

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Foreign Service – Terms of deputation of Government Servants deputed on Foreign Service – Consolidated terms and conditions of deputation – Prescribing of cooling period – Orders – Issued.

FINANCE (FR.II) DEPARTMENT

G.O. Ms. No. 2

Dated : 02.01.2010

Read the following:

1. G.O. (P) No.10, Finance & Planning (FW.FR.II) Department, dated 22.1.1993.
2. Govt. Memo. No.9871-A/236/FR.II/07, Finance (FR.II) Department, dated 16.5.2007.
3. G.O.Ms.No.128, Finance (FR.I) Department, dt.01.06.2007.
4. G.O.Ms.No.129, Finance (FR.I) Department, dt. 01.06.2007.

In the reference first read above, consolidated terms and conditions of deputation were issued wherein it is ordered that, the total period of deputation should not exceed five years, with the period being reckoned from the date of relief from service to the date on which charge is taken of a post under the Government on reversion from Foreign Service. The period of deputation shall be subject to a maximum of five years of which the initial period of deputation upto 3 years shall be sanctioned by the Head of the Department if he is the competent authority to order transfers and postings of his subordinates. Otherwise, the Government in the Administrative Department not below the rank of Deputy Secretary to Government shall issue orders sanctioning the deputation of Foreign Service. Extension beyond the initial period of 3 years i.e., for a further period upto 2 years shall be decided by the concerned Secretary to Government where such extension is considered necessary in public interest. In case where Government is the authority competent to order transfers and postings, the cases of deputation to Foreign Service should be sanctioned only by Government and not by the Head of the Department. However, in cases of deputation of the State Police employees to the Ministry of Railways and to the Central Bureau of Investigation (Special Police Establishment), the period of deputation shall be 7 years. Under no circumstances extensions beyond the above specified periods will be considered by Government.

2. In the reference second read above, orders were issued for review of cases of deputationists periodically before completion of permitted period of deputation and to take prompt action for their repatriation on completion of initial/extended period of deputation.

3. In the reference third and fourth read above, orders were issued that if a Government Servant continues on Foreign Service beyond the period approved by the State Government, **he shall be deemed to have resigned from the service.**

4. Despite the above orders prohibiting continuation of Government Servant on foreign service beyond **five years**, instances have come to the notice of the

Government that the Government Servants who are deputed on foreign service are allowed beyond the prescribed limit of **five years** and in some cases, the employees are repatriated to their parent department, and again they are sent on deputation after a very short spell of time either to the same borrowing department or other departments.

5. Fundamental Rules are silent for deputing Government Servants on foreign service again after completion of permitted period of **five years** and on repatriation to the parent departments. Therefore, it is felt expedient and necessary to issue orders stipulating cooling period between one deputation to another deputation of the Government employees. Accordingly, Government after careful examination of the issue, order as follows:

- (i) In case of the employees who have availed the maximum period of deputation of 5 years either in one organization or in different organizations, they have to necessarily work at least one year in the parent department before they are considered for further deputation to any organization.
- (ii) In cases of employees who are repatriated to parent department due to their promotion in the parent department they should not be considered for further deputation till they satisfactorily complete probation in the promoted post.
- (iii) In case of employees who are repatriated to parent department for the reasons of disciplinary action, they should not be considered for deputation till the disciplinary case is closed and the currency of punishment is completed.
- (iv) In the case of employees who are repatriated to parent department for other reasons than promotion and disciplinary action, such employees should not be considered for deputation till they work in parent department at least 6 months excluding any type of leave availed by them during that period.
- (v) The deputation of employees from one Local Cadre post to another Local Cadre post is not permissible. It should be strictly in accordance with Presidential Order and G.O.Ms.No.610, GA (SPF.A) Department, dated 31.12.1985 read with GA (MC) Department's Memo. No.9543/MC/2007-12, dated 2.7.2007.

6. This order shall come into force with immediate effect.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHAMSHER SINGH RAWAT
SECRETARY TO GOVERNMENT (FP)

To
The Accountant General, Andhra Pradesh, Hyderabad.
All Departments of Secretariat (20 copies each)
All Heads of Departments including District Judges
All District Treasury Officers
All Collectors
All Superintendents of Police
The Secretary, Andhra Pradesh Public Service Commission, Hyderabad
The Secretary, Tungabhadra Project, via Hospet, Ballary
The Registrar, Andhra Pradesh High Court, Hyderabad
The Director of Printing & Stationery, Andhra Pradesh, Hyderabad

The Registrar, Osmania / Andhra / Sri Venkateswara / Agriculture University/
Krishnadevaraya / Kakatiya / Sri Padmavathi Mahila University/Dr. B.R.
Ambedkar Open University, Andhra Pradesh, Hyderabad
The Special Commissioner, GHMC, Hyderabad
The Housing Board, Andhra Pradesh, Hyderabad
The Deputy Director General, National Cadet Corps, Andhra Pradesh,
Hyderabad
The Chairman, Tribunal for Disciplinary Proceedings, Hyderabad
The Vigilance Commissioner, Andhra Pradesh, Hyderabad
The Chief Accounts Officer, Balamela Dam, Chitrakonda, Orissa
The Financial Advisor and Chief Accounts Officer, Nagajunasagar Project,
secretariat Buildings, Andhra Pradesh, Hyderabad
The Chief Engineer Pochampad Project, 655, All Villa Somajiguda,
Hyderabad – 500 004
The Legislature Secretariat, Andhra Pradesh, Hyderabad
The Director, Anti-Corruption Bureau, Hyderabad
The Commissioner, Institute of Administration, Hyderabad
All deputy Inspector-Generals of Police of All Ranges.

//FORWARDED::BY ORDER//

SECTION OFFICER

**GOVERNMENT OF ANDHRA PRADESH
FINANCE (FR-II) DEPARTMENT**

D.O.Lr.No.28644/604/FR.II/2008, Dated: -9-2009.

Dear.....

Sub: Finance Department – Deputation – Cooling off period between one spell of deputation to another spell of deputation – remarks / objections if any – called for – Reg.

Ref: Draft G.O.Ms.No. Fin. (FR.II) Dept., Dt. - -2009.

I am to inform that it is proposed to issue orders prescribing cooling of period between deputation to deputation on foreign service of Government Employees, as there are no clear cut orders in the matter at present. After careful examination of the issue a draft order is prepared and enclosed here with on the subject.

I request you, kindly to inform the suggestions if any on the proposed draft order regarding the cooling of deputation period. If no reply / remarks / suggestions are received on the above said draft G.O. on or before 30 days may it will be presumed that you are satisfied with proposed draft order and further action will be taken to issue the same.

Thanking you.

Yours sincerely,

SHAMSHER SINGH RAWAT
SECRETARY TO GOVT.

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Foreign Service – Terms of Deputation of Government Servants deputed on Foreign Service Re-issue of consolidated standard terms and conditions of deputation.

FINANCE AND PLANNING (FW.F.R.II) DEPARTMENT

G.O.(P).No.10

Dated.22-01-1993
Read the following:

G.O.Ms.No.204 Fin & Plg (FW.FR.II) Dept., dt.21-05-1976.

ORDER:

The terms of deputation to be granted to Government servants deputed to Foreign Service are to be regulated in accordance with the provisions of Fundamental Rules 110 to 126 and Rules 472 to 489 of the Hyderabad Civil Service Rules. In the G.O. read above consolidated terms of deputation and the rate of deputation allowance were laid down for general applicability.

2. Later, several instructions, clarifications and amendments on the subject were issued. It has therefore, been felt necessary to put all those instructions/clarifications etc., at one place and re-issue the consolidated standard terms and conditions. Accordingly, Government in supersession of the orders issued in G.O. read above, re-issue the following consolidated terms & conditions of deputation, for general applicability in future cases.

- i) **Period of Deputation:** The total period of deputation should not exceed five years, the period being reckoned from the date of relief from service to the date on which he takes charge of a post under the Government on reversion from foreign service. The period of deputation shall be subject to a maximum of five years of which the initial period of deputation upto 3 years shall be sanctioned by the Head of the Department if he is the competent authority to order transfer and postings, of his subordinates. Otherwise the Government in the Administrative Department not below the rank of Deputy Secretary to Government shall issue orders sanctioning the deputation to Foreign Service. Extension beyond the initial period of 3 years that

is for a further period upto 2 years shall be decided by the concerned Secretary to Government where such extensions is considered necessary in public interest. In case where Government is the authority competent to order transfer and postings, the cases of deputation to Foreign Service should be sanctioned only by Government and not by the Head of the Department. However in cases of deputation of the State Police employees to the Ministry of Railways and to the Central Bureau of Investigation (Special Police Establishment), the period of deputation shall be 7 years as already ordered in G.O.Ms.No.298, Fin & Plg.(FR.II) Department Dt.02-01-1974. Under no circumstances extensions beyond the above specified period will be considered by Government.

- ii) **Pay and Allowances:** The foreign employee shall, during the period of deputation/foreign service, allow the Government Servant, pay and other allowances, as mention below:

BASIC PAY

The pay and scale of pay admissible from time to time to the Government Servant in the Government Departments just preceeding his joining to duty under the Foreign employee deputation post.

ALLOWANCES:

(1) Dearness Allowance and other Compensatory Allowances i.e., (House Rent Allowance, City Compensatory Allowance) admissible at the place of duty on deputation in Foreign Service at the rates applicable in the State Government.

(2) In case of Doctors, Non-private practice Allowance(N.P.P.A) will be admissible if he was receiving immediately before – deputation subject to the condition that Foreign employer also wants to enforce the condition that no Private practice would be permitted. If private practice is permissible no Non private practice allowance shall be admissible.

COMPENSATORY ALLOWANCE

(3) Compensatory Allowance in lieu of residential Attender at the rate of Rs.200/- per month (Rupees two hundred only) may be allowed, if the same was being drawn immediately before deputation.

- iii) **Encashment of Leave :** During the period of Foreign Service, the deputationist may be allowed to encash the leave in accordance with State Government Rules. The Foreign employer shall initially bear the expenditure of such encashment of leave and get the expenditure reimbursed from the parent department. For this purpose the procedure laid down in G.O.Ms.No.35 Finance, dt.31st January, 1976 shall be followed.
- iv) **Leave Travel Concession :** During the period of Foreign Service the deputationist may be allowed the leave travel concession as per the orders of the State Government issued from time to time and the liability in respect of such expenditure shall be born by the foreign employer in full however, the leave allowance for the purpose of Leave Travel Concession shall be born by the parent department.
- v) **Educational Concession:** During the period of Foreign Service, all Non-Gazetted offices may be allowed Educational Concession for their children in terms of the orders of State Government and the liability in this regard shall be born by the Foreign Employer.
- vi) **Traveling Allowance:** The Foreign employer shall allow Traveling Allowance, as on transfer under the A.P.Travelling Allowance Rules in respect of journeys performed by the Government Servant for joining the post in Foreign Service and on reversion there from in respect of the Journeys performed during the period of Foreign Service the foreign employer shall allow Travelling Allowance and Daily Allowance as on tour under the A.P. Travelling Allowance Rules or under the rules of the undertaking/organization at the option of the employee.
- vii) **Joining Time and Pay :** The Foreign employer shall allow the Government Servant such joining time as admissible under Fundamental Rules/Hyderabad Civil Service Rules, as the case may be for joining the post of Foreign Service and on reversion there from and shall allow pay during such periods, at the rates

admissible under Fundamental Rules/Hyderabad Civil Service Rules.

- viii) Leave During the period of Foreign Service, the Government Servant shall be entitled to such leave Rules as per the rules by which he is governed in Government Service.
- ix) **Leave Salary and Pension Contribution:** The foreign employer shall pay to Government Leave – Salary and Pension Contribution at the following rates.

1. Rate of Leave Salary contribution 11% of the pay drawn in foreign service if governed by Leave Rules in Fundamental Rules or old Hyderabad Leave Rules 1357 Fasli(1947)

OR

11% of the pay drawn in Foreign Service if governed by A.P.Leave Rules 1933 or Hyderabad revised Leave Rules 1952.

2. Rate of Pension Contribution % of the maximum monthly pay of the grade held by the Government Servant in Government Service.

Note: The appropriate rate applicable accordingly to the Table of the rates in Fundamental Rules 116 which are based on length of service should be specified.

The above rates are only provisional subject to revision by the Accountant General / Pay and Accounts Officer, Hyderabad, as the case may be. The Foreign employer should remit to the Accountant General, Andhra Pradesh, Hyderabad, the amounts of the above contributions every month by way of demand drafts, the necessary charges for which should be born by the Foreign employer.

- x) **Disability Leave:** The Foreign employer should bear the charges for the leave salary in respect of disability leave, if any, granted to the Government Servant on account of any disability incurred in or through the Foreign Service even if such disability manifests itself after the termination of Foreign Service.
- xi) **Extraordinary Pension or Gratuity:** The Foreign employer shall be liable to pay any such Gratuity of Pension that may be

admissible under the Civil Service (Extraordinary Pension Rules) applicable to the Government Servant, if any injury is sustained or death occurs while on Foreign Service which (i.e., injury or death) is attributable directly due to or in consequence of the performance of his duties in foreign service.

- xii) **Compensatory Allowance during Leave:** The Foreign employer shall pay Compensatory Allowance, if any, for the period of leave taken by the Government Servant in or at the end of Foreign Service.
- xiii) **Medical Concession:** The Foreign employer shall provide the Government Servant the Medical Concessions and facilities on a scale not inferior to what would have been admissible to him in Government service.
- xiv) **Three months Deposit:** The Foreign employer shall deposit in the nearest Government Treasury an amount equal to three months pay and allowances admissible to the Government Servant which will be accounted for as a “ Revenue Deposit and refunded to the Foreign employer at the termination of the Foreign Service of the Government Servant, after satisfying the all claims due to the Government and the Government servant by the Foreign employer have been settled.
- xv) **Arrear Claims:** The Foreign employer shall pay arrear claims, if any that may be pointed out by the Government or the Accountant General on account of the Government Servant owing to revision of Pay and Allowances while on Foreign Service.
- xvi) **Deviation from the Standard terms:** The terms and conditions laid down above should be strictly followed and no cases for deviation from the standard terms may be taken up.
- xvii) **Deputation to Private Organisation:** Except, in the case of private companies in which Government have 20% or more equity shares or Industries which have a special importance to the State and Co-operative Societies to which deputation under normal terms and conditions can be allowed, no deputation of Government

Servants should be permitted to any Private Organisation whether or not such deputation is in public interest.

Further, Government Servant seeking employment in any Private Organisations should resign from Government Service before they are permitted to accept employment in the Private Organisations. To this effect, orders were already issued in Government Memo.No.025363 / 722/FR-II/71-1, Dt.27-10-1973.

xviii) **General:**

- a) Deputations are not permitted to accept any perquisites, allowances or payment in any form in addition to or in modification of the terms indicated in the original order of deputation without specific prior approval of Government. The borrowing authority should obtain the concurrence of the Government before any such perquisites, allowances or payments are sanctioned. If these are accepted without such prior concurrence of the Government, they would be deemed to be unauthorized payments and the officers concerned will be liable to refund the same as already ordered in G.O.Ms.No.112, Fin and Plg (FW.FR-II) Department Dt.16-04-1974.
- b) Foreign Service including service on deputation does not count for probation in the parent department and therefore the probationer sent on deputation suffers from the fact that, even though he puts in considerable period of service under Foreign Service organization his interest in the parent department cannot be safeguarded by declaration of his probation unless rules are relaxed. In view of this difficulty, instructions were issued in Government Cir.Memo.No.47447-G/1951/FR-II/76-1, Dt.12-10-76, to the effect that only approved probationers need be sent on depurations/ foreign service.
- c) The maximum period of deputation of a Government servant is up to 5 years. But although there are specific orders to this

effect, it is very often noticed that in practice the Departments / Organisations to which a Government servant is deputed initially for a period of one year, such deputation is being extended upto three years under the existing powers to the Heads of the Departments, and they are also being continued even beyond three years without any specific order from Government, who are competent to consider such cases. Although Head of Departments are not empowered for such an action, the Government servants are allowed to continue on deputation / Foreign Service for period beyond 5 years also without prior approval or specific orders of Government. This is quite irregular.

With a view to ensure promptitude in cases of deputation / foreign service of such cases, the competent authorities are requested to ensure that no Government servant shall be relieved without specific sanction issued by Heads of Departments / Government as case may be. In regard to the cases of sanction of extension of deputation / foreign service, the borrowing department / foreign employer should necessarily initiate proposals at least two months period to the date of expiry of the deputation period, failing which the lending department shall issue orders well in advance for repatriation of the deputationist to the parent department before expiry of the sanctioned / extended term of deputation. Under no circumstances, the deputation period should be extended beyond the initial extended period of deputation of 3 years and upto 5 years respectively.

Yet in some cases, the borrowing departments are continuing the deputationists beyond the initial period / extended period of sanction of one pretext or other which ultimately do not satisfy the rules. The Heads of Departments or the concerned departments of Secretariat are also not initiating any action for their repatriation immediately after their term of deputation is completed.

The Heads of Departments / Departments of Secretariat should review the cases of deputation / foreign service periodically before completion of initial period of one year and extended period of three years or five years as the case may be, and should take prompt action for their repatriation on completion of initial extended

period of deputation. In this connection, their attention is also invited to the Circular Memo.No.30233-C/1005/FR-II/80-I, Dt.09-09-1980 of Finance and Planning (FW-FR-II) Department.

J.SATYANARAYANA
Special Secretary to Government.

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

FUNDAMENTAL RULES – Lien - Amendment to FR 14 – Orders – Issued

FINANCE (FR.I) DEPARTMENT

G.O. Ms. No. 144

dated: 19.05.2009

ORDER:

According to FR 12-A, a Government Servant will acquire a lien on his appointment to a substantive post and ceases to hold any lien previously acquired on any other post. Various situations have come to involve in which a Government Servant's lien on a substantive post is continued even though he is not discharging the duties of that post.

2. According to FR 13, unless the lien of a Government Servant is suspended under Rule 14, or transferred under Rule 14-B, a Government servant holding substantively a permanent post retains a lien on that post in the circumstances specified thereunder. The Head of the Department is empowered to suspend the lien in respect of any post to which it or an authority subordinate to it can appoint. Under FR 14-A, the lien of a Government Servant cannot be terminated, if as a result of such termination will leave the Government Servant without a lien or a suspended lien upon a permanent post. FR 14, 14-A and 14-B, confer a right to employees to retain their lien on a permanent post until the employee(s) acquire (s) lien on another permanent post.

3. According to instructions issued by the General Admn. (Services) Dept. under rule 21 of AP State and Subordinate Service Rules, a person appointed to a Government Service shall be confirmed in any service, only once during his service in the Government at the entry grade, regardless of the fact whether there is a permanent or substantive post or vacancy available in that service. Thus, a situation has been created under General Rules that it is not at all required to confer full membership on each and every post either on promotion or appointment by transfer, which is lacking harmony to some extent with the provisions of FRs under which lien is acquired only on substantive appointment to a post.

4. The Fundamental Rules, dealing with lien, partly display obsolescence since the time they were framed in view of changed circumstances. This is because in a majority of cases appointments are made only on temporary basis which are subsequently regularized and probation declared. In such cases, the individuals, as they are not appointed substantively, do not acquire any lien on any post at all which is not contemplated under F.Rs.

5. During the DPC meeting held on 30-6-2007 in Finance Department, the DPC members also observed that the lien in the parent department shall be terminated as and when such individuals get next promotions or probation is declared in the latter department so as to avoid inconvenience while preparing the panels in their parent department.

6. Also different service rules provide for appointment by transfer from other services. The persons appointed outside their regular line are continued for years together outside their regular line while retaining all their rights in the parent department even after getting promotions outside the regular line on the ground that their lien in the parent department is continued as they are not appointed substantively to the post outside the regular line. In many cases, these candidates relinquish their promotions which results in lapse of the quota earmarked under the relevant service rules to the detriment of the persons in the regular line for no fault of theirs. Several departments are experiencing

difficulties in drawing panels for various categories of posts as the rights of the persons outside the regular line have to be considered even after their promotions outside their regular line. In some cases, the persons outside the regular line got more than two promotions while their juniors in the regular line are facing stagnation at lower levels. This is an unfair situation conferring all benefits to few individuals while depriving the rights of others. Hence, the need to review the concept of lien in its entirety and issue a fresh set of instructions keeping in view the changed circumstances.

7. Therefore, Government after careful examination of the matter, have decided to issue amendment to FR 14.

8. Accordingly, the following notification shall be published in the extraordinary issue of the Andhra Pradesh Gazette.

NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and of all other powers hereunto enabling, the Governor of Andhra Pradesh hereby makes the following amendments to the Fundamental Rules.

AMENDMENTS

In the said rules, (1) under FR 14 after clause-(f), the following shall be added, namely,-

“(g) The Lien of (i) a Government employee, appointed outside the regular line from the date of his relief; (ii) a Government employee who resigned/are relieved from a post to join in a different post to which he is selected by direct recruitment, from the date of his resignation/relief from the old post; and (iii) a Government employee who is transferred from one department to another on request or otherwise by way of departmental transfers from the date of his relief shall stand automatically suspended even if it is not mentioned in such orders and such Govt. employees shall automatically acquire provisional lien in the new departments, in which they join”.

2. In FR 14-A after clause-(d) the following shall be added, namely,-

“(e) The Lien of a Government employee, which was automatically suspended from the date of his relief in the parent department under clause (g) under FR-14 shall automatically get terminated in the parent department on the date on which his probation is declared in the new department or on the date on which his probation is deemed to have been declared in the new department or the date of his further promotion in the new department which ever is later subject to a maximum period of three (3) years”.

3. In FR 14-B, the following shall be added, namely,-

“Note-I: The Lien of a Government employee, which was automatically terminated under clause (e) under FR 14-A in the parent department shall automatically be transferred to the new department from that date.

Note-II: The existing employees who are working in the departments other than parent departments shall exercise option within two (2) months from the date of issue of these orders and if no option is exercised within two (2) months the employee is deemed to have opted to continue in the other service and his lien in the parent department shall automatically be terminated. However after exercising the option within two (2) months they may be allowed four

(4) months to get relief from other department and to join in parent department i.e. total six (6) months time shall be allowed”.

9. These orders are available on internet and can be accessed at the address <http://www.goir.ap.gov.in>.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr. SAMEER SHARMA
SECRETARY TO GOVERNMENT (FP)**

To

All the Departments of Secretariat (10 copies each)
The Accountant General, Andhra Pradesh, Hyderabad (20 copies).
The Accountant General, Andhra Pradesh, Hyderabad (by name).
The Pay & Accounts Officer, Hyderabad.
The Secretary to Governor, Andhra Pradesh, Hyderabad.
All Secretaries to Government.
The Private Secretary to the Chief Minister and Private Secretaries to all Ministers.
All the Heads of Departments (including Collectors and District Judges).
The Registrar, High Court of Andhra Pradesh, Hyderabad (with covering letter).
The Secretary, Andhra Pradesh Public Service Commission, Hyderabad (with covering letter).
All the District Treasury Officers (with copies for Sub-Treasury Officers).
The Secretary, Andhra Pradesh GENCO/TRANSCO.
The General Manager, A.P. State Road Transport Corporation, Hyderabad (with covering letter).
All District Educational Officers/All Principals of Junior Colleges.
All the District Development Officer, Zilla Praja Parishads.
All District Panchayat Officers.
All Mandal Development Officers.
All Secretaries of Zilla Grandhalaya Samsthas through Director of Public Libraries, Hyderabad.
All Secretaries of Agricultural Market Committees through Director of Marketing, A.P., Hyderabad.
All Commissioners/Special Officers of Municipalities.
All Recognised service Associations.
The Director, Government Printing Press, A.P. Hyderabad for publication in the Andhra Pradesh Gazette.
Copy to the General Administration (Cabinet) Department.
Copy to the General Administration (SW) Department.
Copy to SF/S.Cs.

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SECTION OFFICER.