leave. These orders will also apply to temporary teaching staff who complete one year's service.

These orders take effect from the date of issue. Past claims already settled will not be re-opened.

*2. Accordance to the provisions of Rule 92 (b) of Rajasthan Service Rules, Volume I-A Government servants serving in the Vacation Department who are prevented from availing themselves of the full vacation are allowed the credit of privilege leave in respect of that year in proportion of 30 days in accordance with provisions of Rule 91 of Rajasthan Service Rules. A question has been raised as to whether the words "that year" used in the aforesaid Rule refer to academic year or calendar year.

The matter has been considered and it is clarified that the words "that year" used in Rule 92 (b) of Rajasthan Service Rules purports to refer to the calendar year and not academic year.

Substituted vide FD Notification No. F.1(49)FD(Gr.2)/82, dated 22.2.1983 w.e.f. 1.1.1983 for –

- @(c) Notwithstanding anything contained in sub-rules (a) and (b)-
- (i) The privilege leave admissible to an officer of a Civil Court or a member of his staff will be one-thirty of the period spent on duty (excluding vacations) and in addition.
 - (ii) The privilege leave admissible to such a Government servant in respect of any year in which he is prevented from availing himself of the vacation is such proportion of 20 days as the number of days of vacation not enjoyed bears to the full vacation.

@ Inserted vide FD Notification No.F.1(58)FD-A(Rules)/62, dated 20.7.1963. Effective from 1.10.1962.

Previous Rule 92 as stood before substituted vide FD Notification No.F.1(58)FDA(Rules)/62, dated 21.12.1962, effective from 1.10.1962 :-

- "92, (a) Privilege leave is not admissible to a Government servant in permanent employ serving in a Vacation Department in respect of duty performed in any year in which he avails himself of the full vacation.
- (b) The privilege leave admissible to such a Government servant in respect of any year in which he is prevented from availing himself of the full vacation is such

@@ Inserted vide FD Memo No. F.I (a) FD (Rules)/69 dated 11-4-1974.

^x Substituted for figure & words "3 days" vide F.D. Notification

^No. F. 1 (49) FD (Gr. 2)/82 dated 23-1-1985 w.e.f. 1-1-1985

+Substituted by F.D. Notification No.F.1(9)FD (Rules)/69,dated 26-2-1969for :—

"Provided that teaching staff in Government Arts and Science Colleges of the rank of Lecturers and above shall be entitled to 3 days privilege leave in a year in addition to privilege leave admissible under clause (b)."

(FD Notification No. F. 1 (87) FD/ER/66, dated, 3-12-1966.)

% Substituted for figure & words "3 days" vide F.D. Notification No. F. 1 (49) FD (Gr. 2)/82 dated 23-1-1985 w.e.f. 1-1-1985

@ Inserted vide F.D. Notification No. F. 1(9) FD (Rules)/69, dated 15-1-1971.

* Added vide F.D. Notification No. F.1 (49) FD (Gr. 2)/82, dated 23-1-1985, w.e.f. 1-1-1985.

"(v) In case of resignation, termination, discharge, removal and dismissal from service or death while in service or on retirement from service, the privilege leave shall be re-reckoned with effect from 1st January in the year of the occurrence of event and credited to his leave account at the rate of 1 day for each completed calendar month upto the end of month in which he ceases to be in service."

proportion of the following periods as the number of days of vacation not taken bears to the full vacation: —

- (i) to a Government servant in other than in Class IV service-30 days,
- (ii) to a Government servant in Class IV service—
 - (1) 15 days during the first ten years of service,
 - (2) 20 days during the next ten years of service,
 - (3) 30 days thereafter, and

If in any year the Government servant does not avail himself of the vacation, privilege leave will be admissible to him in respect of that year in accordance with the provisions of rule 91.

Government of Rajasthan's Decision.

1. The portion of vacations spent by Government servants of the Education Department in attending the pre-commission Training, Refresher Courses, and Annual Training Camps in Military units be treated as on duty and credited to the privilege leave account of the Government servants concerned subject to maximum limits admissible under the rules.

2. The privilege leave earned under this clause during the first year of service will be enjoyed only after the completion of the one year of service.

3. Attention is invited to Rule 92 of the Rajasthan Service Rules which provides that credit is given in the leave account of a Government servant serving in Vacation Department at the rate of 1/11th of the period of duty if the officer does not avail of any vacation during (any) "year". But if he avails of any portion he gets proportionate credit on the basis of 30 days etc. in the year and if he enjoys full vacation, on credit is given in the leave account. In this connection a question was raised regarding the correct position of affording credit in leave account of Government servant serving in Vacation Department, when he proceeds on leave before completing the full year of duty. A question has also been raised whether leave should be taken into account for computing [any] "year" occurring in Rule 92 of the Rajasthan Service Rules.

The matter has been considered in consultation with the Accountant General and the correct position regarding arriving at the credit in the leave account is as follows:—

- (a) (i) No credit in the leave account will be allowed in respect of incomplete years of duty rendered before proceeding on leave where no vacation falls between the date of officers proceeding on leave and the date of completion of the last year of duty.
- (ii) Similarly no credit will be afforded in respect proceeding on leave in case the vacation falls during the portion of the year but it has been enjoyed in full.

In both types of cases the title to privilege leave will be calculated on the credit available in the leave account on the date of completion of the previous year,

- (b) Where the vacation falls between the date of proceedings on leave and the date of completion of the last year of duty and—
 - (i) The vacation has been enjoyed only partly, proportionate credit is to be afforded in accordance with sub-rule (b) of Rule 92 of the Rajasthan Service Rules.
 - (ii) Where the vacation has not been enjoyed at all credit at the rate of 11th of duty shall be afforded in respect of portion of the year upto the date of proceeding on leave, However, in the latter case the leave account will be suitably corrected when the Government servant completes the subsequent portion of the year i.e., additional credit will be given for the period the officer is on duty after the expiry of leave upto end of that year.

The expression "any year" occurring in rule 92 of the Rajasthan Service Rules should be held to be exclusive of leave for computing "any year" occurring in the said rule.

The procedure outlined above take's effect from 16-6-1960.

- (bb) Notwithstanding anything contained in sub-rule (a) and (b)-
- (i) The privilege leave admissible to an officer of a Civil Court or a member of his staff will be one thirty-third of the period spent on duty (excluding vacations) and in addition;
- (ii) the privilege leave admissible to such a Government servant in respect of any year in which he is prevented from availing himself of the vacation is such proportion of 20 days as the number of days of vacation not enjoyed bears to the full vacation.

(c) Vacation may be taken in combination with or in continuation of any kind of leave under these rules provided that the total duration of vacation and privilege leave is taken in conjunction. Whether the privilege leave is taken in combination with or in continuation of other leave or not, shall not exceed the limits laid down in the proviso and exception to Rule 91:

Provided further that the total duration of vacation, privilege leave and commuted leave taken in conjunction shall not exceed 240 days.

Rule 93

[#]93. (a) The half pay leave admissible to a Government servant to permanent employ in respect of each completed year of service is—

- (i) in the case of Government servant in service other than Class IV service 20 days.
- (ii) in the case of a Government servant in Class IV service—
 - (1) 15 days during the first twenty years of service; and
 - (2) 20 days thereafter."

Government of Rajasthan's Decisions.

[%](1) Attention is invited to Rules 98 of the Rajasthan Service Rules Since the introduction of this rule involves a change in the basis of half pay leave, it is implied that retrospective calculations will be made in respect of such leave for the entire continuous service of Government servants. The half pay leave to be carried forward on the introduction of the Rajasthan Service Rules, will therefore, be the total half pay leave earned in respect of completed years of service on the 1st April, 1951, reduced by the amount of "leave on private affairs" and "Leave on medical certificate" or any other kind of leave on half pay or half average pay availed of prior to that date.

(2) If this calculation results in a minus as balance, it should be adjusted against the half pay leave earned subsequently (i.e from 1st April, 1951) such minus balance being treated, for the purpose of these Rules, as leave not due under clause (d) of Rule 93.

(3) As the leave carried forward in the manner indicated above will be in respect of completed years of service, any fraction of year's service left over on 1st April, 1951, will be taken into account in calculating half pay leave for another year of service i.e. further leave after the leave carried forward will accrue on completion of another year of service including the fraction left on the 1st April, 1951. To illustrate the point, in the case of a Government servant other than of Class IV, who entered on service 1st September, 1949 and has taken no leave on half pay or half average pay the credit to the half pay leave account on the 1st April, 1951 will be 20 days and he will get a further credit of 20 days on 1st September, 1951.

[#] Substituted vide FD Notification No. F.1(58)FDA(Rules)62 dt. 21.11.1962 effective from 1.10.1962.

[%] Inserted by FD Memo. No. F. 35 (16) R/51, dated 8-8-1953

(4) Where the rules in force before 1st April, 1951 provided for the grant of 'commuted leave', or any kind of leave on full pay or full average pay, on medical grounds etc. in addition to privilege leave (or corresponding leave) such commuted leave, or additional leave, will be taken for double the amount of half pay leave and double the period of such commuted leave, or additional leave availed of by a Government servant shall be debited to the half pay leave account for the purpose of the retrospective calculations contemplated in this memorandum.

(5) Since retrospective effect over long period would be involved, officers responsible for maintaining Leave Accounts should carefully ascertain the leave availed of in the past and certify on the Leave Accounts to be prepared on this basis that no other leave on half pay, half average pay, or additional leave on full pay (other than ordinary privilege or corresponding leave) was availed of, Government servants themselves should be asked to give or accept the statement in writing and it should be understood that if it is later discovered that leave other than as indicated was availed of, the leave account will be liable to be reconstructed (with consequent adjustments of leave salary) in such manner as Government may order.

2. In continuation of Finance Department Memorandum No. F. 35 (16)-R/52, dated 8th August, 1953 (decision No. 1) regarding calculations of half pay leave, it has been decided that the following procedure may be adopted for determining the balance of privilege leave and half pay leave on 1-4-1951 in cases where leave records are not available or have not been maintained properly:—

(i) The privilege leave earned by Government servants during periods of service in respect of which leave accounts are not available or have not been properly maintained should be assumed to be equal to 1/12th of the total of such periods. Half of leave so calculated should be assumed to have been enjoyed by the employees concerned the balance thus arrived at should, however, be limited to the maximum periods prescribed in the first proviso to Rule 91(3) of the Rajasthan, Service Rules.

(ii) The half pay leave due on 1-4-1951 will be calculated in the manner prescribed in Finance Department Memorandum No. F.35 (16)-R/52, dated 8th August, 1953 (Decision No. 1). In respect of the periods for which no leave records are available or leave accounts were not properly maintained, the presumption will be that the Government servant concerned did not avail any half pay leave.

(iii) In respect of Government servants in Vacation Departments the presumption should be that the vacation was fully enjoyed when there is definite evidence to the contrary."

(&&) Rules 94 in force prior to 12.1.1976 (&&)

Previous Rules 94 before substituted vide F.D. Order dated 12.1.1976 :-

Previous Rules 94 before substituted vide F.D. Order dated 12-1-1976:—

¹94. The provisions of Rules 91, 92 and 93 apply also to an officer not in permanent employ except that in respect of the first year of the service, the privilege leave admissible to —

(i) such an officer employed in Rajasthan Armed Constabulary and posted on the Border as defined in Government Order No. F.1 (21) GA/A/Gr.II/64, dated 8-5 1964, is one sixteenth of the period spent on duty.

(ii) Government servants not covered by (i) above, is one twenty-second of the period spent on duty.

*Proviso—Deleted.

¹ substituted vide F.D. Notification No.F1(76)FD(E-R)/66, dated 31-3-1967.Effective from 1-1-1967

"94.. Leave to temporary employees—(a) The provisions of Rules 91, 92, and 93 apply also to an officer not in permanent employ except that in respect of the first year of the service, the privilege leave admissible is one twenty second of the period spent on duty."

@Provided further that in the case of such a Government servant: —

- (a) no half pay leave may be granted unless the authority competent to sanction leave has reason to believe that the officer will return to duty on its expiry * [except in the case of an officer who has been declared completely and permanently incapacitated for further service by a medical authority]; and
- (b) no leave not due shall be granted.

Note

[See Rule 95-A Annexure Para 2 (i) & (ii)]

Government of Raiasthan's Decision.

%Terminal leave to the extent of privilege leave due and admissible may be granted at the discretion of the authorities competent to sanction leave, even when it has not been applied for and refused in the public interest, to the following categories of Government servants on the termination of their employment:—

- (a) a temporary Government servant whose services are terminated by Government on account of retrenchment or on the abolition of post before attaining the age of superannuation;
- (b) re-employed pensioners who are treated as 'new entrants' in the matter of leave, subject to the condition that such pensioners will not be entitled to draw their pension during the terminal leave if the pension was held in abeyance during the period of re-employment;
- (c) persons employed for a period exceeding one year on contract basis in terms of Appendix II of the Rajasthan Service Rules,
- (d) unqualified persons who have to vacate their temporary posts to make room for qualified Candidates; and
- (e) persons whose services may have to be dispensed with as a matter of administrative convenience as an alternative to the initiation of disciplinary proceeding against them.

The above decision is not applicable to: —

- (i) apprentices and persons in non-continuous employment of Government who will continue to be governed by the normal rules applicable to them; or
- (ii) where the Government servant concerned has been dismissed or removed from service; or
- (iii) where the services of the Government servant have been terminated for taking part in any anti-national movement.

* Proviso deleted vide F. D. Notification No. F. 1 (32) F.D.(E- R.)/65, dated 10-2-1966. Effective from 19-6-1965.

"Provided that no privilege leave shall be admissible to such a Government servant in a vacation Department in respect of the first year of his service."

@ Substituted for the words "Provided further that in the case of a Government Servant not in quasi-permanent employ" vide F. D. Notification No. F.I (53) F.D. (A) (Rules)/61, dated 1-1-1965.

* Added by F.D. Order No. 4492/57-F.I(40) FD(A) Rules/56, dated 18-7-1957.

% Inserted by F. D. Order No. F. 1 (86) R/56, dated 20-7-1956 Effective from 1-10-1955.

If a temporary Government servant resigned his post on his own volition he may, at the discretion of the sanctioning authority, be granted leave not exceeding half the amount of Privilege Leave at his credit, % [which he can avail at a time. Past cases decided otherwise will, however not be re-opened.]

It is not necessary to extend the temporary post or tenure of reemployment to cover the period of leave granted to a Government servant at the end of his temporary employment or period of his reemployment.

In all cases where any notice of termination of service is required to be given under the terms of employment of the temporary Government servant concerned and that Government servant is relieved before the expiry of notice, such notice or the unexpired portion thereof should run concurrently with the leave granted.

Clarification.

@A question has been raised whether in the case of temporary Government Servants whose services are terminated on Payment of pay and allowances in lieu of notice under Rule 23 A of the Rajasthan Service Rules.

Privilege leave at their credit may be granted as terminal leave and how the leave salary therefor regulated. In accordance with "Government of Rajasthan's Decision" below Rule 94, temporary Government servants whose services are terminated may be granted terminal leave to the extent of privilege leave to their credit. In such cases, for the period of notice during which terminal leave is also availed of by the Government servant concurrently, only leave salary is admissible. It is hereby clarified that, in cases in which pay in lieu of notice is allowed, the Government servant concerned may be granted terminal leave to the extent due and admissible but the leave salary for such leave should be allowed only for the period of leave excluding that period for which pay and allowances in lieu of notice have been allowed.

^ (b) The Privilege Leave admissible to an officer not in permanent employ serving in the Vacation Department in respect of the first year in which he is prevented from availing himself of the full vacation is such proportion of * [15 days] as the number of days of vacation not taken bears to the full vacation.

Government of Rajasthan's Decision.

§ Government of Rajasthan decision No. 2 below Rule 52 (b) of R.S.R. shall also be applicable to a temporary employee of the Vacation Department.

(* Rules 97)

@ Substituted by F.D- Notification No. F. 1 (64) FD-A (Rules)/ 62, dated 15-5-1963 for: —

"97. (1) A Government servant other than a Class IV servant on privilege leave is entitled to leave salary at the rate of the average monthly pay earned during the 10 complete months immediately preceding the month in which the leave commences or the substantive pay to which the officer is entitled immediately before the commencement of leave, whichever is greater.

Substituted vide FD Order No. F.16(12)FD-A(Rules)58/I&II dated 30.5.1961.

"(2) An officer on half pay leave or leave not due is entitled to leave salary equal to half the substantive pay on the day before the leave commences or half the amount specified in clause (ii) (b) of sub-rule (1) whichever amount is greater, subject in either case to a maximum of Rs. 750/-

(3) A Government servant on commuted leave is entitled to leave salary equal to twice the amount admissible under sub-rule (2).

%The words "which he can avail at a time" and "Past cases decided otherwise, will however, not be reopened" added by F.D. Order No. 5300/57/F. 1 (88) F.R/56, dated 4-9-1957.

@ Inserted vide F.D. Memo No. F. 1 (38) F.D. (Rules)/69, dated 26-9-1969.

^ Inserted by F.D. Notification No. F. 1(32) FD /ER/65-1, dated 19-6-1965.

* Substituted for "17 days" vide F. D. Notification No. F.I (38) FD/ER/65-II dated 10-2-1966. Effective from 19-6-1965.

§ Inserted by FD Memo No. F. 1 (32) FD(ER) 65, dated 19-6-1965.

(4) A Government servant on extraordinary leave is not entitled to any leave salary.

(5) A Class IV Government servant on privilege leave or commuted leave or half pay leave is entitled to leave salary equal to his pay including special pay or half of such pay as the case may be, on the day before the leave commences.

Explanations.—(1) For the purposes of this rule "substantive pay" means the substantive pay of the permanent post which the Government servant holds substantively or on which he holds a lien or would hold a lien had the lien not been suspended:

Provided that in the case of a Government servant in quasi-permanent employ as defined in Rule 98, the pay of the post in which he was initially appointed in a temporary or officiating capacity and the pay admissible in the post in which he has been declared quasi-permanent shall be deemed to be the substantive pay:

Provided further that the leave salary of a Government servant who is in permanent or quasi-permanent employ and who has been continuously officiating in another post for more than three years at the time he proceeds on leave shall be calculated as if he were the substantive holder of the post in which he was so officiating or in which he would have so officiated but for his officiating appointment in an equivalent or a still higher post.

The three years limit shall include: —

- (a) all periods of leave during which the Government servant would have officiated in the post but for proceeding on such leave, and
- (b) all period of officiating service rendered in an equivalent or a still higher post but for appointment to which he would have officiated in that post.

Explanation— (2) According to sub-rule (i), (ii) the average is to be taken of the monthly pay earned during the 12 complete months immediately preceding the month in which the leave is taken, and for this purpose "the 12 complete months immediately preceding" should be interpreted literally. Thus a Government servant who has been on leave from the 23rd March, 1956 to 22nd July, 1956 inclusive is granted leave from 4-2-1957. His average monthly pay should be calculated on the pay earned for the periods 1-2-1956 to 22-3-1956 and 23-7-1956 to 31-1-1957, if, however, a Government servant happens to have been on leave for more than 12 month immediately preceding the month in which the leave is taken, then the average should be taken of the monthly pay earned during the 12 complete months immediately preceding the month in which the previous leave commenced. Similar methods will apply for calculating leave salary under sub-rule (1) (b)."

%2. Omitted.

% Omitted vide F.D. Order No. 16 (12) F.D.A (Rules)58-I dated 30-5-1961.

"2. The leave salary under Rule 97 of Rajasthan Service Rules in the case of a 'probationer' and person appointed 'on probation' should be regulated as follows: —

(1) In the case of a 'probationer' as defined in Audit Instructions below Rule 7 (30) of Rajasthan Service Rules whether he is already substantive in any other cadre or not, the pay drawn by him during the period of his probation will be regarded as his substantive pay for the purpose of Rule 97 of Rajasthan Service Rules.

(2) In the case of a person who is only appointed to a post 'on probation' as distinct from appointment as a 'Probationer' as defined in Audit instruction below Rule 7 (30) of Rajasthan Service Rules.

(a) if he was already holding a permanent post in a substantive capacity before being appointed 'on probation' to another post, his substantive pay in respect of the permanent post on which he holds a lien or on which he would have held a lien had such lien not been suspended will be the substantive pay for the purpose of calculation of leave salary under Rule 97 of Rajasthan Service Rules.

(c) if he was only in a temporary employ of Government or if he is a direct recruit appointed to the post on probation, the leave salary will be regulated under Rule 97(ii).

Note. 1—Any period of joining time taken either under Clause (b) of Rule 127 during the preceding 12/36 months should be ignored in calculating average monthly pay as no 'pay' is drawn in respect of such joining time.

Example: —Gazetted Government servant who was on leave from 14th April 1956 to 9th December, 1956 inclusive is granted leave from 12th March, 57. In order to arrive at his average monthly pay, the total pay earned for the periods of duty, viz, from 1st March, 56 to 13th April, 56 and from 10th December, 1956 to 28th February, 1957, should be divided by $3 + \frac{13}{30} + \frac{22}{31} = \frac{3853}{930}$ months, the fracts $\frac{13}{30}$ and $\frac{22}{31}$ representing period of duty, in terms of months, in April and December 1956 respectively. Where 'A' is the total pay earned by duty from 1st March, 1956 to 13th April, 56 from 10th December, 1956, to 28th February, 1957, the average monthly pay is equal to $930XA/3853$.

3. In the case of a Government servant of a Vacation Department the vacations falling in the periods of 12/36 complete months immediately preceding the month in which leave is taken should be treated as duty under Rule 94 (A) and the pay drawn by the Government servant during the vacation should be treated as pay drawn on duty and should therefore be taken into account in determining his leave salary during the succeeding leave.

4. In the case of a Government servant of a Vacation Department both pre fixing and affixing leave to vacation, the leave salary for the leave affixed should be calculated on the pay drawn by the Government servant during the twelve/thirty-six complete month preceding the commencement of his leave.

5. The term 'month' in this rule means 'calendar months' as in Rule 7 (20).

CHAPTER XII**Joining Time****[Repealed]*

127 to 140. *[Repealed].

* Repealed by F. D. Notification No. F. l(6)F.D./Gr. 2/81, dated 17-3-1981 by which new Rules "The Rajasthan Civil Services (Joining Time) Rules, 1981" were notified.

PART V

CHAPTER XIII

Foreign Service

@141. Employees Consent necessary for transfer to foreign Service. — No Government servant may be transferred to foreign service against his will provided that this rule shall not apply to the transfer of a Government servant to the service of a body incorporated or not, which is wholly or substantially owned or controlled by the Government or to the transfer of a Government servant to service paid from a Panchayat Samiti/Zila Parishad Fund constituted under the Rajasthan Panchayat Samiti and Zila Parishads Act, 1959 (Act No. 37 of 1959).

142. When transfer to foreign service admissible. — A transfer to foreign service is not admissible unless —

- (a) the duties to be performed after the transfer are such as should, for public reasons, be rendered by a Government servant, and
- (b) the Government servant transferred holds, at the time of transfer, a post paid from the Consolidated Fund, or holds a lien on such a post had his lien not been suspended.

NOTES

1. If, in any case, a proposal is made that a Government servant should be lent to a private undertaking, it is necessary that the principles of this Rule should be applied most rigorously, and generally the loan of a Government officer to private undertaking should be regarded as a very exceptional case requiring special justification.

2. The transfer of a temporary Government servant to foreign service is permissible under this rule.

*3. The Government which will be entitled to recover pension contribution on behalf of a Government servant lent to foreign service, should be regarded as the Government competent to sanction the transfer.

@ Substituted by F.D. Order No. F. 7 (A) (31) F.D. A. /Rules/60 dated 12-8-1960.

"141. No Government servant may be transferred to foreign service against his will: Provided that this rule shall not apply to the transfer of a Government servant to the service of a body corporate owned or controlled by the Government or to the transfer of a Government servant to service paid from a Panchayat Samiti/Zila Parishad Fund constituted under the Rajasthan Panchayat Samities and Zila Parishads Act, 1959 (Act No. 37 of 1959)."

* Inserted by F.D. Order No. F. 5(1) F. (R)/56, dated 11-1-1956.

Instructions

1. A copy of the orders sanctioning a Government servant's transfer to foreign service must always be communicated to the Accountant General, by the authority by whom the transfer is sanctioned. The Government servant himself should, without delay communicate a copy to that office and take his instructions as to the amount of the contribution, report to that officer the time and date of all transfers of charge to which he is a party when proceeding on, while, in and on return from foreign service and furnish from time to time, particulars regarding his pay in foreign service, leave taken, by postal address and any other information which that officer may require.

@ 2. महालेखाकार, राजस्थान, जयपुर ने राज्य सरकार को सूचित किया है कि विभिन्न विभागाध्यक्षों द्वारा उनके अधीन कार्य कर रहे अधिकारियों व कर्मचारियों के प्रतिनियुक्ति पर जाने पर प्रतिनियुक्ति पर गये कर्मचारी के राज्य सेवा संबंधी विवरण महालेखाकार कार्यालय द्वारा बार-बार अनुरोध करने के अपरान्त भी निर्धारित प्रपत्र 'अ' में नहीं भेजे जाते हैं। इस सूचना के अभाव में महालेखाकार कार्यालय प्रतिनियुक्ति पर गये कर्मचारी के संबंध में अवकाश वेतन व पेंशन अंशदान की राशि उनके प्रतिनियुक्ति संस्थान से समय पर निर्धारित कर वसूल नहीं कर पाते हैं। महालेखाकार कार्यालय में इस प्रकार के बहुत मामले अनिर्णित पड़े हुए हैं।

यहां यह बताना उपयुक्त होगा कि विभागाध्यक्षों के कार्यालय से महालेखाकार कार्यालय द्वारा भेजे गये प्रपत्र "अ" में सूचना न भेजे जाने के कारण राज्य सरकार व प्रतिनियुक्ति पर गये कर्मचारियों को ही हानि होती है। राज्य सरकार को निर्धारित पेंशन अंशदान व अवकाश वेतन अंशदान की राशि समय पर नहीं मिल पाती है एवं वसूली का इन्द्राज संबंधित कर्मचारी की सेवा पुस्तिका में समय पर इस राशि के प्राप्त नहीं होने के कारण नहीं हो पाता है जिससे राज्य कर्मचारी के पेंशन केस का निपटारा करते समय कठिनाइयां आती हैं। यदि विभागाध्यक्ष समय पर प्रपत्र 'अ' की पूर्ति कर महालेखाकार कार्यालय में भेज देते हैं तो देय पेंशन व अवकाश वेतन अंशदान का निर्धारण समय पर हो जाता है एवं उसकी वसूली भी समय पर ही हो जाती है।

अतः मैं आप से अनुरोध करूंगा कि आप संलग्न सूची के मामले में व्यक्तिगत रुचि लेकर महालेखाकार द्वारा चाही गई वांछित सूचना शीघ्र भेजने की व्यवस्था करेंगे एवं भविष्य के लिये इस प्रकार की व्यवस्था करेंगे कि जब भी किसी कर्मचारी की नियुक्ति प्रतिनियुक्ति पर किसी संस्थान को दी जाय तो प्रतिनियुक्ति आदेश के साथ ही निर्धारित प्रपत्र "अ" भी भर कर महालेखाकार कार्यालय को भेज दिया जाये एवं प्रतिनियुक्ति संस्थान को भी प्रपत्र "अ" की प्रति भेजकर उन्हें निर्देश देंगे कि वह उसे कर्मचारियों की ज्वाइनिंग रिपोर्ट के साथ ही पूर्ति कर महालेखाकार कार्यालय को भेजे। प्रपत्र "अ" व "ब" की प्रति संलग्न कर लेख है कि वांछित सूचना 15 दिवस के अन्दर-अन्दर भरकर महालेखाकार, राजस्थान, जयपुर को भिजवा दी जावे।

प्रपत्र "अ"

पैतृक विभाग द्वारा प्रदत्त की जाने वाली सूचनाएं

1. अधिकारी का नाम, मूल विभाग तथा पद का विवरण
2. बाह्य नियोजक का नाम एवं प्रतिनियुक्ति पद का विवरण
3. जन्म तिथि
4. राज्य सेवा में आने की तिथि (बाह्य सर्विस को छोड़ते समय)
5. मूल विभाग में वेतन, वेतन श्रृंखला तथा वेतन वृद्धि की तिथि
6. मूल विभाग से कार्य मुक्त होने की तिथि
7. लेखा शीर्ष प्रतिनियुक्ति से पूर्व अधिकारी का वेतन आदि जहां नामें योग्य
8. प्रतिनियुक्ति आदेश तथा उसकी शर्तों की आदेशों की प्रति
9. सेवा पुस्तिका (संलग्न करें)
10. राज्य सेवा नियम (आर. एस. आर.) के नियम 168 के अनुसार क्या अधिकारी ने भविष्य निधि (सी. पी. एफ.) स्वीकार की है या पेंशन
11. अधिकारी का वर्गीकरण कि वह निम्नलिखित में से किस वर्ग से संबंधित है—
 - (1) चतुर्थ श्रेणी कर्मचारी
 - (2) लिपिक वर्ग
 - (3) अधीनस्थ सेवा
 - (4) राज्य सेवा
 - (5) केन्द्रीय सेवा
12. यदि अधिकारी अपने मूल विभाग को परावर्तन होकर वापिस आ चुका है तो
 - (1) परावर्तन होने के बाद मूल विभाग में कार्य ग्रहण करने की तिथि व समय
 - (2) कार्यग्रहण अवधि तथा कार्य ग्रहण अवधि में प्राप्त वेतन का विवरण
 - (3) प्रतिनियुक्ति काल के (आकस्मिक अवकाश को छोड़कर) लिये गये अवकाश का विवरण
13. अन्य विवरण

प्रेषण अधिकारी के हस्ताक्षर व पद

प्रपत्र “ब”

विदेशी नियोजक द्वारा प्रस्तुत की जाने वाली सूचनायें

1. अधिकारी का नाम तथा सेवा समय, सेवा में पद
2. प्रतिनियुक्ति से पूर्व नियुक्ति स्थान तथा मूल विभाग तथा पद

3. राज्य सेवा में प्रथम प्रवेश तिथि (बाय सर्विस छोड़ते हुए)
4. प्रतिनियुक्ति काल में वेतन
 - (अ) विभागीय वेतन श्रृंखला
 - (ब) बॉय सेवा वेतन श्रृंखला
 - (1) वास्तविक प्राप्त वेतन (इसमें वेतन, विशेष वेतन, प्रतिनियुक्ति भत्ता आदि अलग से दिखायें)
 - (2) वेतन वृद्धि तिथि
5. प्रतिनियुक्ति स्थान पर कार्य ग्रहण करने की तिथि
6. पूर्व नियुक्ति स्थान से प्रतिनियुक्ति स्थान तक कार्य ग्रहण करने की अवधि, उसमें दिया गया वेतन, विशेष वेतन आदि।
7. प्रतिनियुक्ति काल
8. प्रतिनियुक्ति काल में लिये गये अवकाश का विवरण (आकस्मिक अवकाश को छोड़कर)
9. यदि प्रतिनियुक्ति अधिकारी का परावर्तन हो चुका है तो—
 - (अ) परावर्तन की तिथि तथा समय
 - (ब) यदि अवकाश वेतन एवं पेंशन अंशदान दे दिया गया है तो उसका विवरण
(यदि विवरण लम्बा हो तो अलग से परिशिष्ट लगायें)
 - (स) परावर्तन पर कार्य ग्रहण अवधि तथा कार्यग्रहण अवधि का वेतन जो प्रतिनियुक्ति अधिकारी को दे दिया गया है।
10. जन्म तिथि

प्रेषित करने वाले अधिकारी के हस्ताक्षर व पद

143. Consequences of transfer to foreign service during leave. —

If a Government servant is transferred to foreign service while on leave he ceases, from the date of such transfer, to be on leave and to draw leave salary.

Substantive or officiating promotion in the parent cadre to Government servant in foreign service. — A Government servant transferred to foreign service shall remain in the cadre or cadres in which he was included in a substantive or officiating capacity immediately before his transfer and may be given such substantive or officiating promotion in those cadres as the authority competent to order promotion may decide. In giving promotion, such authority shall take into account: —

- (a) the nature of the work performed in foreign service, and
- (b) the promotion given to juniors in the cadre in which the question of promotion arises.

Nothing in this rule shall prevent a member of a subordinate service from receiving such other promotion in Government service as the authority who would have been competent to grant the promotion had he remained in Government service may decide.

144. Date from which Government servant in foreign service draws pay from foreign employer:- A Government servant in foreign service will draw pay from the foreign employer from the date on which he relinquishes charge of his post in Government service. Subject to any restrictions which the Government may, by general order impose, the amount of his pay, the amount of joining time admissible to him and his pay during such joining time will be fixed by the authority sanctioning his transfer in consultation with the foreign employer.

Audit Instructions

When any Government servant lent on foreign service conditions retires from Government service without, at the same time, retiring from the service of his foreign employer the Accountant General shall communicate to the foreign employer through the usual channels a statement showing the date of retirement and the amount of pension drawn from Government so as to give the foreign employer the opportunity, if he be so included, of revising the existing terms of employment.

@144-A. Conditions of deputation on foreign service. —The terms and conditions of the State Government servants transferred on deputation/foreign service to Central Government, other State Government Public undertakings, autonomous bodies (whether incorporated or not) and other bodies wholly or substantially controlled by the Government etc. shall be regulated in accordance with the orders issued by the Government from time to time.

*** Government of Rajasthan's Decision**

The Governor has been pleased to order the revision of the existing terms and conditions of deputation of State Government employees under rule 144 A of Rajasthan Service Rules who go on deputation or on foreign

@ Substituted vide F.D. Notification No. F. 1 (3) FD (Gr.2)/76-III dated 23-1-1976 and they shall come into force with immediate effect, for: —

"144-A. Conditions of deputation on foreign service. —The Deputation of officers to Part 'B', States from the Centre and/or from Part 'A' States will be governed by the terms and conditions incorporated in Appendix XXI."

* **For Provision in force prior to 1-2-1986 please see at the end of the Chapter.**

Substituted vide F.D. Order No. F.I (47) FD (Gr.2)/82 dated 22-2-86 w.e.f. 1-2-1986 For-

service to ex-cadre posts in Central Government or other State Governments, Public Undertakings or Government Companies or Corporations or Autonomous Bodies (incorporated or not and other Bodies etc. wholly or substantially owned or controlled by the Government as contained in the following paragraphs.

2. The term 'deputation' will cover only appointments made by transfer on a temporary basis. It does not cover permanent appointment made by transfer or final absorption or by direct recruitment in competition with open market candidates to the aforesaid bodies.

3⁼ (i) The Deputation (Duty) Allowance shall be @ 5% of the basic pay of the employee subject to a maximum of Rs. 500/- per month.

(ii) The 'basic pay' for the above purpose shall mean pay drawn in the scale of pay of the substantive appointment held or the pay in the scale of pay of the officiating appointment in an employee's parent cadre provided that it is certified by the appointing authority that but for the deputation the employee would have continued to hold officiating appointment indefinitely.

^{\$}(iii) Personal pay, if any, drawn by an employee in his parent department may be allowed in addition. This will not be absorbed in deputation (duty) allowance but will be absorbed in other increases of pay, for example, increment or increase in pay on promotion or for any other reason.

(iv) The officers and staff of the Government Secretariat/ Governor's Secretariat/Rajasthan Public Service Commission/ Rajasthan Legislative Assembly on deputation shall not be entitled to get Special Pay attached to their posts (viz. Secretariat Allowance) during the period deputation (duty) allowance or deputation pay is paid. However, if the deputation period is extended with the sanction of the competent authority beyond the maximum period (4 years) for which deputation (duty) allowance or higher pay is not permissible, special pay as would be admissible on repatriation to the parent department shall be allowed for the extended period.

4. Pay on Deputation:

(i) An employee sent on deputation/foreign service shall be allowed his basic pay in the pay scale of the parent department plus personal pay, if any, plus deputation (duty) allowance, at the rates mentioned in para 3 above

⁼ Substituted vide FD Notification No. F.1(5)FD/Rules/96 dated 2.4.1998 w.e.f. 1.1.1998-

"(i) The Deputation (Duty) Allowance shall be @ 7% of the basic pay of the employee subject to a maximum of %Rs. 300/- p.m."

^{\$} Substituted vide F. D. Order No. F. 1 (47) F. (Gr. 2) /82 dated 27-6-1989 w.e.f. 1-4-1989 for—

(iii) The special pay shown in Schedule II (Special pay) to the Rajasthan Civil Services (Revised pay Scales) Rules, 1983, as may be amended from time to time shall only be deemed to be the part of basic pay provided it has been drawn continuously for more than two years at the time of deputation. Personal Pay, if any, drawn by an employee in his parent department may be allowed in addition. This will not be absorbed in deputation (duty) allowance but will be absorbed in other increases of pay, for example increment or increase of pay by promotion or for any other reason.

(ii) Dearness allowance will be regulated under the rules of the parent department.

EXCEPTION:

Pay and Dearness Allowance to the State Government servants sent on deputation/foreign service to Bhakra Beas Management Board, Water & Power Consultancy Services (India) Ltd., and' other Central and Inter-State Organisations shall be allowed as under, namely: —

(1) (i) Government servants on deputation/foreign service may elect to draw pay in the pay scale of the post of deputation to which he is deputed as may be fixed under Rule 26 of Rajasthan Service Rules.

#(ii) With a view to ensuring that a Government servant on deputation does not get abnormal increase in the pay because of the option exercised as at clause (i) above, it has been decided that where the minimum of the scale of pay of the deputation post is substantially in excess of the deputationist basic pay plus deputation (duty) allowance @ 5% the appointing authority may restrict the pay of the deputationist even below the minimum of the deputation post under Rule 36 of Rajasthan Service Rules. In such a case, the pay allowed under Rule 36 of Rajasthan Service Rules should not exceed by more than 7% of basic pay of the deputationist.

(2) Dearness Allowance will be regulated under the rules of the parent Government or under the Rules of borrowing Government/foreign employer according as pay is drawn in the parent pay scale or in pay scale of the post held on deputation.

Substituted vide FD Notification No. 1(5)FD(Rules)/96 dated 2.4.1998 w.e.f. 1.1.1998.

#(ii) With a view to ensuring that a Government servant on deputation does not get abnormal increase in the pay because of the option exercised as at clause (i) above, it has been decided that where the minimum of the scale of pay of the deputation post is substantially in excess of the deputationist basic pay plus deputation (duty) allowance @ 7% the appointing authority may restrict the pay of the deputationist even below the minimum of the deputation post under Rule 36 of Rajasthan Service Rules. In such a case, the pay allowed under Rule 36 of Rajasthan Service Rules should not exceed by more than -10% of basic pay of the deputationist.

(These orders shall be deemed to have come into force with effect from 1-9-1986.)

Substituted vide F.D. Notification No. F. 1 (47) F.D. (Gr.2)/ 85 dt. 2-2-87 for-

(ii) With a view to ensuring that a Government Servant on deputation does not get abnormal increase in the pay because of the option exercised as at clause (i) above, it has been decided that where the minimum of the scale of pay of the deputation post is substantially in excess of the deputationist basic pay plus deputation (duty) allowance @ 10%, the appointing authority may restrict this pay of the deputationist even below the minimum of the deputation post under Rule 36 of Rajasthan Service Rules. In such a case, the pay allowed under Rule 36 of Rajasthan Service Rule should not exceed the basic pay of the deputationist by more than the amount shown below: —

*(a) for employees in receipt of basic pay 15% of basic pay or Rs, 225/- whichever is above Rs. 1550/- P.M. more.

(b) for employees in receipt of basic pay 15% of basic pay of/and below Rs. 1550/- p.m.

5. OTHER ALLOWANCES AND CONCESSIONS:

(i) **House Rent Allowance:** House Rent Allowance shall be admissible according to the rules of the borrowing Government/foreign employer or under the rules of the parent Government, whichever is more beneficial.

(ii) **Travelling Allowance:** Travelling allowance shall be admissible according to the rules of borrowing Government/ foreign employer or under the rules of parent Government, whichever is more beneficial.

(iii) **Compensatory (City) Allowance:** Compensatory (City) Allowance shall be admissible according to the rules of the parent Government or borrowing authority, whichever is more beneficial.

(iv) **Medical Concession:** Medical concession shall be admissible according to the rules of the borrowing Government/ foreign employer or under the rules of the parent Government, whichever is more beneficial.

(v) **Project Allowance:** Project Allowance (including Desert Allowance) admissible in a Project area shall be admissible in addition to the deputation (duly) allowance in accordance with the rules of the State Government.

6. GENERAL CONDITIONS:

(i) **Joining time, pay and transfer Travelling Allowance:** He will be entitled to travelling allowance and joining time both on joining the post on deputation or reversion therefrom to the parent department under the rules of the Government/foreign employer to which he is deputed. The expenditure on this account shall be borne by the borrowing authority/foreign employer.

(ii) **Leave and Pension contribution:** During the period of deputation, he will be governed by leave and pension rules of the lending authority/parent employer applicable to him before such transfer.

The pension contribution shall be paid by the borrowing authority/foreign employer in accordance with the provisions contained in the Rajasthan Service Rules.

Payment of leave salary during foreign service and the payment of Leave Salary contribution, if any, shall be regulated in accordance with Finance Department Order No. F.7 (A)(43) (Rules)58, dated 21-1-1981 as amended from time to time.

(iii) **Beginning and end of deputation:** The deputation will commence from the date on which he hands over the charge of the post under the Government and shall end on the date he assumes charge of the post under the Government.

^(iv) **Payment of Bonus of ex-gratia :** A Government servant on deputation shall have an option to elect between the Deputation Allowance

^ Substituted vide FD Order No. F.1(47)FD(Gr.2)/82 dated. 27.6.1989 w.e.f. 1.4.1988 for –
Payment of Bonus of ex-gratia.

(a) A Government servant drawing pay not exceeding Rs. 1600/-p.m. on deputation to Public Sector Undertaking or Cooperative Society/Institution etc. which is legally required to pay bonus under the Payment of Bonus Act, 1965, may be allowed to accept bonus declared by such Undertaking/Cooperative Society Institution etc., but he shall be required to credit the amount of bonus

plus Adhoc Bonus if admissible in terms of the order issued by the Government for the Government servants for the relevant year (if ad hoc bonus for Government servants is not admissible, deputation allowance only) and the Bonus and/or Ex-gratia payable to the employees of the borrowing Organisation in terms of the order issued by the borrowing Organisation in the relevant year. Such an option should be exercised within one month declaring bonus and/or ex-gratia by the borrowing Organisation. Deputation allowance would be payable with salary but if an employee opts for bonus and/or ex-gratia as above the amount of difference would be paid/recovered as the case may be.

\$7. Duration of Deputation : The maximum period for which a Government servant may remain on deputation shall in *no case* exceed four year's, provided that in cases where it is, considered absolutely necessary in public interest and in special circumstances, to extend the period of deputation on foreign service beyond the maximum period of four years, the Administrative Department shall be competent to extent the period of deputation upto one year more i.e. upto 5 years, in all without any, prior reference to the Finance

payment so received to the Government Account. The Authority making payment of bonus shall also ensure that the amount of bonus admissible to him is credited by the Government servant to the Government Account.

(b) Where payment of bonus is not a legal obligation under the payment of Bonus Act, 1965 and Public Sector Undertaking or Cooperative Society/Institution declares bonus/ex-gratia, such award shall not be admissible to the deputationist.

(c) For the purpose of facility, it is clarified that payment of bonus is not a legal obligation in Rajasthan Financial Corporation Rajasthan State Electricity Board and Rajasthan State Road Transport Corporation.

^{\$} Substituted vide FDE Order No. F.1(47)FD (Group.2)/82 dt. 9.11.1992 for –

The maximum period for which a Government servant may remain on deputation shall in no case exceed four years, provided that in case where it is considered absolutely necessary in public interest and in special circumstances to extend the period of deputation on foreign service beyond the maximum period of four years, the prior concurrence of Finance Department would be necessary and that: —

(a) No deputation allowance or deputation pay shall be payable for extended period;

(b) No proposal for extension in the period of deputation shall be considered even without deputation allowance/deputation pay, if the proposal for extension in the existing terms of deputation is not moved at least two months before the expiry of the terms of deputation giving full justification; and

(c) If no request is received within the time limit prescribed in (b) above, the competent authority should issue the posting orders at least 30 days before the expiry of the period of deputation.

The Government servant on deputation will seek permission 30 days before the expiry of period of deputation from the lending authority for reporting back to the parent department and shall act according to the directions received.

NOTE:

Government servants who are already on deputation beyond the period of three years with the approval of competent authority and have not completed 4 years period on 1-2-1986 shall be allowed deputation allowance from 1-2-1986 to the date they would complete four years period of deputation including the period for which no deputation allowance was admissible to them in accordance with the provisions in force at that time.

Clarification

- (1) The maximum ceiling of 4 years deputation would be for at a time for one or more than one Organisations. No deputation allowance beyond this period would be admissible in any case.
- (2) Continued deputation even on promotion in parent cadre will be considered as part of the total maximum period of 4 years on deputation, at a time.

EXCEPTION

Extension for one year in the period of deputation beyond the maximum period of 4 years can be made by the Secretary, Special Schemes Organisation without deputation allowance in respect of Government servants on deputation in District Rural Development Agency.

Department. But for the period exceeding fifth years, prior permission of Finance Department for extension in deputation period would be necessary and that:—

- (a) No deputation allowance or deputation pay shall be payable for the extended period beyond four years;
- (b) No proposal for extension in the period of deputation beyond five years shall be considered even without deputation allowance/deputation pay, if the proposal for extension in the existing term of deputation is not moved at least two months before the expiry of the term of *deputation* giving full justification and
- (c) If no request is received within the time limit prescribed; in (b) above the competent authority should issue the posting orders at least 30 days before the expiry of the period of deputation. The Government servant on deputation will seek permission 30 days before the expiry of period of deputation from the lending authority for reporting back to the parent department and shall act according to the directions received.

Clarification

- (1) The maximum ceiling of 4 years deputation would be for at a time for one or more than one Organizations. No deputation allowance beyond this period would be admissible in any case.
- (2) Continued deputation even on promotion in parent cadre will be considered as part of the total maximum period of 5 years on deputation, at a time."

@ "Exception

In respect of employees of Police Department sent on deputation to Intelligence Bureau [^]and Central Bureau of Investigation", Government of India the maximum period of deputation would be five years with deputation allowance, extendable by another two years."

8. A Government servant who has already served on deputations/ foreign service to other Governments, Public Sector Undertaking Autonomous Bodies, Corporations etc. shall not be allowed, except, in very exceptional circumstances with the prior concurrence of Finance Department, to proceed on deputation to some other Governments foreign organisation again unless he has worked for a minimum period of one year on a post in his parent department subsequent to reversion.

9. A Government servant on deputation shall only draw pay and allowances as permitted by the lending authority in accordance with the terms and conditions of deputation prescribed in his case; and any payment in the nature of pay or allowances or remuneration or fee or compensation etc. by whatever name called, which is not authorised by his terms and conditions of deputation, shall not be received by him without prior sanction of the Government in the Finance Department.

[@] Inserted vide FD Order No. F.1(47)FD(Gr.2)82 dt. 27.7.1993.

[^] Inserted vide FD Order No. F.1(47)FD(Gr.2)82 dt. 17.11.1993.

10. NON APPLICABILITY.

These orders shall not apply to: —

- (i) Government servants sent on deputation to Panchayat Samitis and Zila Parishads;
- (ii) A Government servant who is appointed by the Government as an Administrator/Executive Officer/ Municipal Commissioner in any other capacity or whose services are placed on deputation to a superseded Municipal Council or Board;
- (iii) Government servants of Cooperative Department sent on deputation to Cooperative Institution registered in the State,
- (iv) Government servants sent on deputation whose terms are regulated under specific statutory rules or orders.

11. This order will take effect from 1st February, 1986 and shall also apply to Government servants already on deputation.

Clarification

@The undersigned is directed to refer to the provisions contained in Government of Rajasthan Decision below Rule 144-A of Rajasthan Service Rules. Under these provisions, the maximum period of deputation was laid down as 3 years and the interval between two terms of deputation at least 2 years after reversion to the parent organisation.

2. Finance Department has been receiving references for relaxation of these provisions on various grounds such as the cadre management problems, difficulties experienced by public-sector undertakings, autonomous bodies in the manning of positions in these organisation. After detailed analysis of the nature of these references, and, with a view to solving some of the problems, the terms and conditions of deputation have been amended vide Finance Department Memorandum No. F1(47)FD(Gr.2)82, dt. 22-2-1986 (copy enclosed for ready reference). Under the new dispensation, the maximum period for which a Government servant may remain on deputation has been extended to 4 years and the interval between two periods of deputation reduced from 2 years to one year. Further more, Government servants have so been permitted to get deputation allowance upto 4 years as against 3 years prescribed earlier.

3. These changes have been made in the expectation that the Appointing Authorities shall henceforth follow the provisions of these Rules in letter and spirit, and, operate the facility of deputation strictly within the limits laid down in these Rules. It is hoped that with the above liberalisation of the Rules, there will be no need for contravention of the same, nor for seeking any relaxations therein.

4. It is clarified that no Government servant can continue on deputation beyond 4 years without the prior concurrence of the Finance Department. No deputation Allowance or deputation pay is payable after the expiry of the 4 year period and, Finance Department also has no authority to

@ Inserted vide F.D. circular No. F.1 (47) FD (Gr-2) 82, dated 24-2-1986.

grant any relaxation in this regard. Finance Department shall not normally consider cases of extension in the deputation term except in very exceptional circumstances in public interest which will have to be spelt out specifically. Application of experience acquired and knowledge gained about a particular job will not be treated as a sufficient justification for relaxation. Proposals for extension even with proper justification will not be entertained in the Finance Department unless the same are sent two months in advance of the expiry of the deputation term.

5. In view of the foregoing, Secretaries of the Administrative Departments and other competent authorities are enjoined to ensure—

- (i) maintenance of record of officers sent on deputation in such a way as to enable the competent authorities to know sufficiently in advance of the expiry of the deputation term so as to avoid the possibility of continued deputation beyond the prescribed period on account of in action;
- (ii) no officer is allowed to continue on deputation without sanction beyond the prescribed period. This will include prior concurrence of the Finance Department.
- (iii) that posting orders of an officer are issued at least 30 days before the expiry of the maximum period of deputation of 4 years.
- (iv) that the borrowing organisation move the proposals for extension of deputation period beyond 4 years well before the expiry of the deputation term, and, if they do not do so, the proposals are not entertained by the Administrative Departments at all.
- (v) that officers are not allowed to continue on deputation beyond the period of 4 years even when they want to be absorbed by the borrowing organisation. In such cases, the case for absorption should be processed in such a manner that a final decision is taken before the expiry of the maximum period of deputation of 4 years.

145. **Contribution towards leave and pension.** —(a) While a Government servant is in foreign service, contribution towards the cost of his pension must be paid to the Consolidated Fund on his behalf.

(b) If the foreign service is in India, contributions must be paid on account of the cost of leave salary also.

@ (bb) Contribution on account of leave salary shall not be recovered in case of Government servants sent on deputation to the Panchayat Samitis \$[and the salary for the leave taken during the period of deputation will be borne by the Panchayat Samitis.]

@ Inserted vide F.D. Order No. F7A (20) FD-A (Rules) 60 dated 6-2-1961.

\$ Added by F.D. Order No. F. 7A (20) F.D. (A) Rules/60, dated 11-3-1964.

**Note:* —The above amendment shall be deemed to have come into force with effect from the 2nd October, 1959.

(c) Contribution due under clause (a) and (b) above shall be paid by the Government servant himself, unless the foreign employer consents to pay them. They shall not be payable during leave taken while in foreign service.

(d) By special arrangement made under Rule 153 (b) contributions on account of leave salary may be required in the case of foreign service out of India also, the contributions being paid by the foreign employer.

NOTE

Pensions, through this chapter include Government contribution, if any, payable to Government servant's credit in a Provident Fund.

****Government of Rajasthan's Decision.***

The undersigned is directed to invite attention to provisions contained in Rule 145 of Rajasthan Service Rules, which provide for payment of pension and leave salary contribution in respect of Government servants transferred on deputation/foreign service to Central Government or other State Government public sector undertakings, autonomous bodies (incorporated or not) and other bodies wholly or substantially owned or controlled by the Government. The recovery of pension and leave salary contribution extinguishes the liability of the borrowing authority in regard to cost of pension and leave salary. The amount of pension contribution and leave salary payable by the foreign employer or borrowing authority is determined in accordance with the provisions of Rule 146 of Rajasthan Service Rules read with appendix V in Rajasthan Service Rules, Volume II.

2. Despite various administrative instructions and circulars issued by the Government from time to time impressing upon the necessity to pay the contributions in time prescribed under Rule 149 of Rajasthan Service Rules, there have been abnormal delays in determining and payments of these contributions by foreign employer and borrowing authorities. Consequently, Government servants are required to face considerable hardship in the finalisation of their pension cases at the time of retirement because the period of service rendered on deputation/foreign service counts for pension only if the contribution of pension has been paid.

3. With a view to simplify the existing system and procedure for calculation of the leave salary and pension contribution, the matter has been examined and the Governor has been pleased to order that recovery of leave salary contribution in respect of Government servants sent on deputation to public undertakings, Universities, autonomous bodies, corporations, Municipalities, Government Companies and other bodies etc. wholly and substantially owned or controlled by Government shall henceforth be not made. Consequently the payment of leave salary including leave encashment benefits in respect of leave taken by a Government servant while on deputation/foreign service shall be made by the borrowing authority/foreign employer in discharge of their liability to pay the cost of leave salary to the

* Inserted by F.D. Notification No. F. 7A. (20) FD-A Rules/60-Pt II (1) dated 5.10.1964.

^x Inserted vide F.D. Order No. F. 7 A (43) FD-A (Rules)/58, dated 21-1-1981.

Government. The reversion of a Government servant on deputation takes effect from the date on which he takes charge of the post under Government. Thus in case of a Government servant who takes leave on the conclusion of his foreign service before rejoining his post under Government, the liability for payment of leave salary in such cases shall be borne by the borrowing authority. If a Govt. servant attains the age of superannuation while on deputation and is consequently relieved of his duties on retirement the cash payment in respect of unutilised privilege leave at the credit of the Government servant on the date of retirement shall also be made by the borrowing authority or the foreign employer.

#4. It has been further decided that the pension contribution for each month of deputation, shall be paid @ 12% of the maximum of the pay scale of the post which the deputationist would have held in his parent cadre at the end of the financial year concerned or at the end of foreign service if reverted before close of the financial year. For the aforesaid purpose a fraction of month exceeding 15 days would be treated as full month and a fraction upto 15 days would be ignored. The rate of contribution so payable by the borrowing authority or foreign employer shall invariably be indicated in the order issued by the competent authority regulating his terms and conditions of deputation so that contribution for pension due in respect of a Government servant in foreign service is paid within one month from the end of each financial year or the end of foreign service, if the deputation on foreign service

Substituted vide F. D. Notification No. F.1 (20) FD (Gr.2)/84, dated 1-3-90 w.e.f. 21-9-89 for—

*4. It has been further decided that the pension contribution shall be paid @ 12% of the maximum of the pay scale of the post which the deputationist would have held at the end the financial year concerned or at the end of foreign service if reverted before close of the financial year. The rate of contribution so payable by the borrowing authority or foreign employer shall invariably be indicated in the order issued by the competent authority regulating his terms and conditions of deputation so that contribution for pension due in respect of a Government servant in foreign service is paid within one month from the end of each financial year or the end of foreign service, if the deputation on foreign service comes to an end before close of the financial year as envisaged in Rule 149 of Rajasthan Service Rules.

* Substituted vide F.D. Notification No. F.1 (20) FD (Gr.2)/84, dated 2 -9-89 for—

% 4. It has been further decided that the pension contribution shall be paid @ 12% of the maximum monthly pay of the grade held by the Government servant in his parent cadre. The rate of contribution so payable by the borrowing authority or foreign employer shall invariably be indicated in the order issued by the competent authority regulating his terms and conditions of deputation so that contribution for pension due in respect of a Government servant in foreign service is paid within the time as envisaged in Rule 149 of Rajasthan Service Rules.

% Substituted vide F.D. Order No. F.1 (20) FD (Gr.2)/84, dated 16-11-85 for—

4. It has been further decided that the pension contribution shall be paid @12 % of the maximum monthly pay of the grade substantively held by the Government servant in his parent cadre. The rate of contribution so payable by the borrowing authority or foreign employer shall invariably be indicated in the order issued by the competent authority regulating his terms and conditions of deputation so that contribution for pension due in respect of a Government servant in foreign service is paid within ^[the time] as envisaged in Rule 149 of Rajasthan Service Rules.

^ Substituted vide F.D. Memo. No. F.7 (A) (43) A (Rules)/58, dated 29-1-1981, for the words, "15 days from the end of the month in which the pay of a Government servant is drawn."

comes to an end before close of the financial year as envisaged in Rule 149 of Rajasthan Service Rules.

⁺ [5. These orders shall take effect from 1st January, 1981 and apply to Government servants who are already on deputation on the date of issue of these orders. These orders shall also be applicable to Government servants sent on deputation to public sector undertakings and autonomous bodies (incorporated or not) wholly or substantially owned or controlled by the Government of India or by other State Governments but shall not be applicable to Government servants whose services are placed on deputation with the Central Government or other State Governments].

6. The rules contained in Chapter XIII-Foreign Service of Rajasthan Service Rules Volume I and the rates of contribution payable on account of pension and leave salary during foreign service given in Appendix V of Rajasthan Service Rules, Volume II shall be deemed to have been modified to the extent indicated above. Formal amendments to relevant rules contained in Rajasthan Service Rules shall be issued in due course.

***145-A. Incidence of pay, allowances etc.**—The incidence of pay, allowances, pension etc., between the Rajasthan Government and the Central Government and the Governments of Punjab, Bihar, Madras, Mysore, Madhya Bharat, Hyderabad (Deccan), PEPSU, Saurashtra, Travancore, Cochin and Madhya Pradesh on transfers from Rajasthan Government and *vice versa* will be governed by the Rules incorporated in Appendix XIII to these Rules.

***145-B. Counting of Service rendered in Indian States and part B States and *vice versa*.** —The service rendered by an officer under an Indian State which has now become a Part of 'B' States or under a Part 'B' State proper will count for pension under the Central Government rules on permanent absorption in the Central Government service. Similar treatment will be accorded to Central Government servants who may be absorbed in service under a Part 'B' State and retire from that service. The respective Governments will continue to be responsible for the pensionary charges in respect of service rendered under each, and the liability of each Government will be allocated in the manner described in Appendix XIII to these rules.

146. Rate of Contribution. —The rate of contributions payable on account of pension and leave salary shall be such as the Government may by general orders prescribe.

Audit Instructions.

1. The leave salary contributions for the period of joining time taken by a Government servant in continuation of leave under clause (b) of

⁺ Substituted vide F.D. Order No. F.1 (20) FD (Gr.2)/84, dated, 1-4-1985, for: —

"5. These orders shall take effect from 1 st January, 1981 and also apply to the Government servants who are already on deputation on the date of issue of these orders. These orders shall not be applicable to Government servants whose services are placed on deputation with the Central Government or other State Governments."

^{*} Inserted by F.D. Order No. F.7 (17) F.1r/54, dated 6-12-1955.

Rule 127 before reversion from foreign service should be calculated on the pay he was getting immediately before he proceeded on leave.

2. When a Government servant is transferred to foreign service or when the period of foreign service of a Government servant is extended, it should be stipulated that the contributions for pension and leave salary or for pension alone, as the case may be, will be recoverable at the rates in force from time to time in accordance with the orders issued by the Government. Similarly, if the officer is on a non pensionable footing and is subscribing to a Contributory Provident Fund, it should also be stipulated that the monthly subscription to the fund, as well as the periodical contribution to be made to the fund account, will be recoverable in accordance with such orders as Government may issue from time to time in this behalf.

Government of Rajasthan's Decision.

@1. According to Rule 146 of the Rajasthan Service Rules contributions on account of leave salary in the case of a Government servant on foreign service in India are recoverable from the foreign employer, and in return for such contributions, Government accept the charge for the leave salary in respect of any period of leave availed of by the Government servant in or at the end of the foreign service. The expenditure in respect of any compensatory allowance payable for such leave is, however borne by the foreign employer. A question has been raised in this connection whether the leave salary and allowances should in such cases be paid to the Government servant in the first instance wholly by the, foreign employer, Government's share being subsequently reimbursed, or whether the leave salary and allowances be paid in the first instance by the Government, the foreign employer reimbursing the Government subsequently his liability for the allowances or whether Government and the foreign employer should each pay what are their respective liabilities and thus avoid further adjustments between themselves. It appears that the existing practice in the matter is not uniform.

After a careful consideration of the matter, it is now been decided that the following uniform procedure should be observed in the matter in future:-

(i) In respect of the leave salary and compensatory allowances payable to the Government servant for period of leave availed of by him in or at the end of foreign service, the parent Department of the Government and the foreign employer should discharge their respective liabilities directly in accordance with the terms of transfer on foreign service of the Government servant concerned.

(ii) In accordance with the procedure laid down in para 5 of Annexure "B" to Chapter 2 in Section IV of the Audit Code leave to the Government servant on foreign service can be sanctioned only after the Accountant General has certified the amount of leave and the leave salary, including compensatory allowances, admissible. While certifying the above

@ Superseeded vide F.D. Memo. No. F.1 (3) FD/Gr.2/77, dated 17-1-1977 w e.f: 1-1-1977(Government of Rajasthan's Decision No. 4) Inserted vide F.D. Memo. No. F.1 (17) F.D. (A) Rules/61-II & IV, dated 11-5-1962.

%[except Privilege leave not exceeding 120 days] the Accountant General should, therefore, indicate separately the leave salary and compensatory allowances payable by the Government and the foreign employer respectively to facilitate the discharge by them of their, respective liabilities in the manner indicated in (1) above.

(iii) A copy of the orders sanctioning leave whether by the Government or by the foreign employer should invariably be endorsed to the Accountant General.

(iv) When a Government servant on foreign service in India proceeds on leave, the foreign employer should issue immediately after payment for the duty period, a Last Pay Certificate in which he should indicate specifically that the compensatory allowance during leave, to the extent admissible under the rules, would continue to be paid to the Government servant by him. Similarly the Head of the Office in the case of non-gazetted Government servants, or the Accountant General in the case of Gazetted Officers should issue a Last Pay Certificate after paying the leave salary, if the Government servant joins back the foreign service or is transferred outside their control at the end of the leave.

(v) In the case of a Gazetted Government servant on foreign service in India, payment of leave salary shall be arranged through the Treasury; while in the case of non-Gazetted Government servants, payment shall be arranged through the department concerned.

Further under Rule 82-A of the Rajasthan Service Rules, no leave @ [except Privilege leave not exceeding 120 days] to a Government servant in foreign service can be granted without obtaining a report on his title from the office of the Accountant General. The Accountant General has pointed out that the procedure is not being followed by the foreign employers. It is enjoined that the provisions of this rule may be brought to the notice of foreign employers when a Government Servant is deputed to foreign service.

*2. Doubts have been raised regarding the incidence of compensatory allowance payable to a Government servant during foreign service. The position has been examined. In the case of a Government servant on foreign service Contribution on account of leave salary is recoverable from the foreign employer, and in return for the contribution Government accepts the charge for leave salary. The rates prescribed for such contribution have been calculated on the basis of the leave on full and half pay normally taken by a Government servant during the total period of his service and do not take into account any compensatory allowance; which may form part of leave salary as defined in Rule 7(16) of the Rajasthan Service Rules. Accordingly the whole expenditure on compensatory allowance is to be paid by the foreign employer for periods of leave in or at the end of foreign services in order to avoid any misunderstanding; it is desirable that a condition to this effect should be inserted in the terms of transfer to foreign service.

% Added vide F.D. Notification No. F.1 (17) FD (E-R)/64, dated 6-9-1965

@ Added vide F.D. Notification No.F.1 (17) F.D. (E-R)/64, dated 6-9-1965.

* Inserted vide F.D. Memo No. F.1 (17) FD-A (Rules)/61-IV, dated 11-5-1962. Superseded vide F.D. Memo No. F. 1 (3) FD/Gr.2/77, dated 17-1 -1977 w.e.f. 1-1-1977 (G.R.D. No.4)

*3. The Government servants lent by the Central Government or other State Governments to the State Government continue to be governed by the Central/Other State Governments leave rules and the incidence of their salaries is governed in accordance with procedure laid down in Appendix 3 to Account Code Volume I. This procedure to be adopted in the matter of grant of leave and disbursement of leave salary to such Government servants transferred temporarily to service under the State Government has been examined in consultation with the Accountant General, Rajasthan and accordingly the following instructions are issued—

(1) If such a Government servant applies for leave during the period of his temporary service under the State Government the leave will be sanctioned to him by the appropriate authority under the State Government who would be competent to grant him leave. In the case of a Gazetted Government servant leave should be sanctioned only after its admissibility has been certified by the Accountant General who audits his pay. For this purpose the Government servant should submit in the prescribed forms, his application for leave in duplicate through the leave sanctioning authority to such Audit Officer who after recording the necessary certification on the application will return one copy of it to the leave sanctioning authority of the Government servant concerned direct and the other to the Audit Officer (Accountant General, Rajasthan) indicating the same time the lines on which the leave salary is to be calculated and also furnishing simultaneously the necessary particulars, if such particulars have not been furnished already about pay etc., drawn by the Government servant which may be available in his office and which may be necessary for the latter Audit Officer to know for the calculation of leave salary. On receipt of the duplicate copy of the application for leave, the latter Audit Officer will calculate the leave salary admissible and issue leave salary certificate to the Government servant direct in the usual manner.

In the case of a non-Gazetted Government servant the authority competent to sanction leave may get a certificate of admissibility of leave under the Central/Other State Government Leave Rules, where necessary, from the lending office under the Central/Other State Government concerned.

(2) The payment of leave salary in respect of the leave granted by in State Government will, in the case of a Gazetted Government Servant be authorised through the Treasury while in the case of a non-Gazetted Government servant payment shall be made by the borrowing department or office concerned.

(3) If a Government servant applies for leave preparatory to retirement and it is proposed to refuse such leave on the ground of exigencies of public service under Rule 89 of the Rajasthan Service Rules or the Central/Other State Governments rules corresponding to such rule it should be ensured that the Central/Other State Governments concerned are invariably consulted before leave preparatory to retirement is refused. If the Central/Other State Governments do not agree to the refusal of such leave or refuse to bear the extra pensionary liability that might be involved thereby the

⁺ Inserted vide F.D, Memo No.F.1 (60) FD (E-R)/65, dated 12-8-1966

proper course would be to grant the leave preparatory to retirement applied for and concurrently to re-employ the Government servant concerned in his existing post under the relevant provisions of Rajasthan Service Rules. The leave salary of such a Government servant shall be subject to such restrictions as the Central/Other State Governments concerned may impose.

(4) If a Government servant applies for leave at the end of the period of his employment under the State Government and before he actually resumes duty under the Central/Other State Government concerned the State Government shall consult the Central/Other State Government concerned and the latter would decide whether or not the leave can be sanctioned. If the leave is to be granted the reversion to the Central/Other State Government of the person concerned should take place from the date of commencement of the leave and formal orders/notifications sanctioning leave should be issued by the Central/ Other State Governments. The consultation with the Central/Other State Government concerned should take place sufficiently in advance of the termination of duty under the State Government and the commencement of the leave, to allow the Central/Other State Government sufficient time to come to decision whether it would be administratively convenient to sanction the leave.

%4. The undersigned is directed to invite attention to provisions contained in Rule 146 of Rajasthan Service Rules according to which contributions on account of leave salary in case of Government servant on foreign service in India are recoverable from the foreign employer, and in return of such contribution, Government accept the charge for leave salary in respect of any period of leave availed of by the Government in or at the end of the foreign service. The expenditure in respect of any compensatory allowance payable for such leave is, however, borne by the foreign employer. The question regarding simplification of the existing system of payment of leave salary to a Government servant on foreign service has been under consideration of the Government for some time past.

With a view to simplify the procedure for payment of leave salary to Government servants for the period of leave availed of by him in or at under the foreign service the Governor is pleased to decide that the foreign employer shall henceforth maintain leave account of the Government servant. The foreign employer will determine the leave admissible to the Government servant concerned and sanction it under intimation to the parent department of the Government servant. The payment of leave salary admissible to the Government servant will be made by the borrowing authority in accordance with the provisions contained in Rule 97 of Rajasthan Service Rules. Thereafter, the borrowing authority may claim half-yearly reimbursement of leave salary so paid from the head of department/head of office in case of gazetted Government servants and non-gazetted Government servants as the case may be. In case of officers belonging to Rajasthan Administrative Service/Rajasthan Accounts Service the claim for reimbursement of leave salary will be sent to the Deputy Secretary to Government Department of Personnel and Chief Accounts Officer, Rajasthan, Jaipur respectively.

% Inserted vide F. D. Memorandum No. F 1 (3) FD/(Gr. .2) 77 dated 17-1-1977 w. e. f. 1-1-1977.

The borrowing authority may send reimbursement claims half yearly in respect of period from 1st April to 30th September and 1st October to 31st March to the aforesaid authorities duly supported with the details of the Government servant on foreign service, nature of leave sanctioned, rate of leave salary and amount of leave salary paid. The Head of the department, Head of Office should verify the claims preferred by the foreign employer and arrange to reimburse the amount through bank draft within a month of the receipt of the claim.

These orders are issued in supersession of Government of Rajasthan decision No. 1 and 2 below Rule 146 of Rajasthan Service Rules. These orders take effect from 1st January, 1977.

147. How Contribution is calculated: —The rates of pension contribution prescribed under Rule 146 will be designed to secure to the Government servant the pension that he would have earned by service under Government, if he had not been transferred to foreign service.

The rates of contribution for leave salary will be designed to secure to the Government servants leave salary on the scale and under the condition applicable to him. In calculating the rate of leave salary admissible, the pay drawn in foreign service, less in the case of Government servants paying their contributions, such part of pay as may be paid as contribution, will count as pay for the purpose of Rule 7 (24).

NOTE

*The rates of contributions prescribed under this rule and the method of calculation are given in Appendix V of these rules. It has been decided that the recovery of leave contribution in respect of joining time taken under rule 127 (b) while proceeding to Foreign Service should be based on the pay that the Government servant would draw on the assumption of office in Foreign Service.

Government of Rajasthan's Decision.

%The leave salary contribution in respect of Rajasthan Government servants on deputation in foreign service paying the contributions themselves, to be calculated on the pay drawn in foreign service less the contribution.

148. Remission of contribution. —Government may while sanctioning a transfer to foreign service. —

- (a) remit contributions due in any specified case or class of cases, and
- (b) make rules prescribing the rate of interest if any to be levied on over due contributions.

Government of Rajasthan's Decision.

@It is ordered that the recovery of pension contribution in respect of State Government servant, on deputation with Bhutan Government is waived under Rule 148 (a) of Rajasthan Service Rules.

* Inserted vide F. D. Order No. F. 5 (1) F (Rules)/56, dated 11-1-1956,

% Inserted by F. D. order No. D. 48/57/F, 1 (42) FD(R)/56, dated 4-2-1957.

^x149. Interest on arrears of contribution. —Contribution for leave salary of pension, due in respect of a Government Servant on foreign service, may be paid annually within one month from the end of each financial year or the end of the foreign service if the deputation on foreign service comes to end before close of financial year. 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 Government, @1 % per month for the period of delay. A fraction of month exceeding 15 days would be treated as full month and delay upto 15 days would be ignored.

The Director, Pensions shall verify as to whether the correct amount of contribution/interest has been remitted. In case the amount of contribution/interest remitted falls short of the amount due in respect of contribution and interest, the Director shall advise the borrowing organisation to remit the balance amount including the amount of interest. In such cases interest should be calculated upto the date on which such an advice is sent. Provided that if full balance amount is remitted within one month of the advice, no interest shall be charged for this one month.

Government of Rajasthan's Instructions.

@In accordance with Rule 149 of the Rajasthan Service Rules if the Contributions for leave salary or pension due in respect of a Government servant in foreign service are not paid by the borrowing authority * [to the Government 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,] penal interest is paid to the Government on unpaid contributions unless specifically remitted by the Government. Under the existing rules the rates of leave salary and pension contributions in respect of Government servants on deputation in foreign service are intimated by the Accountant General, Rajasthan, Jaipur to the borrowing authority. It has been observed that intimation of rates of foreign service contributions to foreign service Bodies is generally delayed as the Accountant General has to collect certain information from the appointing authorities. Consequently the contributions are not paid by the authorities concerned within prescribed time and Government has to be approached for remission of interest.

@ Inserted by FD Order No. F.1 (28) FD (E-R) 64 dated 15-7-1964,

^x Substituted vide F.D. Notification No. F.1 (20) F D (Gr.-2)/84 dated 21-9-89 for —

149 Interest on arrears contribution—Contribution for leave salary or 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 Government, 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.

@ Inserted vide F. D. Memorandum No. F.1 (17) FD-A (Rules)/61 dated 12-10-62.

* Substituted vide Notification No. F.1 (24) FD (Gr.2)/75, dated 16-7-1976 for—

Within 15 days from the end of the month in which the pay on which it is based has been drawn by the Government.

^xIn order to obviate delay in recovering contributions in future the provisional rates of leave salary and Pension/Contributory Provident Fund contributions shall be calculated by the foreign employer/borrowing authority in accordance with the provisions of Appendix V of the Rajasthan Service Rule (Vol. II) and shall intimate the provisional rates to the Accountant General, Rajasthan, Jaipur. The competent authority sanctioning, transfer of Government servant concerned to foreign service shall include, the following as an additional term in the order sanctioning the transfer of Government servant: —

The foreign employer/Government servant shall contribute provisional rates of leave salary and/or Pension/Contributory Provident Fund In the Form In accordance with provisions of Appendix V of the Rajasthan Service Rules Vol. II and shall pay contributions at the rates determined by him @ [annually within 15 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.] A Form, which will help in working at provisional rates, appears in Appendix V of R.S.R. Volume II.

The amount of contributions are to be credited to the following Heads of Accounts: —

^x Substituted vide F.D. Memo No. F.1 (T7) FD-A (Rules)/61, dated 11-6-1964.

"In order to obviate delay in recovering; contributions in future the provisional rates of leave salary and Pension/Contributory Provident Fund Contributions shall be. Calculated by the competent authority sanctioning the transfer of Government servant concerned to foreign service in accordance with the Provisions of Appendix V of the Rajasthan Service Rules Volume (II) and shall include the following as an additional term in the orders sanctioning the transfer of Government Servant:

"The foreign employer/Government servant shall pay leave salary and/or pension Contributory Provident Fund Contributions within fifteen days from the end of the month in which pay on which it is based has been drawn by the Government servant concerned at the following rates: —

- | | | |
|----|--|---------------|
| 1, | Leave, salary contribution | Rs..... .P.M. |
| 2. | Pension/Contributory Provident fund Contribution | Rs..... .P.M. |

The amounts of the contributions are to be credited to the following Heads of Account: -

(1) Leave salary contributions under Receipt Head corresponding to the Service Head of Account to which pay of the office is bited In the parent Department or where there is no corresponding receipt Major Head, to the Head L II miscellaneous.

(2) Pension/Contributory Provident Fund Contribution under Head "XLVIII contribution and recoveries toward pensions and retiring benefits contribution for pension and Gratuities-contributions for pension/Contributory Provident Fund.

The rates mentioned above shall be treated as provisional pending confirmation by the Account General, Rajasthan, Jaipur and will be subject to adjustment retrospectively.

A form which will help in collecting data for working out provisional rates is enclosed for information. While communicating the provisional rates of contribution the fact that the contribution should be paid promptly subject to adjustments and alterations in accordance with final rates, as may be necessary after intimation of final rates by the Audit Officer and that penal interest is leviable for delays in their payment may be indicated by sanctioning authorities."

@ Substituted vide F.D. Notification No. F.1 (24) FD (Gr.2)/75 dated 16.7.1976 for-

"Within 15 days from the end of the month In which the, pay on which it is based has been drawn by the Government Servant."

- (1) Leave Salary Contribution under receipt Head corresponding to the service Head of Account to which pay of the Officer is debited in the parent Department or where there is no corresponding recent Major Head, to the Head LII Miscellaneous.
- (2) Pension/Contributory Provident Fund contribution under Head "XLVII contribution and recoveries towards pension and retiring benefits contribution for pension and Gratuities-Contribution for Pension Contributory Provident Fund.

The rates determined by the foreign employer will be treated as provisional, pending confirmation by the Accountant General, Rajasthan, Jaipur and will be subject to adjustment retrospectively. In case leave salary and/Pension/Contributory Provident Fund contribution at the rates determined by the foreign employer is not paid to Government within the prescribed period mentioned above penal interest will be charged from the foreign employer on unpaid contribution with effect from 1-4-1964.

Clarification.

[^]Doubts have been raised regarding the exact scope of last paragraph of Finance Department Memo dated 11-6-1964 (appearing as Government of Rajasthan's Instruction below Rule 149) which provide recovery of penal interest with effect from 1-4-1964 from the foreign employer on unpaid contribution.

It is clarified that in cases where the foreign employer did/does not pay contributions within the prescribed period, penal interest on all such unpaid contributions shall be charged with effect from 1-4-1964 or the date subsequent to the date on which the contribution was/is due to be paid, whichever is later.

150. Contribution cannot be withheld by a Government servant in foreign service. —A Government servant in foreign service may not elect to withhold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ. The contribution paid on his behalf maintains his claim to pension or to pension and leave salary, as the case may be, in accordance with the rules of the service of which he is a member. Neither he nor the foreign employer has any right of property in a contribution paid and no claim for refund can be entertained.

151. Sanction required to accept pension or gratuity from foreign employer. —A Government servant transferred to foreign service may not without the sanction of Government accept a pension or gratuity from his foreign employer in respect of such service.

152. Leave to Government servant in foreign service. —A Government servant in foreign service may not be granted leave otherwise than in accordance with the rules applicable to the service of which he is a

[^] Inserted vide F. D. Memo No. F.1 (17) F.D. (E-R)/64 dated 23-10-1965

member and may not take leave or receive leave salary from Government unless he actually quits duty and goes on leave.

153. Special provisions regulating grant of leave while on foreign service out of India. —(a) A Government servant in foreign service out of India may be granted leave by his employer on such conditions as the employer may determine. In any individual case the authority sanctioning the transfer may determine before hand, in consultation with the employer, the condition on which leave will be granted by the employer. The leave salary in respect of leave granted by the employer will be paid by the employer and the leave will not be debited against the Government servant's leave account.

(b) In special circumstances the authority sanctioning the transfer to foreign service out of India may make arrangement with the foreign employer, under which the leave may be granted to the Government servant in accordance with the rules applicable to him as a Government servant if the foreign employer pays to Consolidated Fund leave contribution at the rate prescribed under Rule 146.

NOTE

For the purpose of pension the period of leave granted by foreign employer out of India to Government servants lent to them should be treated as "leave" and not as "duty". Any such leave if taken on full pay or equivalent terms should upto a limit of 4 months on any one occasion be treated as privilege leave for the purpose of Rule 91, and all other leave with such leave allowances should be dealt with as in Rules 92 to 98.

154. Pay of a Government servant in foreign service how regulated if appointed to officiate in post in a Government service: —A Government servant in foreign service, if appointed to officiate in a post in Government service, will draw pay calculated on the pay of the post in Government service on which he holds a lien or would hold a lien had his lien not been suspended and that of the post in which he officiates. His pay in foreign service will not be taken into account in fixing his pay.

155. Date of reversion from foreign service. —A Government servant reverts from foreign service to Government service on the date on which he takes charge of his post in Government service provided that if he takes leave on the conclusion of foreign service before rejoining his post, his reversion shall take effect from such date as the Government on whose establishment he is borne may decide,

NOTE

@ I. *Cases where a Government servant, who is already on foreign, service in or out of India under a body corporate, owned or controlled by*

@ Inserted supersession of the following Note vide F. D. No. D 6400/- 59 F. 7a (49) FD/A (Rules.) 59, dated 29-12-1959.

"When a Government servant on foreign service in or out of India applies for leave *Preliminary* to retirement, coupled with permission to remain in the service of the foreign employer, leave may be granted only on the condition that the Government Servant's reversion to Government service will under Rule 155 take effect from the date of taking leave. He will then get the concession of

Government applies for leave preparatory to retirement. — The leave applied for can be granted only if the body corporate, owned or controlled by Government is prepared to release him from their employment to enable him to enjoy the leave. If he is not so released, the leave should be refused in the interest of public service and it may then be availed of by the Government servant to the extent admissible under Rule 89 of the Rajasthan Service Rules from the date of his quitting the service.

II. **Cases where a Government servant who is on foreign service in or out of India other than under a body corporate, owned or controlled by Government applies for leave preparatory to retirement.** — In such cases leave will be admissible only where the Government servant quits duty under the foreign employer. In other words, he will not be permitted to continue in employment under the foreign employer while on leave preparatory to retirement. Non-eligibility for leave preparatory to retirement as a result of continuance in service under the foreign employer will not be treated as refusal of for the purpose of Rule 89 of the Rajasthan Service Rules. If he is allowed to continue in employ of the foreign organisation after the date of superannuation, he will be treated purely as on private employment,

III. **Case where the Government servant seeks re-employment under body corporate while on refused leaves.** — If while on refused leave a Government servant is offered re-employment under a body corporate, owned or controlled by Government, the authority by whom the leave was sanctioned should cancel the un-utilised portion of leave and allow it to be enjoyed on termination of the period of re-employment on the terms and conditions laid down in Government Decision below Rule 65 of the Rajasthan Service Rules inserted vide Order No. D. 1760/59 F. 1 (f) (16) FD-A/Rules 57, dated 30-10 1959.

If, however, re-employment is permitted under an organisation in or out of India other than a body corporate, owned or controlled by Government, he cannot be allowed the benefit of availing himself of the un-utilised portion of refused leave on conclusion of the re-employment. He may either have the option of retiring forthwith or to remain on refused leave concurrently with re-employment under such a private organisation on the condition that the leave salary will be restricted to that admissible during leave on half pay.

adding of leave salary from Government to pay drawn from the foreign employer, just as if he had been permitted to take up private employment during leave *Preliminary* to retirement but he will not be able to increase his pension because his pension will thereafter be calculated on the pay which he would have got on resuming duty in Government service. The question of the Government servant's reversion to Government service need not be pressed if he agrees not to continue to work under the foreign employer for the period of leave, that is, he may have without reverting to Government service, and may have his pension calculated on the pay which he would have drawn on foreign service.

Where, however, a Government servant has been on foreign service, whether in or out of India for a considerable period, a claim to be granted by Government leave preparatory to retirement and to draw leave salary in respect of such leave should be carefully scrutinised and such leave should not ordinarily be granted on the principle that leave preparatory to retirement may be justified in cases where a Government servant desires to establish himself in new "conditions and possibly in new employment but cannot be justified where he is already well established by length of service in employment on foreign service,

Government of Rajasthan's Decision.

@The reversion of a Government servant who takes leave on the conclusion of foreign service with a Panchayat Samiti shall take effect from the date he hands over charge of the post in the Panchayat Samiti

Clarification.

*A question has been raised whether the Central/other State Government is competent to grant leave to a State Government employee on deputation under them on the expiry of the period of his deputation. It is clarified that the leave applied for by such a Government servant, can be sanctioned by the Central/other State Government concerned subject to the condition that his reversion to Government of Rajasthan will take effect from the date on which he rejoins duty under that Government.

156. Date from which Pay and contribution by foreign employer ends; —When a Government servant reverts from foreign service to Government service, his pay will cease to be paid by the foreign employer and his contributions will be discontinued, with effect from the date of reversion.

157. Recovery of contribution in case of regular establishment of which the cost is payable to Government. -When an addition is made to a regular establishment on the condition that its cost, or a definite portion of its cost, shall be recovered from the persons for whose benefit the additional establishment is created, recoveries shall be made under the following rules:

- (a) The amount to be recovered shall be the gross sanctioned cost of the service, or of the portion of the service, as the case may be and shall not vary with the actual expenditure of any month.
- (b) The cost of the service shall include contributions at such rates may be laid down under Rule 146 and the contribution shall be calculated on the sanctioned rates of pay of the members of the establishment,
- (c) Government may reduce the amount of recoveries or may entirely forego them.

Government of Rajasthan's Decision

@राज्य सरकार के सार्वजनिक उपक्रमों / बोर्ड इत्यादि से राज्य सरकार के विभागों में विपरीत प्रतिनियुक्ति (Reverse Deputation) हेतु सामान्य शर्तें एवं निर्देश

राजकीय सार्वजनिक उपक्रमों / मण्डलों एवं स्थानीय निकायों आदि के कर्मचारियों को राजकीय विभागों में विभिन्न पदों पर प्रतिनियुक्ति हेतु प्रस्ताव राज्य सरकार को प्राप्त

@ Inserted vide F.D. Order No. F. 7A (20) FD Rules/60 dated 6-2-1961.

* Inserted vide F.D. Memorandum No. F. 7A (43) FD-A (Rules)/58 dated 28-10-1966

@ Inserted vide FD Order No. प.1(2)वित्त/नियम/2003 पार्ट - I जयपुर, दिनांक : 17.02.2007

होते रहते हैं। राजस्थान सेवा नियम में राज्य कर्मचारी की राजकीय उपक्रम / मण्डल/ स्थानीय निकायों में प्रतिनियुक्ति के संबंध में यथोचित प्रावधान हैं लेकिन इस प्रकार की विपरीत प्रतिनियुक्ति (Reverse Deputation) के लिये कोई प्रावधान नहीं है। इस संबंध में किसी प्रकार के दिशा निर्देश भी जारी नहीं किये गये हैं। विपरीत प्रतिनियुक्तियों हेतु आवश्यक होने पर प्रशासनिक विभागों द्वारा प्रस्तावित किये जाने पर वित्त विभाग द्वारा स्वीकृति दी जाती है।

इस संबंध में समुचित व्यवस्था के लिये विपरीत प्रतिनियुक्ति (Reverse Deputation) हेतु निम्नलिखित सामान्य निर्देश / शर्तें एतद्वारा जारी की जाती हैं, जिनकी अनुपालना होने पर ही विपरीत प्रतिनियुक्ति (Reverse Deputation) की जा सकेगी :

- (i) रिवर्स डेपूटेशन उन्हीं कर्मचारियों का किया जायेगा जिनको अधिशेष घोषित नहीं किया गया हो या जिनकी छंटनी नहीं की गई हो या संस्थान / उसके किसी भाग को, जिसमें कर्मचारी कार्यरत है, को बन्द करने का निर्णय नहीं लिया गया हो। कर्मचारी नियमित रूप से उस संस्थान में कार्यरत हों। इस आशय का प्रमाण पत्र संस्था के मुखिया (MD / CMD) को उपरोक्त शब्दों में देना होगा।
- (ii) पैतृक संस्थान में दैनिक वेतन, स्थिर वेतन, संविदा पर नियुक्त कार्मिकों की विपरीत प्रतिनियुक्ति (Reverse Deputation) नहीं की जायेगी।
- (iii) विपरीत प्रतिनियुक्ति (Reverse Deputation) पर उन्हीं कर्मचारियों को लगाया जायेगा जो पैतृक संस्थान में नियमित रूप से चयन के फलस्वरूप सेवा में आये हों एवं समान वेतन श्रृंखला/ उच्च वेतन श्रृंखला आहरित कर रहे हों। उच्च वेतन श्रृंखला के पद के विरुद्ध निम्न वेतन श्रृंखला के कर्मचारी को प्रतिनियुक्ति पर नहीं लगाया जाये।
- (iv) विपरीत प्रतिनियुक्ति (Reverse Deputation) की अवधि राज्य सरकार के विभाग / कार्यालय में कार्य ग्रहण करने की दिनांक से 1 वर्ष तक होगी जो वित्त विभाग की अनुमति से सामान्यतया 3 वर्ष तक के लिये बढ़ाई जा सकती है।
- (v) उक्त बिन्दु (ii) एवं (iii) के आशय का प्रमाण पत्र भी संस्था के मुखिया (MD / CMD) को देना होगा।
- (vi) कोई कर्मचारी विपरीत प्रतिनियुक्ति (Reverse Deputation) पर उसी पद पर प्रतिनियुक्ति पर लिया जा सकेगा जिस पर नियुक्ति हेतु निर्धारित शैक्षणिक

योग्यता एवं अन्य योग्यताएं रखता हो। इसमें किसी प्रकार का शिथिलीकरण नहीं दिया जायेगा। कार्मिक विभाग अपवाद स्वरूप विशिष्ट मामलों में परीक्षण करके, मुख्यमंत्री के पूर्व अनुमोदन से निर्धारित योग्यताओं को उचित सीमा तक शिथिलता प्रदान कर सकेगा जिसकी पूर्व अनुमति संबंधित प्रशासनिक विभाग (Reverse Deputation पर लेने वाला) आदेश जारी करने से पूर्व प्राप्त करेगा और आदेशों में इसका संदर्भ अंकित किया जायेगा।

- (vii) विपरीत प्रतिनियुक्ति (Reverse Deputation) के दौरान कर्मचारी को वे ही वेतन एवं भत्ते देय होंगे जो वे पैतृक संस्थान में प्राप्त कर रहे थे अथवा सरकार में देय हों (जो भी कम हो) परन्तु उसे ऐसे अतिरिक्त भत्ते / सुविधाएं देय नहीं होंगी जो उसे पैतृक संस्थान में प्राप्त थी परन्तु राज्य सरकार में उसके समकक्ष कर्मचारी को देय नहीं हों।
- (viii) विपरीत प्रतिनियुक्ति (Reverse Deputation) के दौरान राज्य बीमा, जी.पी.एफ., आर.पी.एम.एफ. एवं राज्य कर्मचारियों से किये जाने वाली ऐसी अन्य कटौतियां ऐसे कर्मचारी के वेतन से नहीं की जायेंगी।
- (ix) विपरीत प्रतिनियुक्ति (Reverse Deputation) के दौरान ऐसे कर्मचारियों के वेतन से पैतृक संस्थान के नियमों के अनुसार वसूली योग्य राशि वेतन से काटी जायेगी। कार्मिक का सीपीएफ अंशदान एवं नियोक्ता का अंशदान नियमित रूप से पैतृक संस्थान को भेजा जायेगा।
- (x) विपरीत प्रतिनियुक्ति (Reverse Deputation) कार्मिकों पर पैतृक संस्थान के सेवा नियमों की सेवा शर्तें यथावत लागू होंगी एवं अवकाश लाभ पैतृक संस्थान के नियमों के अनुसार ही देय होंगे।
- (xi) विपरीत प्रतिनियुक्ति (Reverse Deputation) के कार्मिकों को प्रतिनियुक्ति भत्ता देय नहीं होगा।
- (xii) ऐसे कर्मचारियों को विपरीत प्रतिनियुक्ति (Reverse Deputation) के दौरान पैतृक संस्थान से बोनस / एक्स-ग्रेसिया का भुगतान नहीं किया जायेगा।
- (xiii) चिकित्सा सुविधा एवं यात्रा भत्ता नियम राज्य सरकार के कार्मिकों के अनुरूप ही देय होंगे।
- (xiv) विपरीत प्रतिनियुक्ति (Reverse Deputation) के दौरान कार्मिक के सर्विस रिकार्ड का संधारण पैतृक संस्थान द्वारा ही किया जायेगा। वार्षिक वेतन वृद्धियां आदि पदस्थापन के दौरान नियंत्रण अधिकारी द्वारा स्वीकृत की जायेंगी।

- (xv) यदि पैतृक संस्था में छंटनी या स्वैच्छिक सेवानिवृत्ति योजना लागू की जाती है या पैतृक संस्था को बन्द किये जाने का निर्णय किया जाता है तो ऐसी संस्था के विपरीत प्रतिनियुक्ति (Reverse Deputation) पर आये कर्मचारी को भी पैतृक संस्था को लौटाना होगा जिससे संस्था उसे स्वैच्छिक सेवानिवृत्ति दे सके अथवा छंटनी कर सके।
- (xvi) विपरीत प्रतिनियुक्ति (Reverse Deputation) पर कार्यरत कार्मिकों को राज्य कर्मचारियों को देय पेंशन इत्यादि के लाभ देय नहीं होंगे अपितु पैतृक संस्थान के अनुसार ही सेवानिवृत्ति लाभ नियमानुसार देय होंगे एवं पैतृक संस्थान द्वारा ही भुगतान किया जायेगा।
- (xvii) सेवानिवृत्ति से तीन माह या स्वीकृत प्रतिनियुक्ति की निर्धारित अवधि, जो भी पहले हो, के अनुसार कार्मिक को उसके पैतृक संस्थान में लौटा दिया जायेगा।
- (xviii) विपरीत प्रतिनियुक्ति (Reverse Deputation) पर किसी भी कर्मचारी को वित्त (नियम) विभाग की पूर्व स्वीकृति के उपरान्त ही लिया जा सकेगा।

Matter End of the Chapter

Rule No. 144 A

Government of Rajasthan's Decision.

^The scheme for grant of Deputation (Duty) Allowance to State Government employees transferred on deputation/foreign service to Central Government or other State Government, public undertakings, autonomous bodies (incorporated or not) and other bodies etc. wholly or substantially owned or controlled by Government has been under review for some time past. As a result of review, the Governor is now pleased to decide that grant of Deputation (Duty) Allowance to State Employees who go on deputation or on foreign service to ex-cadre posts shall be regulated in accordance with the provisions contained in the following paragraphs.

2. The term 'deputation' will cover only appointments made by transfer on a temporary basis. It does not cover permanent appointments made by transfer or final absorption or by direct recruitment in competition with open market candidates to the aforesaid bodies.

#3(i) [The Deputation (Duty) Allowance shall be @ 10 % of the basic pay of the employee subject to a maximum of Rs, 200/- p.m.]

(ii) The 'basic pay' for the above purpose shall mean pay drawn in the scale of pay of the substantive appointment held or the pay in the scale of pay of the officiating appointment in an employee' parent cadre provided that it is certified by the appointing authority that but for the deputation the employee would have continued to hold officiating appointment indefinitely.

(iii) The special pay shown in the schedule II of the Special pay in the Rajasthan Civil Services (New pay Scales) Rules 1969 as may be amended from time to time shall only be deemed as part of basic pay provided it has been drawn continuously for more than two years at the time of deputation. Personal pay, if any, drawn by an employee in his parent department may be allowed in addition. This will not be absorbed in deputation (duty) allowance but will be absorbed in other increases of pay for example increment, or increase of pay by promotion for any other reason.

^ Inserted vide F.D. office Memorandum No. F. 1 (3) FD (Gr.2) 76-I, dated 23.01.1976.

Substituted vide F.D. Order No. F. 1 (47) FD (Gr.2) 82, dated 19-2-1985 w.e.f. 1.2.1985..

The Deputation (Duty) Allowance shall be \$12% of the basic pay of the employee subject to a maximum of Rs. 250/-p.m.

in the existing para 3(i), the existing expression "@14% substituted vide FD Memo No. F.1(47)FD(Gr.2)82 dt. 17.2.1983 w.e.f. 1.9.1981.

The existing para 3(i) substituted vide FD Memo No. F.1(3)FD(Gr.2)76 dt. 5.2.1981-

"%3. *Deputation (Duty) Allowance:-* (i) The Deputation (Duty) Allowance shall be @14% of the basic pay of the employee subject to maximum of Rs. 250/p.m. provided that basic pay of the employee. in the pay scale of his parent department from time to time plus deputation (duty) allowance does not exceed the maximum of the scale of the post held on deputation or, where post on deputation has a fixed pay, that fixed pay."

%Substituted vide FD Memo No. F.1(3)FD(Gr.2)/76-I dated 20.6.1980

"3(i) The Deputation (Duty) Allowance shall be @ 14% of the basic pay of the employee subject to a maximum of Rs. 250/-p.m."

Government of Rajasthan's Decision

In partial modification of the Finance Department Memorandum of even number dated 20.6.1980, the Governor is pleased to order that the existing Government servants who are already on deputation on the date of issue of these orders would be exempted from the operation of these orders till they remain on deputation to these Corporations. (Inserted vide FD Memo No. F.1(3)FD(Gr.2)/76 dated 2.12.1980.) The existing para 3(i) substituted vide FD OM No. F.1(3)FD/Gr.2/76 dt. 1.12.1976 w.e.f. 1.9.1976

"3 (i) Deputation (Duty) Allowance : (i) The Deputation (Duty) Allowance shall be @ 20% of the basic pay of the employee subject to a maximum of Rs. 300/- p.m. provided that basic pay of the employee in the pay scale of his parent department from time to time plus deputation (Duty) allowance does not exceed the maximum of the scale of the post held on deputation or, where post on deputation has a fixed pay, that fixed pay.

These Orders shall also be applicable to Government servants who are already on deputation.

"* [(iv) Deleted.

^x [4. **Pay on Deputation:**

* Deleted vide FD order No. F.1(47)FD/Gr.2/82 dt. 19.2.1985 [with the condition specified under footnote of para 3(1) the following -

In cases of persons transferred on deputation or foreign service within the same station, the deputation (duty) allowance referred to in clause (i) above shall be % [6%] of the employee's basic pay subject to a maximum of Rs. 100/- p.m. Whether a person goes to the same station or not for this purpose will be determined with reference to the station where he was on duty before proceeding on deputation/ foreign service.]"

%Substituted vide FD Memo No. F.1(47)FD(Gr.2)/82 dt. 17.2.1983 w.e.f.1.1.1981 for "7%".

*Substituted vide F. D. Memo No. F. 1 (3) F. (Gr. 2)/71 dated 5-2-1981. These Orders shall also be applicable to Govt. Servants who are already on deputation:—

x (iv) In cases of persons transferred on deputation or on foreign service within the same station, the deputation (duty) allowance referred to in clause (i) above shall be + 7% of the employee's basic pay subject to a maximum of Rs. 100/- p.m. Whether a person goes to the same station or not for this purpose will be determined with reference to the station where he was on duty before proceeding on deputation/foreign service."

x Substituted vide F. D. Memorandum No. F. 1 (3) FD (Gr. 2)/ dated, 1-12-1976 w.e.f. 1.9.1976 for the following:—

"(iv) In cases of persons transferred on deputation or on foreign service within the same station, the deputation (duty) allowance referred to in clause (i) above shall be + 10% of the employee's basic pay instead of @ 20%. Whether a person goes to the same station or not for this purpose will be determined with reference to the station where he was on duty before proceeding on deputation/foreign service,

^x Substituted vide F.D. Order No. F.1 (47)FD/Gr.2/82, dated 19-2-1985 w.e.f 1.2.1985

[(i) These orders shall take effect from 1.2.1985. These Orders shall also be applicable to Government servants who are already on deputation. However, Government servants who are on deputation on the date of issue of this order may elect to continue to be governed under the existing terms of deputation but the extension in the period of deputation allowed by the competent authorities after 1.2.1985 shall be governed under the terms of deputation as amended under this order.

(ii) The option permitted above will be exercised and communicated by the respective Government servants to the borrowing authority within a period of one month from the date of issue of this order. Those who do not exercise option within the prescribed time limit, shall be deemed to have opted the amended terms of deputation.

[with the condition specified under footnote of para 3 (i)], for:-

In para 4 (iii) the existing expression "@20% substituted vide FD No.1(3)FD(Gr.2)/76 dated 1-12-1976 w.e.f. 1-9-1976.

In para 4 (iii) the existing expression "@14%" substituted vide FD Memo No.F.1(3)FD(Gr.2)/76 dated 17-2-1983 w.e.f. 1-9-1981.

The existing item (a)(b) and (c) of para 4 (iii) substituted FD OM No.F.1(3)FD(Gr.2)/76 dated 1-12-1976 w.e.f. 1-9-1976 –

(a)	for employees in receipt of basic pay above Rs. 750/-	25% of basic pay of Rs.225/- whichever is more.
(b)	for employees in receipt of basic pay above Rs.300/- upto Rs.750/-	30% of basic pay or Rs. 100/- whichever is more
(c)	for employees in receipt of basic pay of and below Rs.300/-	33.1/3% of basic pay.

"4. Pay on Deputation:

(i) An employee sent on deputation/foreign service may elect to draw either the pay in the scale of pay of the new post to which he is deputed as may be fixed under Rajasthan Service Rules,

OR

(ii) his basic pay in the parent department plus personal Pay, if any, plus deputation (duty) allowance at the rate mentioned in para 3 above.

(iii) With a view to ensure that a Government servant on deputation does not get abnormal increase in the pay because of the option exercised as at clause (i) of this para, it has been decided that where the minimum of the scale of pay of the deputation post is substantially in excess of the deputationist basic pay plus deputation (duty) allowance *@12%, the appointing authority may restrict the pay of the deputationist even below the minimum of the pay of the deputation post under Rule 36 of Rajasthan

Service Rules. In such a case the pay allowed under Rule 36 of Rajasthan Service Rules should not exceed the basic pay of the deputationist by more the amount shown below; —

- * (a) for employees in receipt of basic pay 15% of basic pay or Rs. 225/- which ever is above Rs. 1550/- p.m. more.
 (b) for employees in receipt of basic pay of/and 15% of basic pay. below Rs. 1550/- p.m.

^"Government of Rajasthan's Decision.

The State Government employees who are transferred on deputation/foreign service to Central Government or other State Government, public undertaking, autonomous bodies etc., have option either to elect to draw pay in the scale of pay of the new post to which they are deputed or to draw basic pay in the parent department plus deputation (duty) allowance vide para 4 of Finance Department Memorandum No. F.1 (3) FD (Gr.2)/76-I, dated 23-1-1976.

(2) Consequent upon introduction of Rajasthan Civil Services (Revised New Pay Scales) Rules 1976 with effect from 1-9-1976 after merging all elements of Dearness Allowance sanctioned prior to 1-9-1976 into pay a question has been raised as to how pay of a Government servant who opted to draw pay in the pay scale of the new post of which he is deputed would be regulated where element of Dearness Allowance sanctioned prior to 1-9-1976 is allowed as a separate element with the pay in the pay scale of borrowing organisation after 1-9-1976.

(3) The matter has been considered and it has been decided that in the cases referred to in para (2) above the option provided in para 4 of the Finance Department Memorandum No. F.1 (3) FD (Gr.2)/76-I dated 23-1-1976 as amended from time to time shall not be permissible and in such cases a Government servant shall only be allowed to draw pay in the pay scale of the parent department plus usual deputation (duty) allowance and Dearness Allowance as per Government orders. Other allowances shall be regulated in accordance with para 6 of the above referred Memorandum dated 23-1-1976. The pay of Government servants who are already on deputation shall also be regulated in accordance with these orders with effect from 1-9-1976. The Finance Department order dated 23-1-1976, may be deemed to have been amended to this effect with effect from 1-9-1976.

(iv) However, in the case of employees who are already on deputation and drawing pay higher than that admissible under clause (iii) of this para, they shall have to deposit the difference in the Government account from the date of this order till the commencement of further extension, if any, of the period of deputation when their pay shall be fixed in accordance with the provisions of this order.

The State Government employees who are transferred on deputation/foreign service to Central Government or other State Government, public undertaking, autonomous bodies etc., have option either to elect to draw pay in the scale of pay of the new post to which they are deputed or to draw basic pay in the parent department plus deputation (duty) allowance vide para 4 of Finance Department Memorandum No. F.1(3)FD(Gr.2)/76-I dated 23.1.1976/

Government of Rajasthan's Decision.

1. Consequent upon introduction of Rajasthan Civil Services (Revised New Pay Scales) Rules, 1976 with effect from 1.9.1976 after merging all elements of Dearness Allowance sanctioned prior to 1.9.1976 into pay a question has been raised as to how pay of a Government servant who opted to draw pay in the pay scale of the new post to which he is deputed would be regulated where element of Dearness Allowance sanctioned prior to 1.9.1976 is allowed as a separate element with the pay in the pay scale of borrowing organisation after 1.9.1976.

2. The matter has been considered and it has been decided 6that in the cases referred to in para 2 above the option provided in para 4 of the Finance Department Memorandum No.F.1(3)FD(Gr.2)/76-I dated 23.1.1976 as amended from time to time shall not the permissible and in such cases a Government servant shall only be allowed to draw pay in the pay scale of the parent department plus usual deputation (duty) allowance and Dearness Allowance as per Govt. orders. Other allowances shall be regulated in accordance with para 6 of the above referred Memorandum dated 23.1.1976. The pay of Government Servants who are already on deputation shall also be regulated in accordance with those orders with effect from 1.9.1976. The Finance Department order dated 23.1.1976 may be deemed to have been amended to this effect with effect from 1.9.1976.

Inserted vide FD Memo No. F.1(3)FD(Gr.2)/76 dated 27.5.1977.

An employee sent on deputation/foreign service shall be allowed his basic pay in the pay scale of the parent department plus personal pay, if any, plus deputation (duty) allowance at the rates mentioned in para 3 above.]

Government of Rajasthan's Decisions

⁺The Governor has been pleased to order that notwithstanding the provisions contained in Finance Department Memorandum No. F. 1 (3) FD (Gr. 2)/76-I, dated 23-1-1976 as amended from time to time the following additional optional terms of deputation shall be allowed to the State Government servants sent on deputation/foreign service to Bhakra Beas Management Board, Water & Power Consistency Services (India) Ltd. and other Central and Inter-State Organisations, namely: —

(1) **Pay on deputation.** —(i) Government servants on deputation/foreign service may elect to draw pay in the pay scale of the post of deputation to which he is deputed as may be fixed under Rule 26 of Rajasthan Service Rules.

(ii) With a view to ensure that a Government servant on deputation does not get abnormal increase in the pay because of the option exercised as at clause (i) above, it has been decided that where the minimum of the scale of pay of the deputation post is substantially in excess of the deputationist basic pay plus deputation (duty) allowance @ 10%, the appointing authority may restrict the pay of the deputationist even below the minimum of the pay of the deputationist post under Rule 36 of Rajasthan Service Rules. In such a case, the pay allowed under Rule 36 of Rajasthan Service Rules should not exceed the basic pay of the deputationists by more than the amount shown below: —

- | | | |
|-----|--|---|
| (a) | for employees in receipt of basic pay above Rs. 1550/- p.m. | 15% of basic pay or
Rs. 225/- whichever is more. |
| b) | for employees in receipt of basic pay of/and below Rs. 1550/- p.m. | 15% of a basic pay. |

(2) **Dearness Allowance.** —Dearness Allowance will be regulated under the rules of the parent Government or under the rules of borrowing Government/foreign employer according as pay is drawn in the parent pay scale or in pay scale of post held on deputation.

2. These order shall take effect from 1-2-1985 and shall also be applicable to those Government servants who are already on deputation on this date,

@5. Deleted.

*Inserted vide F.D. Memorandum No. F.1 (3) FD (Gr.2)/76 dated 22-8-1977.

2. The Governor is pleased to order that Finance Department Memorandum No.F.1(3)FD(Gr.2)/76 dated 27.5.1977 on the subject cited above may be deemed to have been revoked with effect from 1.6.1983

Deleted vide FD Memo No. F.1(47)FD(Gr.2)/82 dated 10.6.83

⁺ Inserted vide F.D. Memo. No. F. 1 (47) FD (Gr. 2)/82, dated 6-9-85.

@ Deleted vide F. D. Memorandum No. F. 1.(3) FD (Gr. 2) 76 dated 5-2-81, These order shall also applicable to Govt. servants already on deputation, the following; —

%5. **Restriction on continuation of deputation:**

Where the basic pay of a Government servant at the time of his proposed deputation exceeds the maximum of the pay scale of the new post to which he is deputed or the fixed pay he should not be sent on deputation. If the basic pay of an employee exceeds the maximum pay of post held on the deputation or fixed pay of the post at: any time subsequent to his deputation, the period of the deputation of the employee shall be restricted to a period of six months from the date his pay thus exceeds the maximum and the employee should be reverted to the parent department."

[^]Para 5 kept in abeyance vide F. D. Memo F. 1(3) F.D. (Gr. 2)/76 dated 1-12-1976 & restored vide. F.D. Office Memorandum No. F.1(3) FD (Gr.2)/76-I dated 20-6-1980.

=Inserted vide FD Memo No.F.1(3)FD (Gr.2)76 dated 2-12-1980.

6. Compensatory Allowances:

⁺[(i) *Dearness Allowance* : Dearness Allowance will be regulated under the rules of the parent department.]

(ii) *House Rent Allowance*: House Rent Allowance shall be admissible according to the rules of borrowing Government foreign employer or under the rule of parent Government whichever is more beneficial.

(iii) *Travelling Allowance*: Travelling allowance shall be admissible according to the rules of borrowing Government foreign emp,

(iv) *Compensatory (City) Allowance*; Compensatory (City) Allowance shall be admissible according to the rules or the parent Government of borrowing authority whichever is more beneficial.

(v) *Medical Concession*: Medical concession shall be admissible according to the rules of borrowing Government foreign employer or under the rules of parent Government whichever is more beneficial.

(vi) *Project Allowance*: Project allowance admissible in a Project area shall be admissible in addition to the deputation (duty) allowance.

[@]*Government of Rajasthan's Decision.*

It has been provided in the Finance Department Memorandum No. F.1 (3) FD (Gr.2)/76-I dated 23-1-1976 on the subject noted above that an employee who sent on deputation/foreign service may elect to draw compensatory allowances other than D.A. either according to the rules applicable to in him his parent Government/Organisation or according to the rules of the borrowing Government or authority whichever is advantageous to him.

(2) It has been brought to the notice of the Government that an employee who is on deputation from Government of India or other State Government or other organisation and who has opted to draw pay in the pay scale of parent Department with deputation allowance are placed in a disadvantageous position in the matter of entitlement to compensatory allowance according to the rules of State Government as compared to State Government servants drawing pay in the Revised Pay Scales, 1976 on account of consequential changes made in the rules regulating compensatory allowance like T.A., H.R. A., C.C.A., Project Allowance etc. On introduction of Revised New Pay Scales Rules, 1976 after merging of all components of D.A.

(3) The matter has been examined and it has been decided that as a result of introduction of Rajasthan Civil Serviceuan (Revised New Pay Scales) Rules, 1976 aforesaid employee on deputation to State Government may be given freash opportunity to exercise option in respect of compensatory allowances admissible to them under para 6 of the aforesaid order so that they may elect to be government the rules applicable to them in the parent department or according to the rules of borrowing authority whichever proves more advantageos to them. The option would be deemed to have

=In partial modification of the Finance Department Memo of even number dated 20-6-1980, the Governor is pleased to order that the existing Government servants who are already on deputation on the date of issue of these orders would be exempted from the operation of these orders till they remain on deputation to these Corporations.

&The existing para 5 deleted for FD Memo No.F.1(3)FD(Gr.2)/76 dated 5-2-1981 –

&Restriction on continuation of deputation: Where th basic pay of a government servant at the time of his proposed deputation exceeds the maximum of the pay scale of the new post to which he is deputed or the fixed pay he should not be sent on deputation. If the basic pay of an employee exceeds the maximum pay of post held on the deputation or fixed pay of the post at any time subsequent to his deputation the period of the deputation of the employee shall be restricted to a period of six months from the date his pay thus exceeds the maximum and the and the employee should be reverted to the parent department..

⁺ Substituted vide FD Order No. F. 1(47) FD (Gr.2)/82 dated 19-2-1985 [with the conditions specified under footnote of para 3(i)], for: —

"(i) *Dearness Allowance*: — Dearness Allowance will be regulated under the rules of the parent Government or under the rules of borrowing Government/foreign employer according as pay is drawn in the parent pay scale or in pay scale of post held on deputation."

[@] Inserted vide F.D. Memorandum No. F.1 (3) FD (Gr.2) 76 dated 25-5-1977.

been exercised with effect from 1-9-1976 and their claims in respect of compensatory allowances regulated accordingly.

(4) The Project allowance *[including Desert Allowance] in case of persons referred to in para 3 above shall be regulated in accordance with the rules of the State Government in force from time to time.

Government of Rajasthan's Decision.

*[It has been provided in the Finance Department Memorandum No. F.1 (3) FD (Gr.2) 76-I dated 23-1-1976 on the subject noted above that an employee who was sent on deputation/foreign service may elect to draw compensatory allowances other than dearness allowance either according to the rules applicable to him in his parent Government /Organisation or according to the rules of the borrowing Government or authority whichever is advantageous to him.

2. It has been brought to the notice of the Government that an employee who is on deputation from Government of India or other State Government or other Organisation and who has opted to draw pay in the pay scale of parent department with deputation allowance are placed in disadvantageous position in the matter of entitlement to compensatory allowances according to the rules of State Government as compared to State Government servants drawing pay in the Rajasthan Civil Services (Revised Pay Scales) Rules, 1983 on account of consequential changes made in the rules regulating compensatory allowance like Travelling Allowance, House Rent Allowance, Compensatory (City) Allowance, Project Allowance etc. on introduction of Rajasthan Civil Services(Revised Pay Scales) Rules, 1983 after merging of dearness allowance on basic pay at the rates in force on 1-7-1980.

3. The matter has been examined and it has been decided that as a result of introduction of Rajasthan Civil Services (Revised Pay Scales) Rules, 1983, aforesaid employees on deputation to State Government may be given fresh opportunity to exercise option in respect of compensatory allowances admissible to them under para 6 of the aforesaid order so that they may elect to be governed by the rules applicable to them in the parent department or according to the rules of borrowing authority whichever proves more advantageous to them. The option would be deemed to have been exercised with effect from 1-9-1981 and their claims in respect of compensatory allowances regulated accordingly.

4. The Project Allowance including Desert Allowance in case of persons referred to in para 3 above shall be regulated in accordance with the rules of the State Government in force from time to time.

7. Joining time pay and Transfer Travelling Allowance:

He will be entitled to travelling allowance and joining time both on joining the post on deputation or on reversion therefrom to the parent department under the rules of the Government, foreign employer to which he is deputed. The expenditure on this account shall be borne by the borrowing authority/foreign employer.

8. Leave and Pension contribution:

During the period of deputation he will be governed by leave and pension rules of the lending authority or parent employer applicable to him before such transfer. The leave salary and pension contribution shall be paid by the borrowing authority/foreign employer in accordance with the provisions contained in the Rajasthan Service Rules.

9. Begining and end of deputation:

The deputation will commence from the date on which he hands over the charge of the post under Government and on the date he assumes charge of a post under Govt.

***[10. Payment of Bonus or ex-gratia:**

* Added vide F.D. Memo. No. F. 1 (47) FD (Gr.2) 82 dated 17-9-1983.

** Substituted vide F.D. Order No.F.1 (47) FD (Gr.2)/82,dated 19-2-1985 [with the conditions specified under footnote of para 3 (i)], for: —

"10. Payment of Bonus or ex-gratia:

(i) A Government servant drawing pay not exceeding Rs. 1600/-p.m. on deputation to Public Sector Undertakings or Cooperative Societies/Institutions etc. which are legally required to pay bonus under the Payment of Bonus Act, 1965 may be allowed to accept bonus declared by such Undertakings, Cooperative Societies/Institutions etc.

(ii) Where payment of bonus is not a legal obligation and Public Sector Undertakings or Cooperative Societies/Institutions declare ex-gratia award, it may be allowed to be accepted by the Government servant on deputation to those Undertakings or Cooperative Societies/Institutions provided that the pay of the deputationist does not exceed Rs. 1600/- per month. In future, such ex-gratia award declared by Public Sector Undertakings, which are not under a legal obligation to pay bonus under the Payment of Bonus Act, 1965 would be available only to those deputationist who are drawing pay not exceeding Rs. 1600/—in the scale prescribed for the deputation post in the Public Sector Undertakings/Cooperative Societies/Institutions and not to those who draw their grade pay admissible under Government with deputation allowance.

(iii) The term "pay" used in clause (ii) & (i) above shall have the same meaning as "salary or wage" as defined in Section 2 (21) of the Payment of Bonus Act, 1965 and shall include pay, special pay, if any, and dearness allowance. As deputation (duty) allowance has been classified as special pay, it should also be taken into account for purposes of paragraph (i) & (ii) above. City Compensatory Allowance, House Rent Allowance etc. should not be taken into account for the purpose.

(iv) The grant of Bonus or ex-gratia award under paragraphs (i) & (ii) above will be further subject to the following restrictions: —

(a) Where the payment of bonus or ex-gratia award as the case may be under paragraphs (i) & (ii) above is allowed to an employee drawing salary exceeding Rs. 750/- the ex-gratia award or bonus shall be calculated as if the salary was Rs. 750/-p.m,

(b) The maximum, amount of bonus or ex-gratia awards payable under paragraphs (i) & (ii) of this para read with clause (iv) (a) of this para, as the case may be, to a Government employee on deputation in such undertaking should be limited to 20 % of the salary not exceeding Rs. 750/- p.m.

(v) Government servants affected by provisions contained in sub-para (ii) above may exercise option either to continue on deputation allowance where it is admissible without eligibility for ex-gratia awards or to opt for the scale of pay of the post under the Public Sector Undertakings/ Co-operative Societies/Institutions and be eligible for the ex-gratia award, Option should be exercised within 3 months of the date of issue of these orders.

(vi) For the facility of the Government servants it is clarified that payment of bonus is not a legal obligation in the Rajasthan Financial Corporation, Rajasthan State Electricity Board and the Rajasthan State Road Transport Corporation.

(vii) Payment of bonus or ex-gratia award for the current accounting year or subsequent years will be regulated under these orders. Past cases in which payment has not been allowed may also be disposed of under these orders. No bonus or ex-gratia award will be allowed under these orders for service rendered on deputation for any period prior to the year in which Payment of Bonus Act, 1965 was promulgated.

* (Viii) Deleted.

(ix) A Government servant who elects to draw pay in the scale of pay of the post to which he is deputed under clause (i) of para 4 of this order shall be entitled to receive payment of bonus or ex-gratia payment, as the case may be, from the foreign employer or the organisation to which he is on deputation; and to retain it. But where a Government servant who is in receipt of pay of his post in the parent department plus deputation allowance under clause (ii) of para 4 of the order is entitled to receive bonus under the Payment of Bonus Act while on deputation, he shall be required to credit the amount of bonus payment so received to the Government Account. The authority making payment of bonus shall also ensure that the amount of bonus made to him has been credited by the Government servant to the Government Account."

* Deleted vide F.D. Office Memorandum No. F. 1 (3) FD (Gr.-2)/76 dated 4-9-1980, with effect from 23-1-1976.

(i) A Government servant drawing pay not exceeding Rs. 1600/-p.m. on deputation to Public Sector Undertaking or Cooperative Society/ Institution etc. which is legally required to pay bonus under the Payment of Bonus Act, 1965, may be allowed to accept bonus declared by such Undertaking, Cooperative Society / Institution etc. but he shall be required to credit the amount of bonus payment so received to the Government Account. The authority making payment of bonus shall also ensure that the amount of bonus admissible to him is credit by the Government servant to the Government Account.

(ii) Where payment of bonus is not a legal obligation under the Payment of Bonus Act, 1965 and public sector undertaking or Cooperative Society/Institution declare bonus ex-gratia, such award shall not be admissible to the deputationist.

(iii) For the facility of the Government servants, it is clarified that payment of bonus is not a legal obligation in the Rajasthan Financial Corporation, Rajasthan State Electricity Board and the Rajasthan State Road Transport Corporation.]

***11. Duration of Deputation:** The maximum period for which a Government servant may remain on deputation shall in no case exceed three years, provided that in case where it is considered absolutely necessary in the public interest and in special circumstance to extend the period of deputation on foreign service beyond the maximum period of three years; —

- (a) No deputation allowance or deputation pay shall be payable even if the period of deputation is extended with the prior approval of Finance Department.
- (b) No proposal for extension in the period of deputation shall be considered even without deputation allowance/ deputation pay, if the proposal for extension in the existing terms of deputation is not moved at least two months before the expiry of the term of deputation giving full justification.
- (c) If no request is received within the time limit prescribed in the (b) above, the competent authority should issue the posting orders at least 15 days before the expiry of the period of deputation. The Government servant on deputation will seek permission 15 days before the

(viii) A member of an All India Service, who is on deputation to a Public Sector Undertaking, in which not less than 51% of the paid-up share Capital is held by the Rajasthan Government, may be allowed to accept bonus or ex-gratia declared by such Undertakings in respect of the year 1973-74 and onwards, provided-

- (a) the undertaking has been earning profits;
- (b) the payment is made from the employers' share of the available surplus of 40% as per payment of Bonus Act, 1965;
- (c) the payment of Bpmis (ex-gratia) shall be calculated on the basis of actual salary drawn except that in the case of a member of service drawing salary of Rs. 1600/- or more, the salary shall be deemed to be Rs. 1600/- p.m.

The existing para 11 substituted vide FD Memo F.1(47)FD(Gr.2)/82 dated 6-8-1985 with effect from 1-8-1985.

+(i) The maximum period for which a Government servant may remain on deputation shall in no case exceed three years. Where it is considered absolutely necessary in the public interest and in special circumstances to extend the period of deputation on foreign service beyond the maximum period of three years prior approval of Finance Department should always be obtained atleast two month's before the expiry of the term of deputation giving full justification in this regard.

(ii) In case a Government servant continues to remain on deputation beyond the maximum period of three years without seeking formal extension as envisaged in sub-para (i) of this para, he shall after the expiry of the period of three years, draw pay and allowance in the pay scale applicable to his parent cadre/service to which he would have been entitled to had he not continued to remain on deputation after three years irrespective of whether he has exercised option to draw pay in the scale of pay of the deputation post or his pay in the parent department plus deputation allowance under para 4 above.

+ Substituted vide FD Memorandum No. F. 1(3) FD (Gr. 2)/76-I dated 28-8-1981. These orders shall also apply to Government servants who are already on deputation: —

"11. Duration of Deputation. —The maximum period for which a Government servant may remain on deputation should not exceed three years at a time."

expiry of period of deputation from the lending authority for reporting back to the parent department and shall act according to the directions received.

2. These orders shall take effect from 1-8-1985. These orders shall also be applicable to Government servants who are already on deputation but in cases where Government servants are already on extended period of deputation duly approved by Finance Department. These orders shall be applicable from the date of expiry of existing terms of extended period of deputation.

[^]***Government of Rajasthan's Decision***

The undersigned is directed to refer the provisions contained in Finance Department Memorandum No.F.1(3)FD(Gr.2)/76-I dated 23.1.1976 as amended from time to time incorporated as Government of Rajasthan decision below Rule 144A of Rajasthan Service Rules Para 11 of this order provides that the maximum period for which a Government servant in any remain on deputation shall in no case exceed 3 years. It has been further provided that in cases where it is considered absolutely necessary in the public interest and in special circumstances to extend the period of deputation on foreign service beyond the maximum period of 3 years, no deputation allowance or deputation pay is payable. No proposal for extension in the period of deputation even without deputation allowance or deputation pay shall be considered if the proposal for extension in the existing term of deputation is not moved at least 2 months before the expiry of the term of deputation with full justification. If no request is received within this time limit, the competent authority is required to issue the posting orders at least 15 days before the expiry of the period of deputation.

It has been observed that Government servants have been allowed to remain on deputation beyond 3 years without the permission of the Finance Department in contravention of the aforesaid provisions. Some of the departments have misinterpreted Government orders in providing extensions beyond 3 years without Finance Department's concurrence.

The intention of the aforesaid orders of the Government are that lending authorities, i.e. Administrative Departments and Heads of Departments are to ensure repatriation of the Government servants on completion of 3 years on deputation period and should issue posting orders 15 days before expiry of the deputation term. For this purpose, they should keep necessary data on record in such a way as to be able to know sufficiently in advance the expiry of the deputation term.

It is, therefore, enjoined on all competent authorities,-

1. to issue posting orders at least 15 days before the expiry of the maximum period of deputation of 3 years;
2. no extension in the term of deputation beyond 3 years is granted without the concurrence of the Finance Department;
3. it should be ensured that officers are not allowed to continue on deputation without competent sanction beyond 3 years; and
4. no proposal for extension in the period of deputation beyond 3 years should be considered if the proposal for extension is not moved by the borrowing authority at least 2 months before the expiry of term of deputation.

It may be clarified that no deputation allowance or deputation pay is permissible to Government servants on deputation beyond the maximum period of 3 years whether the continuance beyond 3 years is with or without concurrence of Finance Department. Normally, no extension in the terms of deputation shall be permitted by the Finance Department except in very exceptional cases in the public interest and hence proposal for extension in the terms of deputation beyond 3 years should not be sent to Finance Department in a routine way. The proposal where necessary should be sent well in time prior to the expiry of the existing term of deputation with full justification about the exceptional circumstances and the public interest to be served. Acquiring of experience and knowledge about the job will not be treated as a sufficient justification, as this is a common feature of all cases.

It has also been observed that the officers are allowed to continue on deputation without any formal orders till such time as they are absorbed. This is a wrong practice. In

[^] Inserted vide FD Circular No. F.1(47)FD(Gr.2)82 dated 30.9.1985.

future, the Government servant will not be allowed to be absorbed, if formal extension to the deputation term has not issued.

@[11.A. A Government servant who has already served on deputation foreign service to other Governments, Public Sector Undertakings, Autonomous Bodies, Corporations etc. shall ordinarily be not allowed to proceed on deputation to some other Government/foreign organisation again unless he has worked for a minimum period of two years on a post in his parent department subsequent to reversion.

11.B. A Government servant on deputation shall only draw pay and allowances as permitted by the lending authority in accordance with the terms and conditions of deputation prescribed in his case; and any payment in the nature of pay or allowances or remuneration or fee or compensation etc. by whatever name called, which is not authorised by his terms and conditions of deputation, shall not be received by him without prior sanction of the Government in the Finance Department.']

12. Non—applicability:

These orders shall not apply to:

- (i) Government servants sent on deputation to Panchayat Samities and Zila Parishads;
- (ii) A Government servant who is appointed by the Government as an Administrative /Executive Officer/Municipal Commissioner or in any other capacity or whose services are placed on deputation to a superseded Municipal Council or Board.
- *(iii) Government servants of Cooperative Department sent on deputation to Cooperative Institutions registered in the State.
- (iv) Government servants, sent on deputation whose terms are regulated under specific statutory rules or orders.

13. This order is being issued in supersession of all previous orders/circulars etc. on the subject. This will take effect from 1-3-1976 and shall also apply to Government servants already on deputation.

14. In certain cases Government servants could only be sent on foreign service after their consent had been obtained as required under rule 141 of Rajasthan Service Rules. In such cases some of the existing deputationists might prefer to seek reversion on account of changes in their terms and conditions of deputation made under this order. The authority competent to send such Government servants on deputation may, therefore, give them a notice in writing atleast one month in advance of the date from which this order is applicable, so that in case they want to seek reversion to their parent department, they may do so at their option not later than 1-3-1976.

@ Inserted vide FD Memorandum No. F. 1(3) FD (Gr. 2)/76 dated 28-8-1981. These orders shall also applicable to Government servants who are already on deputation

* Added vide F.D. Memorandum No. F. 1(3) FD (Gr. 2)/76 dated 9-7-1976 w.e.f. the date of issue.

CHAPTER XIV

SERVICE UNDER LOCAL FUND

158. Service paid from Local Funds Administered by Government how regulated. —Government servants paid from Local Funds which are administered by Government are subject to the provisions of Chapters I to XII of these rules.

NOTES.

1. Employees of Local Funds administered by Government who are not paid from Consolidated Fund and are, therefore, not Government servants are subject to the provisions of Chapters I to XII of these Rules'

2. The expression "Local Funds which are administered by Governments" means funds administered by bodies which by law or rule having the force of law come under the control of Government in regard to proceedings generally and not merely in regard to specific matters, such as the sanctioning of the budget or sanction to the creation of filling up of particular posts or the enactment of leave, pension or similar rules, in other words it means funds over whose expenditure Government retains complete and direct control.

Transfer to local funds not administered by Government how regulated.

The transfer of Government servants to service under Local Funds which are not administered by Government will be regulated by the rules in Chapter XIII.

Government of Rajasthan's Decisions.

@1. The State Government have had under consideration the question whether a Government servant who is deputed or transferred to service under a body corporate, owned or controlled by Government, or whose services are lent to such a body should, in the event of his permanent absorption in service under that body, be allowed any retirement benefits in respect of his previous pensionable services rendered under Government and if so, to what extent and in what form. After careful consideration it has been decided that in such a case, subject to what is stated in paragraph 2 below an amount equal to what Government would have contributed had the officer been on Jodhpur Contributory Provident Fund terms under Government, together with simple interest thereon at two percent for the period of his pensionable service under Government may be credited to his Contributory Provident Fund Account with the autonomous body as an opening balance on the date of permanent absorption and Government's liability in respect of the officers pensionable service under them treated as extinguished by this payment,

The aforesaid decision will apply, however, only where the permanent transfer from Government service to an autonomous body is in the public

[@] Inserted vide F.D, Memo No, F. 7A(43) FD/Rules/60, dated 18-4-1962

interest and the transfer is to a Government or quasi Government Corporation and not to a private institution. In all other cases Government will not accept any liability to pay any retirement benefits for the period of service rendered by the officer before his transfer.

The concession may not be claimed as a matter of right but may be sanctioned at the discretion of Government in individual cases where it is merited.

#2. Finance Department Memo, dated 19-4-1962 (Decision No. 1 above) provides for the payment of contribution with interest thereon at the rate of 2 % on behalf of a Government servant who is permanently absorbed in a Government owned controlled autonomous body in the public interest. On a question as to how the interest on the contribution payable in terms of the aforesaid orders should be calculated, it has been decided that in such cases the interest (2%) on the total balance of contribution should be calculated for the entire period of pensionable service of Government servant rendered prior to his permanent absorption in an autonomous body.

^x3. The Government of Rajasthan have had under consideration for some time past, the question regarding settlement of pensionary terms In respect of Government employees who are transferred to an autonomous organisation consequent on the conversion of a Government Department into such a body.

- (i) Permanent Government servant so transferred will be given the option to either retain in the pensionary benefits available them under the Government rules or be governed by the rules of the autonomous body. In case of exercising the former option, they will be entitled to the benefit of the liberalisation in pension rules introduced on Government side subsequent to their transfer.
- (ii) Where a Government servant has opted to retain the service conditions as under Government which provide for pensionary benefits and the autonomous body has no pension scheme on their side, Government would undertake to pay them pension but will recover the capitalised value (Commuted Value of pension plus the proportionate death-cum-retirement gratuity) of autonomous body's share of pension from that body on the retirement of the individual concerned determined on the basis of service rendered with that body,
- (iii) In the event of death of an optee of Rajasthan Government rules while in Service of the autonomous body, family pension/ death-cum-retirement gratuity to the family of the deceased will be admissible under Rajasthan Government rules and liability thereof apportioned as in sub-para (ii) above.
- (iv) In cases where the Government servant transferred to the autonomous body elects to be governed by the rules of the autonomous body and the rules of the autonomous body provide

Inserted vide F.D. Memo No. F.1 (15) FD (E-R)/63, dated 20-7-1963,

^x Inserted vide F.D. office Memorandum No. F.1 (7) F.O. (E-R)/65, dated 9-2-1965,

for Contributory Provident Fund benefits, the Government would pay to that body Contributory Provident Fund Contribution and interest thereon for the period of service under them in terms of Finance Department Memo, dated 18-4-1962 (Decision No. 1 above) as amended from time to time. If the rule of the autonomous body provide for pension, the pension on retirement from the autonomous body would be payable to them by that body. The pensionary liability will, however, be allocated between Government and the autonomous body on service share basis. The Government will liquidate its share on paying the capitalised value of their share of pension to the autonomous body.

The Government would have no objection in extending the benefits of these orders, in so far as provisions of para 2, are concerned to the Government employees, who have been transferred to autonomous bodies before the issue of these orders.

[@]*Note: —This option will also be available to temporary Employees in service in the erstwhile Electrical & Mechanical Department on 30-6-1967 and transferred to the Rajasthan State Electricity Board after they have been confirmed in the Rajasthan Electricity Board.*

*4. The service of a number of Government servants have been transferred from time to time to the Autonomous Bodies/Public Sector Corporations mentioned below: —

1. The University of Rajasthan.
2. The University of Udaipur.
3. The University of Jodhpur.
4. The Malviya Regional Engineering College, Jaipur.
5. The Board of Secondary Education, Ajmer.
6. The Rajasthan Small industries Corporation, Jaipur.
7. The Rajasthan Financial Corporation, Jaipur.
8. The Rajasthan State Hotels Corporation, Jaipur.

While, in the case of Government servants transferred to some of these Bodies and Public Sector Corporations, specific orders have been passed in regard to the leave, pensionary and other benefits admissible to them on such transfer no such orders have been issued in respect of Government servants transferred to the other Bodies. Even where such orders have been issued in respect of Govt. servants transferred to the other bodies. Even where such orders have been issued it has been found that, the benefits so given were either not uniform or the orders were not comprehensive. With a view to ensure uniformity in the matter, and to cover all cases of such transfers in the past and also cases which may arise hereafter; the Governor has been pleased to lay down the following uniform terms for the transfer of the service of Government servants to any of the Autonomous Bodies/ Public Sector Corporations mentioned above and to any

[@] Inserted vide FD Memo No. F1(58)FD(E-R)/65, dt.3-11-1965 & FD Corrigendum No.F1(7)FD(E-R)/65, dated 21-4-1966.

* Inserted vide F.D. Order No. F.1 (11) FD (Exp. Rules)/66, dated 23-7-1968.

other Autonomous Body/Public Sector Corporation which may in future be constituted by the Government of Rajasthan.

1. ***Permanent Government servants who have put in not less than 25 years' service on the date of transfer.*** —The services of this category of Government servants will not, unless they so desire, be transferred to the Autonomous Body, Public Sector Corporation, but they will be treated as on deputation till they attain the age of compulsory retirement prescribed in the Rajasthan Service Rules. All contributions to the State Government on account of leave, pension etc. will be borne by the new employer. On retirement they shall be granted pensionary/provident fund benefits, as may be due under the Rajasthan Service Rules/Jodhpur Contributory Provident Fund Rules. They will, however, not be allowed any deputation allowance except under a specific order of Government.

In the event of such a Government servant opting for the permanent transfer of his services to the Autonomous Body/Corporation the transfer of service shall be governed by Clause II below.

II. ***Permanent Government servant who have not put in 25 years service on the date of transfer.*** —The services of Government servants belonging to this category shall on their exercising option be transferred permanently on the Autonomous Body/Public Sector Corporation with the following benefits: —

(A) ***Protection of substantive pay and scale of pay by the Autonomous Body/Corporation.*** - The substantive pay and scale of pay in which such pay is drawn immediately before the date of transfer of services will be protected as if the Government servant had continued to serve under the Government, provided that the Autonomous Body/Public Sector Corporation may allow substantive or officiating pay and scale better than the protected pay and scale.

(B) ***Leave.*** —The amount of privilege leave standing at the credit of the Government servant on the date of transfer his service may be availed of by him while under the service, of the Autonomous Body/ Public Sector Corporation. When leave of similar nature is applied for and is admissible under the rules of the new employer, no amount of, leave salary from the Government shall be paid. However, if similar leave applied for on any particular occasion is in excess of the leave due under the new employer and such excess leave is sanctioned against the amount of leave due at the time of transfer from Government service, the Government shall reimburse to the Autonomous Body/Corporation the amount of leave salary in respect of the excess leave so availed of according to the Rajasthan Service Rules, as existing on the date of his transfer to the Autonomous Body/Public Sector Corporation.

* (C) ***Pensionary /Provident Fund benefits.*** —(1) An employee who is under pension scheme shall have the option to accept either of the following benefits: —

* Substituted vide F.D. order No. F.1 (29) FD (Gr.2)/78 dt. 21-12-1987 for—

(C) Pensioner / *Provident Fund benefits*: —(1) An employee who is under pension scheme shall have the option to accept either of the following benefits: —

(i) to receive proportionate pension/gratuity according to rules, for service rendered under the Government, or

(ii) to accept in lieu of pension and any other form of retiring benefits or gratuity that may be admissible under (i) above, Government Contribution to the Provident Fund maintained by the Autonomous Body/ Public Sector Corporation, of an amount equal to 8% of his monthly pay drawn from time to time during service under Government with simple interest at the rate applicable from time to time and also special Contribution if admissible to employees governed by Jodhpur Contributory Provident Fund Rules. The amount of the contribution together with interest thereon will earn simple interest at the following rates: —

- (a) From the date of transfer of service of an employee upto 29-8-1971. 2 percent per annum.
- (b) From 30-8-1971 till such time as the amount is actually transferred to the Provident Fund accounts by the Fund Account of the employees concerned in the body. At the rates prescribed for regular Contributory Provident Government from time to time.

In cases where the employees have already retired from the Autonomous Body/ Public Sector Corporation as well, payment of the balance amount together with interest at rates shown above may be made by Director, Insurance & Provident Fund Department directly to the employees concerned instead of now remitting to the Autonomous Body/Public Sector Corporation etc. In other cases, the balance amount together with interest may be remitted for credit to the Provident Fund Accounts of the employees concerned maintained by the Autonomous Body/Public Sector Corporation.

No interest shall be paid on the special Contribution, if admissible:

Provided that if option at (i) above is exercised by the Government servant concerned he will not be eligible to receive family pension benefits admissible to him under Chapter XXIII, XXIII-A & XXIV of the Rajasthan Service Rules on the date of transfer of his services to Autonomous Bodies/Public Sector Corporations etc. No deduction of portion of gratuity where it is required to be surrendered in terms of Rule 268-G of Rajasthan Service Rules will be made in their case.

*(2) "In the case of a Government servant who is on Jodhpur Contributory Provident Fund Scheme, the amount standing at his credit

(i) to receive proportionate pension/gratuity according to rules, for service rendered under the Government, or

+ Substituted vide F. D. Order No. F. 1 (29) FD (Gr-2)/78 dated 18-7-85 for: —

*(2) In the case of a Government servant who is on Jodhpur Contributory Provident Fund Scheme, the amount standing at his credit along with Government contribution plus interest thereon and also special contribution if admissible under the Jodhpur Contributory Provident Fund Rules on the date of

alongwith Government contribution plus interest thereon and also special contribution if admissible under the Jodhpur Contributory Provident Fund Rules on the date of transfer of his service to Autonomous Body/Public Sector Corporation etc. shall be transferred to the Provident Fund Account of the employee under that body, provided that the amount equivalent to Government contribution plus interest thereon and special contribution so transferred shall not be payable to the employee if he resigns, or in any other manner voluntarily leaves the service of the Autonomous Body/Public Sector Corporation etc. before reaching the age of 58 years.

The amount of Government contribution plus interest there on will earn simple interest at the following rates: —

- (a) From the date of transfer of service 2 per cent.
of an employee upto 29-8-1971.
- (b) From 30-8-1971 till such time as the amount is actually transferred to the Provident Fund Account of the employee concerned in the body. At the rates prescribed for regular Contributory Provident Fund Accounts by the Government from time to time.

No interest shall be paid on the special contribution if admissible.

Note: —Where the amount of Government contribution plus interest there on and special contribution is not payable in the circumstances mentioned in this clause, it shall be transferred to Government by that body together with interest earned on the amount so transferred during the period the amount remained with the body concerned.

- (3) The amount of pensionary and provident fund benefits referred to in Clauses (1) and (2) above shall become payable on the Government servants. —

transfer of his service to Autonomous Body/Public Sector Corporation etc. shall be transferred to the Provident Fund Account of the employee under that body, provided that the amount equivalent to Government contribution Plus interest thereon and special contribution so transferred shall not be payable to the employee if he resigns, or in any other manner voluntarily leaves the service of the Autonomous Body/Public Sector Corporation etc. before reaching the age of X [58 years.] The amount of Government contribution plus interest thereon and special contribution payable by the Government will earn simple interest at two percent from the date of transfer his service till such time the amount is actually transferred to Provident Fund Account of the employee concerned in the body.

Note: —Where the amount of Government contribution plus interest thereon and special contribution is not payable in the circumstances mentioned in this clause, it shall be retransferred to Government by that body together with interest earned on the amount so transferred during the period the amount remained with the body concerned.

* Substituted vide F. D. Order No. F. 1 (11) FD (Rules) 66, dated 30-8-1971 for—

"(2) In the case of a Government servant who is on Jodhpur Contributory provident Fund Scheme, the amount standing to his credit along with Government contribution plus interest there on and special contribution if admissible on the date of transfer of his services to Autonomous Body/Public Sector Corporation etc. shall be retained in the relevant fund. This amount will earn simple interest at two per cent from the date of transfer of this service till such time it becomes payable.

X The word & figure "55 years" substituted vide Notification No. F. 1 (a) (12) FD/ Gr. 2/77, dated 28-9-1984.

- (a) attaining the age of ^x (58 years), or completing 30 years qualifying service (including his service under the Government in the Autonomous Body/Public Sector Corporation concerned, or
- (b) retiring prematurely under circumstances which would not have resulted in a forfeiture of pensionary benefits, had he continued in Government service.

III Temporary Government servants. -The services of temporary Government servants shall be deemed to have been terminated from the date of transfer of their service to the Autonomous Body/Public Sector Corporation etc. and they shall be paid such gratuity as may be admissible under the Rajasthan Service Rules.

2. Recovery of Government dues. —The erstwhile Government servant shall continue to be liable to pay all sums due to Government at the time of his transfer to the Autonomous Body/Public Sector Corporation and such Body/ Corporation shall effect recovery thereof on behalf of the Government.

3. Discharge from Government service. —If a permanent Government servant whose services have been taken over by an Autonomous Body/Public Sector Corporation etc. consequent upon the transfer to such Body/Corporation or the functions of the Department in which he held in lien elects not to serve such Body/Corporation, he shall, with effect from the date of his relief therefrom, be treated as a Government servant elected for discharge owing to the abolition of his permanent post.

4. Non-applicability to certain categories of employees. —
These orders will not apply to—

- (i) Government servants who have been deputed to the Autonomous Body/Public Sector Corporation for a specified period on standard terms of deputation, prescribed under the Rajasthan Service Rules.
- (ii) Government servants who have already opted to remain in the service of the Autonomous Body/Public Sector Corporation under terms superseded by this order and who do not exercise a fresh option to be governed by these orders.
- (iii) Government servants who have been recruited directly by any of the above mentioned bodies, except by the Malviya Regional Engineering College, other than as a consequence of Government department or institution being transferred to or converted into Autonomous Bodies or Public Sector Corporation, the cases of such directly recruited persons being governed by Government Order No. F. 7A (43) FD (Rules)/60, dated 18-4-1962.
- (iv) Government servants transferred to Rajasthan State Electricity Board and Rajasthan State Road Transport Corporation.

5. Options. — (1) The options available under this order should be exercised within the period mentioned below: —

^x The word & figure "55 years" substituted vide Noti. No. F.1(a)(12) FD/ Gr. 2/77, dated 28-9-1984.

- | | | |
|-----|--|--|
| (a) | Option under Clause I of paragraph I. | Any time during service under the Autonomous Body/Public Sector Corporation prior to reaching age 55. |
| (b) | Option under main Clause II of paragraph I. | Within 3 months of the transfer of services to the Autonomous Body/Public Sector Corporation or within 3 months of the framing by the Autonomous Body/Corporation of Rules governing the conditions of employment under them or within 3 months of the publication of this order whichever may be later. |
| (c) | Option under sub-Clause (C) (I) of Clause II of paragraph-I. | Any time during service prior to reaching age 55. |
| (d) | Option under Clause (ii) of paragraph 4. | Till, 31st December, 1968. |

(2) All options should be exercised through an application in writing addressed to the Head of the Department under which the Government servant was last serving a copy thereof being endorsed to the administrative head of the Autonomous Body/Public Sector Corporation wherein service is being rendered. Where the Head of Department has ceased to function, the copy may be sent to the Secretary to the Government in the Department dealing with such Autonomous Body/Public Sector Corporation. In the case of Gazetted Officers, copies should be endorsed also to the Secretary to the Government in the concerned Administrative Department and to the Accountant General, Rajasthan, Jaipur.

@5. Attention is invited to Finance Department order dated 23-7-1968 (Decision No. 4) above lay down the terms for transfer of the services of Government servants to Autonomous bodies/Public sector corporation. A question has been raised as to what treatment would be accorded to Government servants who, on their own accord applied for direct recruitment and have already been appointed, went initially on deputation by their own choice and were subsequently given regular appointment or may be appointed in future by direct recruitment or transfer of services in Public Sector Undertakings/Autonomous bodies The matter has been considered and it is clarified that the provision of the aforesaid order do not apply to such Government servants.

2. However, with a view to cover all such cases of transfer or appointments direct recruitment in the past and also cases which may arise hereafter, the Governor has been pleased to order that in the case of

@ Inserted by F.D. Memo No. F.1 (48) F.D. (Rules)/68, dated 10-4-1969.

permanent or temporary Government servants whose appointments under Government were made in accordance with provisions of relevant Service Rules regarding recruitment, promotion etc. promulgated under proviso to Article 309 of the Constitution of India, or on the recommendations of the Rajasthan Public Service Commission or Departmental Selection Committee and who have completed not less than 5 years continuous services under Government at the time of transfer of their services to autonomous bodies/Public sector corporations, the transfer of their services may be treated in public interest and retirement benefits, subject to provisions contained in paragraph 3 and 4 below may be allowed to such Government servants.

3. The term "transfer in public interest" referred to in paragraph 1 above, shall for the purpose of these orders, mean: —

(a) Transfer to a Public Sector Undertaking or Autonomous Body, situated in Rajasthan and in which Rajasthan Government money is invested either in shares or loans.

(b) Transfer to a Public Sector Undertaking or Autonomous Body, situated in Rajasthan in which Government money may not be invested, but the existence of such an undertaking/body may be beneficial for the economic development of Rajasthan. This will also apply to autonomous bodies or public sector corporations under the control of the Government of India * []

(c) Transfer to the Universities situated in Rajasthan or the Malaviya Regional Engineering College, Jaipur or any other autonomous educational institution serving the cause of education in the State of Rajasthan.

4.(i) **Retirement benefits.** —

(a) Where the Government servant is under pension scheme in lieu of pensionary benefits, an amount equal to what the Government would have contributed had the officer be on Jodhpur Contributory Provident Fund Scheme together with simple interest at the rates applicable from time to time # [and also special contribution if admissible] to employees governed by Jodhpur Contributory Provident Fund Rules, in respect of his pensionary service under Government, may be credited to his Provident Fund Account under the body, at the time the Officer attains the age of superannuation as existing at the time of his transfer to the public sector undertakings or autonomous body.

(b) In the case of a Government servant who is on Jodhpur Contributory Provident Fund Scheme, the amount standing to his credit alongwith Government contribution plus interest thereon # [and special contribution if admissible] shall be payable to him on his attaining the age of superannuation as existing at the time of his transfer to the Public Sector Undertakings or autonomous body.

(c) The amount payable under (a) and (b) above, will also earn simple interest @ 2% per annum from the date of transfer of his service till such time it becomes payable.

* Deleted vide F.D. Order No. F.1 (48) FD (Rules)/68 dated 14-11-1970 "but situated in Rajasthan".

Inserted vide F.D. Order No. F.1 (48) FD (Rules)/68, dated 27-11-1969.

Inserted vide F.D. Order No. F.1 (48) FD (Rules)/68, dated 27-11-1969.

(ii) **Leave.** —The amount of privilege leave standing at the credit of the Government servant on the date of transfer of his services may be availed of by him while under the service of the autonomous body/public sector corporation. When leave of similar nature is applied for and is admissible under the rules of the new employer, no amount of leave salary from the Government shall be paid. However, if leave applied for on any particular occasion is excess of the leave due under the new employer and such excess leave is sanctioned against the amount of leave due at the time of transfer from Government service, the Government shall reimburse to the Autonomous Body/Corporation the amount of leave salary in respect of the excess leave so availed of, according to the Rajasthan Service Rules, as existing on the date of his transfer to the Autonomous Body/Public Sector Corporation.

(iii) The provisions contained in clause (i) and (ii) above shall not apply to a Government servant transferred to public Enterprises under the control of the Government of India. He shall, however, on his permanent absorption, be entitled to: —

A. Pension. —(a) Pension and/or gratuity as admissible under the Rajasthan Service Rules for service rendered by him under the Government at the end of period of five years of his absorption provided that if the Government servant concerned attains the age of superannuation, within these five years, he shall be entitled to receive the benefits from the date of superannuation. He shall not be entitled to family pension under Chapter XIII, XIII-A and XIV of the Rajasthan Service Rules.

(b) In lieu of monthly pension admissible under (a) above the Government servant concerned may opt to receive a lump sum amount worked out with reference to commutation table obtaining on the date from which pension will be admissible and payable. The option will be exercised within six months **[from the date of permanent absorption or date of order of permanent absorption, whichever is later].

(c) Any further liberalisation of pension rules decided upon by the Government after the permanent absorption of the Government servant in the Public Enterprises would not be extended to him.

(d) In case where a Government servant at the time of absorption has less than 10 years qualifying service he will only be eligible to proportionable service gratuity in lieu of pension and to Death-cum-Retirement Gratuity based on length of service.

B. Provident Fund. —The amount of Government contribution and/or subscription together with interest thereon, standing in the Provident Fund Account of a Government officer be transferred to his new Provident Fund Account under the enterprise, if he so desires, provided the concerned enterprise also agrees to such a transfer. If, however, the concerned enterprise does not operate a Provident Fund, the amount, in question shall be refunded to the subscriber. Once such a transfer of Provident Fund balance has taken place, the Officer will be governed by the Provident Fund

* Inserted vide F.D. Order No. F.1 (48)(Rules)/68, dated 14-11-1970.

** Substituted vide F.D. Order No. F.1 (48) FD (Rules)68, dated 13-8-1975 for the words "of absorption".

Rules of the concerned enterprise and not by the Provident Fund Rules of the Government.

5. These concessions may not be claimed as a matter of right, but may be sanctioned by the Government in individual cases where the same are merited. Individual cases will be dealt with by the administrative Department concerned, in consultation with the Finance Department.

6. The decision contained in preceding paragraphs will apply only where the service of a Government servant is transferred permanently to Autonomous Bodies or Public Sector Undertakings and it will not apply to case of transfer to a Private Institution or Private Sector Corporation.

*6. According to provisions contained in para 4(iii) (as amended vide Finance Department Order No. F.1 (48) FD (Rules)/68 dated 14-11-1970) of Government of Rajasthan's Decision No. 5 below Rule 158 of Rajasthan Service Rules, pension and/or gratuity admissible is payable to the Government servant concerned at the end of period of five years of his absorption in Public Enterprises under the control of Government of India.

In modification of the provisions referred to above it has been decided that such a Government servant shall be entitled to receive the benefits e.g. pension/gratuity at the end of period of two years of his absorption.

Past cases in which payment has become due under these orders shall also be allowed.

^7. The undersigned is directed to invite attention to the proviso to para II (c) (1)-(ii) of the Finance Department order.No. F.1(11)FD(Exp-Rules)/ 66 dated 23-7-1968 as amended from time to time under which it has been provided that if option for proportionate pension/ gratuity is exercised by the concerned Government servant for the services rendered by him under the Government, the family of such a Government servant will not be eligible to receive family pension benefits admissible to him under Chapter XXIII, XXIIIA and XXIV of Rajasthan Service Rules on the date of transfer of his services to autonomous bodies/ public sector corporations etc. No deduction of portion of gratuity where it is required to be surrendered in terms of Rule 268G of Rajasthan Service Rules will be made in their cases. Similarly in the orders issued from the Education, Agriculture Department in the terms of transfers, there was no specific provision for grant of family pension to such transferred employees. Accordingly, no authorisation of family pension was made/ allowed to the widows of such employees and also no deduction from gratuity in terms of rule 268 G of Rajasthan Service Rules was made.

Some of the aforesaid employees filed appeal before the Rajasthan Civil Services Appellate Tribunal that they may be allowed family pension as admissible under Rajasthan Service Rules. The Hon'ble Tribunal allowed their

* Inserted vide F.D. Memo No. F.1 (48) FD (Rules) 68, dated 2-12-1974.

^ Inserted vide FD Memo. No.F.1(18)FD(Gr.2)/93 dated 22-5-1993.

appeals and have ordered for grant of family pension. State Government filed writ petitions against the various aforesaid decisions of the Tribunal but Hon'ble High Court have also up held the decisions of the Tribunal. Similarly SLPs filed against the decision of High Court have also not been granted. The State Government therefore is left with no alternative except to grant family pension to the widows of such transferred employees.

Accordingly, the matter has been considered and it has been decided that the widows of such transferred employees who were/ are granted proportionate pension may be allowed family pension under Chapter XXIII, XXIIIA & XXIV of Rajasthan Service Rules as the case may be. In cases where entitlement for grant of family pension became due prior to 31-10-1977. the recovery equal to two months emoluments as required under the provisions contained in Rule 268G in force at that time may be made, from the arrear of the family pension.

This order shall come into force as if the aforesaid provisions were originally made in the Finance Department order dated 23.7.1968 and in the order issued by the Education/ Agriculture Department with the concurrence of Finance Department.

PART VI

CHAPTER XV

Records of Service.

159.

160. Records of Service. —(1) A Service Book in such form as may be prescribed by the Government shall be maintained for every Government servant from the date of his first appointment to Government service except in the following cases: —

- (a) Government servants who are appointed purely on temporary basis for short periods or fixed periods or who are not eligible for permanent employment;
- (b) Policeman of the rank not higher than that of Head Constable
- (c) Class IV Servants

(2) The Service Book shall be kept in the custody of the Head of Department/Head of Office in which a Government servant is serving and shall be transferred with him from time to time.

(3) The cost of Service Book shall be borne by the Government. It shall not be returned to the Government servant on retirement, resignation, discharge, termination or removal etc. from Government service.

- (4) (a) The Head of Office or Department shall issue a duplicate copy of Service Book maintained in the department to a Government servant if he makes an application in this behalf.
- (b) The duplicate Service Book will be supplied to a Government servant on payment of Rs. 1/- only.
- (c) Existing entries in the Service Book shall be copied in the duplicate Service Book under attestation of Head of Office/Head of the Department, as the case may be, and these shall be updated from time to time on a request made by the Government servant.
- (d). The original Service Book maintained in the Department shall only be authentic document, but in the event of non-availability of original Service Book, assistance for the purpose of pay fixation and finalisation of pension cases may be taken from duplicate version of Service Book in the possession of Government servant provided that entries in the duplicate Service Book are attested under the signature of competent authority. In cases where finalisation of pay fixation and pension cases is done on the basis of entries in the duplicate Service Book, an undertaking shall invariably be obtained from the Government servant himself that he agrees to refund any over payment of pay & allowances, pension etc. which are found to have been made as a result of fixation of pay/pension on the basis of entries in duplicate Service Book.

161. (i) Every step in a Government servant's official life must be recorded in his Service Book and each entry must be attested by the Head of Office or if he is himself the Head of office by his immediate superior. The Head of Office shall see that all entries are neatly made and properly attested under his signature. There should be no erasers or over-writings. The erasers and over-writing should be crossed and correction neatly made again under proper attestation.
- (ii) Every period of suspension from employment and interruption of service shall be recorded with full details of duration in the relevant column and attested by the Attesting Officer. The reference of the order under which a Government servant has been suspended and subsequently reinstated shall be entered in the Service Book with full details indicating whether the period of suspension would count for the purpose of increment, leave, pension etc. or not. Likewise if a Government servant is reduced to a lower post or grade or a lower stage in time scale of pay full details with reasons of reduction may be briefly stated. Orders passed by the competent authority in respect of stoppage of increments as penalty may also be indicated in the Service Book.
- (iii) (a) The date of birth in the Service Book or Service Roll shall invariably be recorded both in figures and words.
- (b) The date of confirmation of a Government servant in a post or service/cadre shall be invariably recorded indicating full references of order of the competent authority.
- (c) A note of educational qualifications attained by a Government servant subsequent to his entry into service may be recorded in the Service Book.
- (iv) A Head of Department may, in respect of the officer under his control delegate this authority to a responsible gazetted officer.
- (v) Every Head of Office shall show the Service Book to Government servants under his control once in a year and obtain their signature in the relevant column of Service Book in token of having inspected the Service Book. Any error or incorrect entry that come to the notice of Government servant as a result of inspection should be reported in writing to the Head of Office for making necessary correction, if required to be made on the basis of facts and record.

162. If a Government servant is transferred to foreign service the Head of Office of Department must send his Service Book to the Audit Officer. Audit Officer will return it after noting in it under his signature the order sanctioning the transfer, the effect of the transfer in regard to leave admissible during foreign service and any other particulars which he may consider necessary.

On the Government servant's retransfer to Government service his Service Book must again be sent to the Audit Officer, who will then note in it, over his signature, all necessary particulars connected with the foreign service. No entry relating to the time spent in foreign service may be attested by any authority other than the Audit Officer.

163. As soon as a Government servant completes 25 years of service the Head of Office shall, in consultation with the Chief Pension Officer and in accordance with the rules and regulations for the time being in force, verify the service rendered by such Government servant, determine the qualifying service and communicate to him the period of qualifying service so determined. Such verification shall, however, be subject to the final verification of qualifying service which shall be made at the time of retirement of the Government Servant.

164. (1) The District Superintendent of Police shall maintain a Service Roll in respect of Constables & Head Constables in which the following particulars should be recorded for each man in the constabulary except in respect of those personnel who are recruited for a purely temporary or officiating vacancy for a short period and who are not eligible for permanent service—

- (a) the date of his enrolment;
- (b) village, age, height and marks of identification;
- (c) the rank which he from time to time holds, his promotions reductions or other punishments;
- (d) his absence from duty, with or without leave;
- (e) interruptions in his service;
- (f) any other incident in his service which may involve forfeiture of a portion of it or may affect the amount of pension.

(2) A Service Roll as described in sub-rule (1) shall be maintained for every other class of permanent, temporary or officiating non-gazetted Government servant for whom no Service Book is required to be maintained under these rules.

(3) a copy of the duplicate Service Roll may also be supplied to a Government servant who makes a request in this behalf on payment of a fee of Re. 1/- only. The provisions contained in sub-rule (4) of Rule 160 shall also apply in their cases also.

*CHAPTER XV

* Substituted vide FD Notf. No. F.1(25)FD(Gr.2)/80,dt30-1-1981,w.e.f.1-1-1981 for the following: —

"Chapter—XV—Records of Service.

159. *Record of Service of Gazetted Government Servants.* —A record of the service of a Gazetted Government servant will be kept by the Accountant General.

@159-A. —As soon as a Government servant completes 25 years of service the Audit Officer concerned shall, in accordance with the rules and regulations for the time being in force, verify the

service rendered by such Government servant, determine the qualifying service and communicate to him ⁵[and appointing authority] the period of qualifying service so determined:

Provided that such verification shall be subject to the final verification of qualifying service which shall be made at the time of the retirement of the Government servant. @Inserted vide FD Notification F.1(90)FD(Rules)71 dt. 17.5.1972

\$Inserted vide FD Not. No. F.1(45)(Gr.2)75 dt. 26.9.1975

***Instruction.**

According to Rule 66(3) of General Financial & Accounts Rules the Service Book of an officer officiating on a gazetted post substantively is not required to be kept in the office of the Accountant General Rajasthan. In the absence of Service Book, it has not been possible to verify the qualifying service of non-gazetted officers promoted to gazetted posts. All Heads of Departments are, therefore, requested to send the Service Book of all gazetted officers who have/will be completing 25 years of service to the office of the Accountant General Rajasthan for the purpose of verification of qualifying service. The Service Books in the case of officiating Gazetted Officers will be returned to respective Heads of Departments by the Accountant General when done with.

Heads of Departments, are also requested to ensure that Service Books of all non-gazetted officers promoted to gazetted posts on a regular basis are sent promptly to audit office, in future invariably.

These instructions should be followed by all concerned rigidly.

* Inserted by FD No. F.1(31)FD/Rules/72 dt. 21.9.1972.

160. Record of Service of Non-gazetted Government Servants. — A Service Book in such form as may be prescribed by the Comptroller and Auditor General of India must be maintained for every non-gazetted Government servant holding a substantive post on permanent establishment or officiating in a post or holding a temporary post with the following exceptions: —

- (a) Government servants, the particulars of whose service are recorded in a history of services or a service register maintained by the Accountant General.
- (b) Government servants officiating in posts or holding temporary post, who are recruited for purely temporary or officiating vacancies for short periods and are not eligible for permanent appointment.
- (c) Policemen of rank not higher than that of Head Constable.
- (d) Class IV servants.

NOTE

^In all cases in which a Service Book is necessary under Rule 160, such a Book shall be maintained for a Government servant from the date of his first appointment to the Government service. It must be kept in the custody of the Head of the Office in which he is serving and transferred with him from time to time.

^Inserted by FD Memo No. F.10(12)F-II/54 dt. 21.1.1956.

*Substituted for para 1 of the Note' in all cases in which a Service Book is necessary under Rule 160 such a book must be supplied for a Government servant, at his own cost, on his first appointment to Government Service. It must be kept in the custody of the head of the office in which he serving and transferred with him from office to office. It may be given to the Government servant if he resigns or is discharged from the service without fault, an entry to this effect first made in the Service Book by F.D. Order No. F. 10(12) F. 11/ 54, dated 26-10-1954.

* Inserted by FD Memo No. F.10(12)F-II/54 dt. 21.1.1956.

*The following proviso below the note deleted by F. D. No. F. 10(12) F. 11/54 dated 3-9-1955.

"There is no objection to the Service Book being returned to pensioner, if asked for by him, after the pension has been sanctioned. In such cases, a closing entry under the signature of the proper authority should be made prominently in the book at the end of the record of service as follows: —

Shri left the service on Pension on
 (date) and this book is returned to him at his own request."

Government of Rajasthan's Decision

*1. The undersigned is directed to invite a reference to F. D. Order No. F. 10 (12) F. 11/54, dated 20-10-1954 under which para 1-of Note to rule 160 of R. S. R. has been amended. The amended note provided that in all cases in which a service book is necessary under Rule 160, such a book shall be maintained for a Government servant from the date of his first appointment to Government service. It must be kept in the custody of the Head of the Office in which he is serving and transferred with him from office to office. Since the issue of the aforesaid amendment, the following questions have been raised: —

- (1) whether it is intended that the cost of the Service Books will now be borne by the Government.
- (2) whether or not the Service book is to be supplied to the Government servant if he resigns or is discharged from service without fault and if not whether the service book may be given to the Government servant on retirement if he asks for it.

A comparison of the revised rule with the old rule will show that the reference to the service book being supplied at the cost of Government servant has been omitted and also there is no mention in regard to the service book being supplied to the Government servant in the event of his resignation or discharge. The intention is that the cost of a Service Book should hereafter be borne by the Government and that it should not be returned to the Government servant on retirement, resignation or discharge from service even in cases where he might have paid for it already.

* Inserted by FD Memo No. F.10(12)F-II/54 dt. 21.1.1956.

@2. It has been observed that pay fixation and pension cases of Government servants are not being finalised for long periods either for want of service records of the Government servant or on account of service records being incomplete. The Government have, therefore, decided to introduce a duplicate copy of service book which will remain in the possession of the Government servant and it will be his duty to see that entries from the Service Book maintained in the Department are got centered in his copy of Service Book under attestation of the Head of Office/Head of Department from time-to time.

A separate form of Service Book to be kept by the Government servant is Annexed at the end of this chapter and such printed Service Book will be made available by the Government Press in due course. The existing entries in the Service Book in due course may be copied in the duplicate Service Book now introduced.

The Service Book maintained in the Department shall only be authentic document but in the event of non-availability of Service Book or the original Service Book being incomplete for certain obvious and unavoidable circumstances, assistance for the purpose of pay fixation and finalisation of pension cases may be taken from the duplicate version of Service Book in the possession of Government Servant provided entries in the duplicate Service Book are attested once under the signature of the competent authority. In cases where recourse to duplicate Service Book is adopted for finalisation of pay fixation and pension cases, an undertaking from the Government servant concerned should invariably be obtained to the effect that the Government servant agrees to refund any overpayments of pay and allowance/pension etc. which are found to have been made as a result of fixation of pay or grant of pension on the basis of entries in the duplicate Service Book.

@ Inserted vide FD Memo No. F.1(12)FD(Exp.Rules)/65 dt. 9.3.1965.

§3. Attention is invited to Finance Department Memo dated 9-3-1965 (appearing as Government of Rajasthan's Decision No. 2 above) in which it was stressed that each Government servant may be supplied duplicate Copy of Service Book to facilitate pay fixation and pension cases of the Government servants. A question has now been arisen whether the Service Book should be supplied to the Government servants free of charge or on payment.

The matter has been examined and it has been held that the Duplicate Copy of Service Book should be supplied to each non-gazetted Government servant on payment of Twenty-Five paise only.

\$ Inserted vide FD Memo No. F.1(12)FD(Exp.Rules)/65, dt. 25.3.1966.

161. Entries in Service Book. —(i) Every Step in a Government Servant's official life must be recorded in his service book, and each entry must be attested by the Head of his Office or, if he himself is the Head of an Office, by his immediate superior. The Head of the Office must see that all

entries are duly made and attested, and that the book contains no erasure or over-writing, all corrections being neatly made and properly attested.

NOTE

A head of a Department may, in respect to the officers under his control delegate this authority to a responsible Gazetted Officer.

(ii) Every period of suspension from employment and every other interruption of service must be noted, with full details of its duration, in an entry made across the page of the Service Book and must be attested by the attesting officers. It is the duty of the attesting officer to see that such entries are promptly made.

(iii) Personal certificates of characters must not, unless the Head of the Department so directs, be entered in a Service Book but, if a Government servant is reduced to a lower substantive post, the reason of the reduction must be briefly shown.

Government of Rajasthan's Instructions.

*Whenever a temporary post is made permanent entitling the incumbent to count the service rendered in that post towards qualifying service, entries to this effect may be made by the Audit Officer, in this Service Book. Since the Audit Office maintains the history of services of Gazetted Officers only appropriate action would be taken by that office in their cases. In the case of non-gazetted Government servant Service Book and returns of establishment are maintained by the Heads of Offices and as such initial entries to the effect envisaged in Finance Department Memorandum referred to above, should be made by them invariably.

*Inserted vide FD Memo No. F.13(10)F-II/53 dt. 9.3.1954.

Government of Rajasthan's Decision.

*A question has been raised whether educational qualifications attained by a Government servant subsequent to his entry in the Government service should be entered in the Service Book even though the existing Service Book Form does not provide any space for the record of any qualifications.

(2) The form of the Service Book has recently been revised by the Government of India and on page 1 there of space has been provided for the record of the educational qualifications of the Government servant where if so desired, a note of educational qualification attained by him subsequent to his entry in service an also be made. The new form will, however, not be available till the stock of the old form is exhausted, It has therefore, been decided that during the intervening period, note of educational qualifications attained by the Government which may be deemed necessary to be recorded in the Service Book may be made in the body of the Service Book.

* Inserted vide FD Memo No. F.7(1)R/55 dt. 24.1.1955.

@3. It has been decided that the entry of date of birth in the Service Book/Service Roll should invariably be recorded both in figures and words.

@Inserted vide FD Notification No. F.1(79)FD/Rules/69 dt. 20.3.1970.

§162. It shall be the duty of every Head of Office to initiate action to show the Service Book to the Government servants under his administrative control every year and to obtain their signature therein in token of their having inspected the Service Books. A certificate to the effect that he has done so in respect of the Preceding financial year should be submitted by him to his next superior officer by the end of every September. The Government servant shall *inter-alia* ensure before affixing their signature that their service have been duly verified certified as such. In the case of a Government servant on foreign service, his signature shall be obtained in his Service Book after the Audit Officer has made therein necessary entries connected with his foreign service.

\$ Substituted vide FD Notification No. F.1(34)FD(Rules)68 dt. 17.7.1968 for-

"162. It is the duty of every Government servant to see that his Service Book is properly maintained as prescribed in Rule 161 in order that there may be no difficulty in verifying his service for pension. The Head of the office should, therefore, permit a Government servant to examine his service book should he at any time desire to so."

Government of Rajasthan's Instruction

*One of the main causes for delay in settlement of Pension claims of Government servants on retirement is incompleteness of their service records. Question of seniority, etc. have also to be considered with reference to "Service records". It is in the interest of Government servants themselves, therefore, to see that their Service Books, etc. are properly maintained and are up to date. They must from time to time check up with the office, in which their service records are maintained, that every step in their official career is duly recorded in the Service Book, etc., and make sure that the service recorded is complete and up-to-date.

*Inserted by FD Memo No. F.21(2)F-II/53 dt. 19.2.1953.

Government of Rajasthan's Decision

@It is laid down in Rule 160 of the Rajasthan Service Rules that a Service Book in the prescribed form may be maintained for every non-gazetted Government servant holding a substantive post on a permanent establishment or officiating in a post or holding a temporary post with the exception of class IV servants and other Government servants of the categories specified in the rule. According to rule 161 of the R.S.R. every step in a Government servant's official life must be recorded in his Service Book and each entry must be attested by the Head of his office or if he himself is the Head of an office by his immediate superior. The Head of the Office has to ensure that all entries in the Service Book are duly made and attested. Non-observance of this elementary duty is the main cause of the post-retirement troubles of the Government Servant and it has been found that one of the principal factors responsible for the delay in the settlement of pension on cases is the incompleteness of the Service records. Rule 162 of R.S.R. casts a duty on every Government servant to see that his Service Book is properly maintained as prescribed in Rule 161 in order that there may be no difficulty in verifying service for pension. In Memorandum No. F. 21 (2) Finance II/53, dated the 19th February, 1953, the Finance Department has advised all Government servants to check up from time to time whether their Service Record is complete and up-to date. The Government have reason to believe, however, that despite the clear provisions contained in the rules and the directions issued by them, the requirements of the rules are not being properly observed. It has accordingly been decided that the requirements of rule 162 of the Rajasthan Service Rules be made obligatory. The records of service will be made up to the 31st March of each year and must be shown to the Government servants to whom they relate by the 30th of June. A compliance report must be submitted by the Head of office direct to the Government so as to reach at the least by the 15th July next following, one copy being simultaneously endorsed by him to his next higher authority. The report must clearly indicate that the Service Books of the several subordinate members of the staff working in the office of the Head of Office have been made upto the 31st March of the year and have been examined by each of the Government servants concerned. The names of the Government servants who have examined their Service Books and the substance of their remarks as to the completeness of the Record of Service must be given in the report. Names of the Government servants who have for any reason not been shown, their Service Books should be given separately with a Statement of reasons as to why the Service Books were not shown to them. If any difficulty is experienced or anticipated in understanding or acting up to these orders, it may be got clarified immediately.

@Inserted by FD Memo No. F.13(47)F-II/54 dt. 21.10.1954.

%162. A. —As soon as a Government servant completes 25 years of service the Head of Office shall, in consultation with the *[Chief pension officer] concerned and in accordance with the rules and regulations for the time being in force, verify the service rendered by such Government servant, determine the qualifying service and communicate to him the period of qualifying service so determined:

Provided that such verification shall be subject to the final verification of qualifying service which shall be made at the time of the retirement of the Government servant.

% Inserted by F.D. Notification No. F. 1 (90) F.D. (Rules) /71, dated 17-5-1972.

* Substituted vide F.D. Notification F.1 (40) F.D. (Gr. 2)/79, dated 15-1-1980 for the words "Audit Officer".

163. Entries of transfer to foreign service by Audit Office. —If a Government servant is transferred to foreign service the Head of the office or Department must send his Service Book to the Audit Officer. The Audit Officer will return it after noting in it under his signature the order sanctioning the transfer, the effect of the transfer in regard to leave admissible during foreign service and any other particulars which he may consider necessary. On the Government Servants re-transfer to Government Service his Service Book must again be sent to the Audit Officer, who will then note in

it, over his signature, all necessary particulars connected with the foreign service. No entry relating to the time spent in foreign service may be attested by any authority other than the Audit Officer.

164. Service Rolls. —In the case of policeman of rank not higher than that of Head Constable, there must be maintained for each district by the District Superintendent of Police a service roll in which the following particulars should be recorded for each man in the constabulary holding substantively a permanent post and for each man in such constabulary officiating in a post or holding a temporary post, who is not recruited for a purely temporary or officiating vacancy for a short period and who is eligible for permanent service—

- (a) the date of his enrolment ;
- (b) village, age, height and marks of identification;
- (c) the rank which he from time to time holds, his promotions, reductions or other punishments;
- (d) his absence from duty, without leave;
- (e) interruptions in his service;
- (f) any other incident in his service which may involve forfeiture of portion of it or may effect the amount of pension.

The roll must be checked with the order book, the punishment register and other relevant records and every entry in it must be signed by the District Superintendent.

*164.-A. A Service Roll as described in Rule 164 must be maintained for every other class of permanent, temporary or officiating non-gazetted Government servant for whom no Service Book is necessary.

ANNEXURE

राजस्थान सरकार GOVERNMENT OF RAJASTHAN सेवा पुस्तिका SERVICE BOOK

1. नाम Name
2. पद Designation
3. विभाग Department
1. नाम Name
2. निवास स्थान Address
3. पिता का नाम Father's Name
4. जन्म दिनांक Date of Birth
5. पहिचान के निशान Identification Marks
6. प्रथम नियुक्ति की तिथि और विभाग का नाम
Date of first appointment and name of Department.
7. स्थायी होने की तारीख व पद आज़ा की संख्या व तारीख सहित Date of confirmation in the Post (with designation) along with reference viz. No. and date

हस्ताक्षर या निशान राज्य कर्मचारी

Signature of the Government Servant

प्रमाणित करने वाले अधिकारी के हस्ताक्षर मय तिथि पद

Signatures of the attesting Officer

Designation

Date

* Inserted by F.D. Memo. No. F.10 (16) F.11. /54, dated, 30-12-1954.

सेवाकाल का विवरण HISTORY OF SERVICE

1	नाम पद Name & Designation
2	स्थायी व अस्थायी Temporary and Permanent
3	नियुक्ति की तारीख Dated of Appointment
4	तिथि नियुक्ति/पद समाप्ति Date of Appointment/Termination
5	समाप्ति का कारण जैसे तरक्की, स्थानान्तरण इत्यादि Reasons of termination of appointment such as appointment transfer promotion etc.
6	मूल वेतन व वेतन श्रंखला Sub. Pay and Scale
7	स्थानापन्न वेतन व वेतन श्रंखला Offg. Pay & scale

8	अन्य परिलाभ जो वेतन शब्द में आते हैं जैसे विशेष वेतन, वैयक्तिक वेतन Other emoluments which are classed as pay e.g. Personal pay, Special pay
9	अवकाश किस्म व अवधि और दर अवकाश वेतन Leave, its nature & period & rate of leave salary paid
10	यदि निलंबित किया गया तो निलंबन समय पेन्शन के लिये गणन योग्य है या नहीं If suspended date & period of suspension whether suspension period counts for pension or not
11	अन्य सेवा काल में अन्य बाधाओं का प्रसंग Other interruption if any
12	आज्ञा की संख्या व दिनांक Reference Order No. and date
13	अधिकारी के हस्ताक्षर Signature of Officer
14	विशेष विवरण Remarks

PART VII
CHAPTER XVI
Delegations

165. Subordinate authorities who exercise the powers of a competent authority-

- (a) Appendix IX schedules the authority subordinate to Government which exercise the powers of a Competent Authority under the various rules.
- (b) For convenience of reference, cases in which the Finance Department has declared, under Rule 3 that its consent may be presumed to have been given to the exercise, by a Department of the Government, of powers conferred by those rules have been included as delegations in the Appendix.

166. Consent of the Finance Department may be presumed to the exercise of powers by authorities to whom they are delegated.—The Finance Department has declared, under Rule 3 that its consent may be presumed to have been given to the exercise by the authorities to whom they are delegated of the powers delegated by Appendix IX.

167. General conditions regulating exercise of powers delegated.—The delegations made in Appendix IX are subject to the following conditions:--

- (a) Except where the Government by general or special order direct otherwise, a power may be exercised by an authority to which it is delegated in respect of those Government servants only who are under the administrative control of that authority.
- (b) The nature of each power delegated is shown in Column 3 of Appendix. The Delegation extends to the powers so specified only, and not to any other power conferred by the rule quoted in Column 2.
- (c) If any power conferred upon a competent authority by the rules is not shown in the Appendix, it is to be understood that such power is not delegated to any authority subordinate to the Government.
- (d) Nothing contained in Appendix IX will operate to restrict powers conferred upon any authority by other rules made under the constitution.