(99)

Foreign Service-
Standard terms and conditions
of transfer to -

GOVERNMENT OF MAHARASHTRA
Finance Department.
Resolution No. FNS-1074/4268/74/SER-8.
Sachivalaya, Bombay-400 032, Dated the 21st June 1976.

R E S O L U T I O N

CR1976062101

The transfer of a Government servant to foreign service may be sanctioned by a competent authority subject to the provisions of Bombay Civil Services Rule 113. The Instructions below Bombay Civil Services Rule 107 (b) and various orders issued in this behalf are required to be observed in prescribing the terms and conditions of transfer of a Government servant to foreign service. They are also required to be precise and specific. They have not however, been laid down at any one place. Omission of one term or the other in individual cases leads therefore to avoidable correspondence between the Government department, the foreign employer and the Audit. In order to avoid this and for the sake of facility Government is pleased to direct that the standard terms and conditions of transfer of a Government servant to foreign service including Statutory Corporations, autonomous bodies should be as shown in the Annexure to this Resolution. Government is also pleased to direct that the transfer of a Government servant to foreign service should hereafter be on the basis of these terms. In the case of Government servants who are already on deputation any extension of the period of their deputation should be on the basis of these standard terms.

2. Power to transfer to foreign service within the State has been delegated to Head of Departments in respect of Government servants whom they can appoint without reference to higher authorities, subject to the conditions mentioned in column 5 against Sr. No.1 in Appendix I(Chapter VI) of Bombay Civil Services Rules, Volume-II. Government is, therefore, pleased to direct that the Heads of Departments should hereafter follow the standard terms and conditions mentioned in Annexure-I whenever they transfer a Government servant to foreign service under the delegated powers.

3. The authority competent to make an appointment to a gazetted post is Government in the administrative department of the Secretariat in consultation with General Administration Department. Government is, therefore, pleased to delegate to the administrative departments of the Secretariat the power of transferring a gazetted officer to foreign service in consultation with the General Administration Department, on the standard terms and conditions indicated in Annexure-I to this resolution.

4. No departure from the prescribed terms and conditions will be permissible. Where a person is to be called back from deputation, the foreign employer should be given adequate notice by the authority competent to do so.

GCP.ROTA/F.D.-H-283(9,500+5-6-76)-1.

5. A list of guide-lines for both the competent authorities and the foreign employers is given in Annexure II to this resolution.

By order and in the name of the Governor of Maharashtra,

S.M. PISAL,
Deputy Secretary to Government.

To

The Accountant General, Maharashtra I, Bombay (160 copies),
The Accountant General, Maharashtra II, Nagpur (40 copies),
The Pay and Accounts Officer, Bombay (40 copies),
The Resident Audit Officer, Bombay,
The Chief Auditor, Local Fund Accounts, Bombay,
The Secretary to Chief Minister,
All Personal Assistants of the Ministers, Ministers for State and Deputy Minister,
*The Prothonotary and Senior Master, High Court, Bombay,
*The Registrar, High Court, Appellate Side, Bombay,
*The Secretary, Maharashtra Public Service Commission, Bombay,
*The Secretary, Maharashtra Legislature Secretariat, Bombay,
All Departments of the Secretariat,
All Heads of Departments and Offices under the various Departments of the Secretariat,
All Chief Executive Officers of Zilla Parishads,
Desk Numbers ADM-1, ADM-4, ADM-5, ADM-6, ADM-7, ADM-8 and ADM-9 in Finance Department.

*By letter.

No. of 1976.

Copy forwarded for information and guidance to -

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ACCOMPANIMENT TO GOVERNMENT RESOLUTION, FINANCE DEPARTMENT No. FNS.1074/4268/74/SER-8, DATED THE 21st JUNE 1976.

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ANNEXURE - I

Standard Terms and Conditions or transfer to foreign Service.

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(1) Period of Deputation: The foreign service shall commence from the date Shri/Smt./Kum. hands over charge of the post and will expire on the date he/she resumes charge of his/her post under Government,

Shri/Smt./Kum.
be on deputation for a period of shall years in the first instance provided that –

(i) Government/competent authority reserves the right to recall him/her any time before expiry of the period of deputation, if his/her services are required by Government in the interest of public service;

(ii) if his/her services are not required by the foreign employer, it shall be open to the foreign employer to revert him/her the parent department, provided 3 months' notice is given to Government/competent authority by the foreign Employer before effecting such reversion;

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(iii) It is open to him/her to revert to the parent department after he/she gives a notice of not less than three months in writing to Government/competent authority of his/her intention to do so.

(2) Pay: While on foreign service Shri/Smt./Kum. shall draw pay which he/she would have drawn in the parent department but for his/her deputation on foreign service in the scale of Rs. of /designation of the post to be entered / prescribed for the post which he/she held immediately prior to his/her deputation plus deputation allowance equal to 20% of that pay subject to a maximum of Rs.250/- per mensem, provided that the sum total of "basic pay" plus deputation allowance does not exceed the maximum of the scale of pay of the post held on deputation or where the post on deputation is on a fixed pay, that fixed pay and provided further it does not in any case exceed Rs.3,000/- p.m.

For the purpose of computing the deputation allowance, the special pay, which is sanctioned in lieu of a separate scale of pay in the parent department, may be taken into account.

(3) Dearness Allowance: Shri/Smt./Kum. will be entitled to draw dearness allowance as admissible under the State Government.

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Simplification of the method of calculation of Leave Salary - Leave Salary while on earned leave-equal to the last pay drawn.

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(4) House Rent Allowance/Compensatory Local Allowance: Shri/Smt./Kum. will be entitled to draw House Rent Allowance/Compensatory Local Allowance as admissible under the State Government rules from time to time.

(5) Joining Time Pay and Transfer Travelling Allowance: His/Her pay and travelling allowance during the joining time both on transfer to and reversion from foreign service shall be paid by the foreign employer in accordance with the Bombay Civil Services Rules.

(6) Travelling Allowance for journey on Duty during the period of deputation : He/She will be entitled to Travelling Allowance and Daily Allowance for journeys undertaken after joining the foreign service according to the Bombay Civil Services Rules or under the rules of the foreign employer.

(7) Leave: He/She will continue to be governed by the leave rules applicable to him/her before such transfer. The procedure laid down in Bombay Civil Services Rule 658 should be followed scrupulously. On being relieved from foreign service he/she will not be allowed to proceed on leave direct by the foreign employer, i.e. without first joining Government service and without getting his/her leave sanctioned by the competent authority in the parent department in the usual manner.

(8) The whole expenditure in respect of any compensatory allowance for the period of leave taken during or at the end of foreign service shall be borne by the Foreign employer.

(9) In the case of a female Government servant, the leave salary for the period of maternity leave availed of by her while in or at the end of foreign service shall be borne by the foreign employer. (Whenever a female Government servant, is to be deputed to foreign service, a specific term to this effect should be included).

(10) Leave Salary on account of disability Leave: The foreign employer shall be liable to pay leave salary in respect of any disability leave that may be granted on account of disability incurred in or through foreign service even though such disability manifests itself after the termination of foreign service. The leave salary charge of such leave shall be recovered from the foreign employer.

(11) Leave Salary and Pension contributions:

(a) The leave salary and pension contributions shall be paid by foreign employer in accordance with the rates prescribed in Appendix VII-A of the Bombay Civil Services Rules as amended from time to time.

(b) The foreign employer shall pay leave and pension contributions every month beginning from the first of the month immediately following the month in which the transfer takes place at the following rates;

1) Leave Salary contribution Rs.

2) Pension Contribution

(4) House Rent Allowance/Compensatory Local Allowance: Shri/Smt./Kum. will be entitled to draw House Rent Allowance/Compensatory Local Allowance as admissible under the State Government rules from time to time.

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(b) The foreign employer shall pay leave and pension contributions every month beginning from the first of the month immediately following the month in which the transfer takes place at the following rates;

1) Leave Salary contribution Rs. per month

2) Pension Contribution Rs. per month

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The amounts of contributions should be credited under the following heads of accounts:—

(i) Pension Contribution:

066-Contributions and recoveries towards pension and other Retirement Benefits-A-Subscriptions and Contributions.
(1) Officers on foreign service.

(ii) Leave Salary Contribution:

*(Relevant Budget Head to be entered).

*(Here enter receipt Head corresponding to the service Head of Account to which the pay of the officer is debited, or where there is no corresponding receipt head to the major head, then put "065, Other Administrative Services-C- Other Services payments for services rendered, leave salary contribution in cases of officers on foreign service").

The rates mentioned above all shall be treated as provisional pending confirmation by the Audit and will be subject to adjustment retrospectively.

(iii) If contributions for leave salary or pension which are due in respect of Shri/Smt./Kum. in foreign service are not paid within fifteen days from the end of the month in which the pay on which they are based, has been drawn by the Government servant concerned, the foreign employer shall pay to Government, unless specifically exempted by Government, interest on the unpaid contributions at the rate of 2 paise a day per Rs.100/- upon the amount due from the date of expiry of the period of fifteen days up to the date on which the contributions are finally paid.

(12) Leave Travel Concession: He/She shall be entitled to the leave travel concession as admissible to Government servants under Government Resolution, Finance Department No. TRA-1163/2726-V, dated the 23rd October 1963, as amended from time to time. The expenditure in this respect shall be borne by the foreign employer.

(13) Encashment of leave: He/She shall be entitled to the benefit of encashment of earned leave in accordance with the Government Resolution, Finance Department No. LVE-2476/145/76/SER-9, dated the 31st March 1976 as amended from time to time. The expenditure on account of compensatory allowances payable on the leave salary shall be borne by the foreign employer.

(14) Medical Concessions: He/She shall be entitled to medical facilities not inferior to those admissible under the Maharashtra Civil Services(Medical Attendance) Rules, 1961 and the cost of that account shall be borne by the foreign employer.

(15) General Provident Fund Subscription: He/She shall continue his/her subscription to the General Provident Fund of which he/she is a member in accordance with the prescribed rules.

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(16) Departmental Enquiry: If a departmental enquiry is to be instituted against the Government servant, he/she shall be reverted to his/her parent department. The subsistence allowance shall be paid by Government, but it will be recovered from the foreign employer.

(17) Bonus: Shri/Smt./Kum. shall be permitted to accept bonus declared by the foreign Employer to the extent and subject to conditions mentioned in Government Resolution, Finance Department No. FNS-1067/79-67/X, dated 15th November 1969.

(18) Proforma promotion: If while on deputation Shri/Smt./Kum. becomes due for promotion in the parent department he/she should not ordinarily be continued on deputation. If, however, he/she is continued on deputation by the competent authority, he/she will be allowed the pay of the promotion post under the N.B.R. without any deputation allowance and that the benefit of N.B.R. will not be admissible beyond six months.

(19) Permanent absorption: If subsequently Shri/Smt./Kum. desires to get absorbed in the services of the Public Sector Undertaking, he/she shall be required to resign his appointment under Government and permanent absorption shall be with effect from the date of acceptance of the resignation.

ANNEXURE - II

A list of guide lines for the Department and the foreign employer.

(1) Period of Deputation: The maximum period for which he/she will be permitted to be on deputation in foreign service is four years. On his/her reversion to the parent department, he/she will not again be permitted to go on deputation within a period of 4 years.

(2) If a person(with permission from the comptent authority) proceeds on deputation from one Corporation/foreign Body to another without reverting to his parent department, the transfer to second Corporation/foreign body would be a fresh tenure of deputation for the purpose of reckoning the period of deputation and shall be subject to a maximum of 3 years in all cases except for those posts where a longer period of tenure is prescribed.

(3) Proforma promotion: If during the deputation period Shri/Smt./Kum. becomes due for proforma promotion in the parent department or is appointed to a post carrying higher scale, he/she shall not be allowed to draw deputation allowance in addition to the grade pay of the promotion post, unless in respect of posts coming within the purview of the Establishment Board, the Board takes a conscious decision, after taking into account the claims of other officers similarly situated that he/she alone be continued in foreign service and in respect of posts not covered by the Establishment Board, the Administrative Department takes such a decision in consultation with the General Administration Department, in which case the question of grant of deputation allowance will be considered with due regard to the duties and responsibilities she is required to discharge/shoulder in foreign service, even after his promotion in the parent department, by the concerned administrative department of the Secretariat in consultation with General Administration Department and Finance Department.

(4) When a Government servant already on deputation is to be promoted to another post by the borrowing authority, the borrowing authority should obtain the concurrence of the lending authority prior to the promotion so that the latter might decide as to how the pay in the higher post is to be regulated.

(5) Leave: The foreign employer, will maintain a Leave account of the Government servant concerned. An extract to the leave account may be supplied to him by the Audit Officer in the case of Gazetted Officers, and by the head of the office in case non-gazetted Government Servants. The foreign employer will determine the leave admissible to the Government servant concerned and sanction it under intimation to the Audit Officer in the case of Gazetted Officers and the Head of the office in the case of non-gazetted Government servants, as the case may be. The foreign employer will then make payment of the leave salary to the officer concerned. Thereafter, he may claim half yearly reimbursement of leave salary so paid, from the Audit Officer/Head of the office, as the case may be. For this purpose, he

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he may send his claims duly supported with details of the officials on foreign service, nature and period of leave sanctioned and enjoyed, rate of leave salary and amount of leave salary paid to the Audit Officer in the case of Gazetted Officers and to the Head of the parent Department in the case of non-gazetted Government servants. The half yearly reimbursement suggested may be in respect of the period from 1st April to 30th September and 1st October to 31st March. The audit officer or the Head of the department 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.

(6) Leave salary and pension Contributions:- The foreign employer shall follow the following instructions to ensure prompt payment and due crediting of the contributions:—

i) One Demand draft of the total amount due on account of pension and leave salary contributions should be drawn;

ii) The draft should be made payable to the Accountant General, Maharashtra I/II, Bombay/Nagpur;

iii) The draft should be crossed;

iv) The draft should be sent under a covering letter wherein the following details should be indicated;

a) name of the person in whose respect contributions are paid;

b) Period to which the contributions pertain;

c) Split up of the amount:

	Rs.
i) Pension Contribution	
ii) Leave Salary Contribution	
	Rs.

v) It is not necessary to send separate drafts if there are more than one Government servant on deputation to one and the same foreign authority. The purpose can be served by issuing only one Demand Draft. However, the details of the amount sent should be given in a covering letter as stated in clause(iv) above.

(7) It shall be incumbent upon the foreign employer to consult the parent department if it is proposed to absorb Shri/Smt./Kum. under the Public Sector undertaking. The orders of permanent absorption shall be issued only after the resignation of Shri/Smt./Kum. has been accepted by Government/Competent Authority and permanent absorption will be effective from the date of such acceptance. Neither the Government servant, nor the foreign employer shall have any right of property in the contributions paid towards pension, leave salary, etc. to Government and no claim for refund will be entertained.

The pensionary benefits, in accordance with Government Resolution, Finance Department No.PEN-1067/49/67/X, dated 17th October 1967 read with Govt.Resolution, Finance Department No.PEN-1072/59-G of I/72/S-2, dated 25th April 1973 will be admissible to only permanent Government servants who while on deputation are absorbed in the public interest in service of a public sector undertaking.