

CHAPTER II

Definitions

F.R. 9. 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) The *Act* means the Government of India Act.

(1-A) *Administrator* means an Administrator of a Union Territory appointed by the President under Article 239 of the Constitution and includes the Governor of Assam acting as Agent to the President in respect of the North-East Frontier Agency.

(1-B) *Allotment* means grant of a licence to a Government servant to occupy a house owned, leased or requisitioned by the Government or a portion thereof, for use by him as residence.

(2) *Not printed.*

(3) *Deleted.*

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

(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 free passage by sea to or from any place outside India.

(6) *Duty*—(a) *Duty* includes—

(i) service as a probationer or apprentice provided that such service is followed by confirmation; and

(ii) joining time.

(b) A Government servant may be treated as on duty—

(i) during a course of instruction or training in India, or

(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.

GOVERNMENT OF INDIA'S ORDERS

(1) *Attending departmental examinations.*—(a) *Obligatory examinations.*—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, may be treated as on duty during the day or days of the examination and during the reasonable time required for the journey, if any, to and from the place of examination.

[G.I., F.D., Memo. No. F. 17-R.I/29, dated the 23rd January, 1929.]

NOTE.—It was decided in consultation with the Auditor-General that the phrase 'condition of preferment in Government service', covers only compulsory, or optional examinations for promotion within the normal scope of the Government servant's department or office.

[G.I., F.D., No. F/15 (5)-R. I/31, dated the 25th March, 1931.]

(b) *Open competitive examinations.*—It has been decided that special casual leave be granted to Central Government servants, who are eligible to appear at Departmental Promotion Examinations which are neither obligatory nor entail a condition of preferment in Government service, e.g., limited competitive examination for Section Officers' grade of the Central Secretariat Service, departmental examination for recruitment to Group 'D' of the General Cadre of I.F.S. (B), etc. Special casual leave will not, however, be admissible to departmental candidates for appearing at the open competitive examinations held by the Union Public Service Commission, e.g., Combined Services Examination, Stenographers Examinations, Lower Division Clerks Examination, Assistants Examination, etc., for direct recruitment. Special casual leave for the departmental promotion examination will, however, cover the actual duration of the examination concerned *plus* the minimum period required for the journey to and from the examination centre nearest to the headquarters station where such examination is held outside the headquarters. No travelling allowance will, however, be admissible to the Government servants appearing at the examination.

[G.I., M.H.A., O.M. No. 46-26/63, Ests. (A), dated the 2nd December, 1963.]

(c) *Hindi examinations.*—M.H.A., O.M. No. 3/22/60-H (B), dated the 6th January, 1962, laid down that Government servants appearing for Hindi examinations may be treated as on duty during the day or days of examinations and during the reasonable time required for the journey, if any, to and from the place of examination. A question has been raised whether a Government servant is expected to report for duty in office either before or after the examination is over, in case the examination including the viva voce test commences in the forenoon or in the afternoon. It has been decided that—

- (i) in cases where the examination is held in a day both in the forenoon and in the afternoon, the Government servants need not be required to attend office either before or after the examination, and
- (ii) in cases where the examination is held only in the forenoon or in the afternoon, the Government servants must attend office in the afternoon/forenoon, as the case may be, unless the Head of Office/Department specifically exempts any or all Government servants from such attendance, having regard to the time-schedule of the test and the distance between the places of duty and examination.

[G.I., M.H.A., O.M. No. 5/1/65-H, dated the 8th June, 1965.]

AUTHORS' NOTE.—*The spirit of the above decision will be applicable to all obligatory examinations as well.*

(2) Reservists on drill duty.—The period during which reservists in Government employ are on drill duty with their regiments, and also the time spent by them in journeying between their station and the place of training, shall be treated as duty qualifying for leave under Civil Rules.

[D.G., P. & T.'s No. S-A.-72 (4), dated the 12th March, 1931.]

(3) Civil Guard training/duty.—The period or periods spent by an employee of the Central Government on Civil Guard training or Civil Guard duty during normal working hours with the permission of the Head of his Office, should be treated as duty for the purposes of FR 9 (6).

[G.I., F.D., Endorsement No. D-12822-W. 1/42, dated the 29th September, 1942.]

(4) Training in Territorial Army.—The period of absence of civil Government servants while on training with the provisional units of the Territorial Army will be treated as on duty. During such periods of training, they will be entitled to military pay and allowances of the rank *plus* the difference between civil and military pay and allowances.

[G.I., Dept. of Per. & Trg., O.M. No. 47/2/61-Ests. (A), dated the 7th June, 1961.]

(5) Interpretation of the expression 'a course of instruction or training in India'.—An instance has come to the notice of the Government of India wherein certain Government Officers deputed to undergo a course of study of two years' duration, were treated as on "duty", taking it to be a course of instruction or training in India within the meaning of FR 9 (6) (b) (i). In this connection, it has been clarified that cases, where leave is to be granted for the purposes of prosecuting higher studies or for receiving specialized training in professional and technical subjects having a direct or close connection with the sphere of duties of the Government servant concerned, would not come within the purview of FR 9 (6) (b) (i), but should be dealt with under the Study Leave Rules read with the orders issued on the subject from time to time. [Chapter V of CCS (Leave) Rules, 1972.]

[G.I., M.F., O.M. No. F. 8 (4)-E. IV (A)/58, dated the 17th May, 1958.]

(6) Conditions for treating training as duty.—It has been decided that the authorities competent to appoint a Government servant to the post for which the training is essential may be empowered to treat the period of training or instruction in India of Government servants as 'duty' under this rule, subject to the following conditions:—

- (a) the training or instruction should be in India;
- (b) the training or instruction should be connected with the post which the Government servant is holding at the time of placing him on training or instructions;
- (c) that it is obligatory on the part of the Government to send the persons for such training or instruction;
- (d) the training should not be in professional or technical subjects which are normally brought under the provisions relating to 'study leave'; and
- (e) the period of training should not exceed one year.

[G.I., M.F., O.M. No. F. 2 (71)-Estt. III/60, dated the 3rd December, 1960.]

(7) Refresher Training of Section Officers.—The period of refresher training for Section Officers at the Secretariat Training School, which will normally be 6-8 weeks, will be treated as 'duty' for the purpose of FR 9 (6) (b) (i) in accordance with Order above.

[G.I., M.H.A., O.M. No. F. 1/49/60-C.S. (A), dated the 18th February, 1961.]

(8) Reservists' Training.—It has been decided that the decision embodied in Audit Instruction (3) below FR 9 (6) will apply to all Government servants including those not governed by FRs. & SRs. It is also stipulated that if the posts against which they are employed continue till after the reservists' training, they will have a right to come back to the same by treating the period of absence as duty. The intention is that industrial workers, monthly-rated staff like work charged and daily wage employees like non-departmental telegraphists, etc., should not suffer in the continuity of service and emoluments on account of their being called for reservists training.

[G.I., M.F., (C), Endorsement No. S.T.B.-60/6/56, dated Nil April, 1961.]

(9) Training at National Defence College.—The period of training at the National Defence College in the case of officers belonging to the Established Services, viz., IAS, IFS, IPS, IA & AS, Defence Accounts Service, Postal and Revenue Services may be treated as duty under FR 9 (6) (b) (i).

[G.I., M.F., O.M. No. F. 2 (2)-E. III/62, dated the 9th February, 1962.]

(10) Treatment of enforced halts as duty.—It has been decided that in the case of enforced halts occurring *en route* on journeys on tour, transfer, temporary transfer and journeys in connection with training, necessitated by breakdown of communications due to blockade of roads on account of floods, rains, heavy snowfall, landslides, etc., or delayed sailing of ships or awaiting for air-lift, the period of enforced halts will be treated as duty under FR 9 (6) (b).

The above concession will not be automatically admissible in all cases of enforced halt as a matter of course but will have to be specifically sanctioned in each case deserving the grant of the benefit. The Ministries of Government of India shall be competent to decide these cases in respect of staff serving under them. In respect of persons serving in Indian Audit and Accounts Department, these powers shall be exercised by the Comptroller and Auditor-General.

[G.I., M.F., O.M. No. 19030/1/73-E. IV (B), dated the 17th January, 1976.]

(11) Period involving verification and inspection of stores in the case of Engineer Officers.— A question has been raised whether the period spent by newly appointed Engineer Officers from the day they report for duty to the day they complete taking over charge of posts involving verification and inspection of stores, etc., can be treated as duty under the provisions of FR 9 (6) (b). It has been decided that such periods will be treated as 'duty'. It is not necessary to create new posts to accommodate the direct recruits since treating the period as duty is by itself a sufficient sanction in this regard.

[G.I., M.F., O.M. No. F. 1 (20)-E. III (A)/65, dated the 2nd November, 1965.]

(12) Training of Mail Motor staff in major Mail Motor Units.— It has been decided that the staff of the smaller Mail Motor Units functioning under the administrative control of a SSPOs & SSRMs may be sent on training, where necessary, for a period not exceeding two weeks to the nearest major Mail Motor Units functioning under the control of a Senior Manager / Manager, P & T Motor Services, under whose technical control the smaller Mail Motor Unit functions. The staff deputed on training will learn servicing and maintenance of the fleet and proper maintenance of records of the smaller Mail Motor Services.

During the period of training, the staff so deputed will be treated as on duty in terms of FR 9 (6) (b) and will draw full pay and allowances to which he would have been entitled, had he not been deputed for training. In addition, he will be entitled to get T.A. and D.A. as on tour as admissible under rules.

[D.G., P & T., Letter No. 2-38/71-MS, dated the 16th October, 1971.]

(13) Training of Mail Motor staff in private auto manufacturing firms.— It has been decided that the period of training of technical staff of Posts and Telegraphs Motor Service Organization who may be deputed by the Heads of Circles for training with the reputed private automobile manufacturing firms for a period of two to four weeks when need arises to enable them to acquire training about the latest technique and mechanism of the latest models of motor vehicles for repairs and maintenance, will be treated as on duty in terms of FR 9 (6) (b) and will draw full pay and allowances to which they would have been entitled, had they not been deputed for training. In addition, they will also be entitled to draw T.A. and D.A. as on tour during the period of training as admissible under the departmental rules.

[D.G., P. & T. Letter No. 2-44/71-MS, dated the 6th September, 1972.]

(14) Charge report necessary when deputed for training in India.—It has been decided that a Gazetted Government servant nominated for training in India should be required to relinquish his post and prepare a charge report even if no officiating arrangement is made in his place. It has also been decided that a Government servant should intimate to the Accounts Officer (*now Head of Office*) concerned, through the Training Institute/Officer, etc., the date and hour of reporting for training and, on relief, of the completion of training.

The sanction issued by the Administrative Ministries in individual cases should indicate the actual period of training.

[G.I., M.F., O.M. No. F. 13 (9)-E. IV (B)/65, dated the 27th February, 1965.]

(15) Treatment of training period as duty and filling up of vacancies caused by deputation of officers to training programmes.— In supersession of O.M. No. 12011/8/76-Trg., I, dated the 15th February, 1977 (*not printed*) on the subject, the periods of training of Central Government personnel in the training programmes mentioned below will be treated as 'duty' under FR 9 (6) (b) (i) if the personnel are sponsored for the training by the departments in which they are working—

- (i) All training programmes organized by Central and State Governments training institutions;
- (ii) All training programmes organized/sponsored by the Training Division, Department of Personnel and Administrative Reforms; and
- (iii) The training programmes approved by the Training Division, Department of Personnel and Administrative Reforms, from time to time.

NOTE.—The list of approved programmes will be compiled and circulated separately. It is proposed to include in the list only those programmes in the fields of public administration and general management of common interest to all Ministries, etc. Other cases, e.g., specialized/ technical courses of interest to a particular Ministry, etc., courses leading to the award of certificates having a market value, will be dealt with on the merits of each case, by the Ministries, etc., concerned under the normal rules. In such cases, a reference to the Training Division, Department of Personnel and Administrative Reforms may not be necessary.

2. Vacancies exceeding forty-five days caused by the deputation of officers to the training programmes referred to in the preceding paragraph may be filled in by the Ministries, etc., in the normal manner. Vacancies of shorter duration of forty-five days or less should not be filled.

3. The expenditure on account of pay and allowances of the officials deputed for the approved training programmes referred to above will be met from the budget grant of the Ministry, etc., from which they are deputed for training.

[G.I., Dept. of Per. & A.R., Letter No. 12011/1/79-Trg. I., dated the 31st May, 1979, addressed to the Director of Audit, Commerce, Works and Miscellaneous, New Delhi.]

(16) Period of training before appointment to be treated as 'duty' for eligibility to sit for departmental examinations.—The Staff Side of the National Council (JCM) had suggested *inter alia* that the service rendered by an employee during the training period before his regular appointment to the grade be treated as duty for eligibility to sit for the departmental examination.

2. The request made by the Staff Side of the National Council (JCM) has been examined and it has been decided that in all cases where pre-service training is considered necessary before actual appointment to the post, the period spent by an officer on training immediately before such appointment would count as qualifying service for the purpose of eligibility for appearing in departmental examinations, even if the officer is not given the scale of pay of the post but only a nominal allowance.

[G.I., M.H.A. (D.o.P. & A.R.) O.M. No. 14034/5/81-Estt. (D), dated the 8th March, 1983.]

(17) Period of training before appointment to be treated as 'duty' for increments.—See GIO (1) below FR 26.

(18) Period of training before appointment to Groups 'C' and 'D' posts counts as qualifying service for pension.—See GID (1) below Rule 22, CCS (Pension) Rules, 1972—*Swamy's Pension Compilation*.

(19) Period of participation in National/International Sports events and pre-participation coaching camps is treated as duty.— See Appendix-11 in this compilation.

(20) Period of waiting on joining from leave for posting orders to be treated as duty.—Mr. N, an Executive Engineer, while officiating as Superintending Engineer, was granted leave on average pay on medical certificate for 4 months and 12 days expiring on the 25th August. After receipt of a medical certificate of fitness, the question of his posting was taken up on the 16th August, and it having been finally decided to post him as officiating Superintending Engineer, orders for his posting were issued on the 26th September. Mr. N, joined duty on the forenoon of the 4th October. The question arose how the period from 26th August to 3rd October should be treated.

The circumstances of the case are similar to those referred to in FR 9 (6) (b) (iv), inasmuch as in both cases the essential point is the compulsory waiting by the officer concerned for orders of Government posting him to a particular post. Accordingly, the Government of India, with the concurrence of the Auditor-General, ordered that the period of waiting in the case of Mr. N and in other similar cases should be treated as duty as in the case mentioned in FR 9 (6) (b) (iv).

[G.I., F.D., No. F. 192-C.S.R. 25, dated the 20th June, 1925 to the Accountant-General, Madras.]

AUTHORS' NOTE.—Though the sub-rule referred to in the decision no longer exists, the spirit of the decision is still applicable. Such cases may have to be dealt with under CCS (Joining time) Rules, 1979.

AUDIT INSTRUCTIONS

(1) (a) The term "Probationer" does not cover a Government servant who holds substantively a permanent post in a cadre and is appointed 'on probation' to another post.

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

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

(d) The instructions in Clauses (a) and (b) 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 substantive in one cadre (e.g., a First Division Assistant holding a lien on a post borne on the Central Secretariat Service, Group 'B') from being appointed (either through selection by a departmental committee or as a result of competitive examination through the Union Public Service Commission) as a 'probationer' in or against a post borne on another cadre (like the Indian Audit and Accounts Service, the Indian Customs Service and the Income Tax Service, Group 'A'), when definite conditions of probation such as the passing of departmental examinations are prescribed. In 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., SAS (Central Service, Group 'C', Superintendent or an Accounts Officer of the Indian Audit Department promoted by selection to the Indian Audit and Accounts 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 Group 'A' 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 be 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.

[Para. 3 (i), Chap. II, Sec. I of Manual of Audit Instructions (*Reprint*).]

(2) The leave of apprentices during the period of apprenticeship is governed by SR 292 [cf. Rule 33 of CCS (Leave) Rules, 1972], and on confirmation they cannot count their apprentice period for leave as if it had been service rendered substantively in a permanent post.

[Para. 3 (ii), Chap. II, Sec. I of Manual of Audit Instructions (*Reprint*).]

(3) The periods spent in training and on the journey to and from the place of training by the reservists of the Indian Army and the Indian Navy in Civil Government employ, when called up for periodical military and naval training respectively, will be treated as duty for purposes of civil leave and increments of civil pay.

[Para. 4 (i) Chap. II, Sec. I of Manual of Audit Instructions (*Reprint*).]

(4) See item (4) of the Audit Instructions below FR 26.

(5) The time reasonably required for the journeys between the place of training and the stations to which a Government servant is posted immediately before and after the period of training should be treated as part of that period. This ruling is not intended to apply to probationers, holding "training posts", which they may be considered as taking with them on transfer. Such probationers are entitled to joining time when transferred.

[Para. 1-A, Chap. XI, Sec. I of Manual of Audit Instructions (*Reprint*).]

COMPROLLER AND AUDITOR-GENERAL'S DECISION

See C. & A.G. Decisions below SR 130 for treatment as duty of the period spent in the journey and the dates of examination in the case of (i) serving Stenographers appearing for the proficiency test conducted by the Staff Selection Commission at a place other than the place of duty and (ii) graduate Group 'D' officials appearing in the departmental examination for Auditors.

(6-A) *Fee* means a recurring or non-recurring payment to a Government servant from a source other than the Consolidated Fund of India, or the Consolidated Fund of a State or the Consolidated Fund of a Union Territory whether made directly to the Government servant or indirectly through the intermediary of Government, but does not include—

- (a) unearned income such as income from property, dividends, and interests on securities; and
- (b) income from literary, cultural, artistic, scientific or technological efforts and income from participation in sports activities as amateur.

AUTHORS' NOTE.— For orders see under SR 12.

(7) *Foreign Service* means service in which a Government servant receives his pay with the sanction of Government from any source other

than the Consolidated Fund of India or the Consolidated Fund of a State or the Consolidated Fund of a Union territory.

(8) *Deleted*.

(9) *Honorarium* means a recurring or non-recurring payment granted to a Government servant from the Consolidated Fund of India or the Consolidated Fund of a State ¹[or the Consolidated Fund of a Union Territory] as remuneration for special work of an occasional or intermittent character.

GOVERNMENT OF INDIA'S ORDERS

(1) *Scope of the term honorarium*.—The overtime allowance or overtime pay, pie money and extra duty allowance payable in the Indian Posts and Telegraphs Department should be treated as recurring honoraria as they are paid for laborious work of an occasional character within the meaning of this rule.

[F.A., P. & T.'s Endorsement No. 779-F/26, dated the 4th February, 1932.]

(2) *Conditions governing grant of honorarium*.— See *Orders below FR 46*.

(10) *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 to which he is posted.

AUTHORS' NOTE.— See also definition in CCS (Joining Time) Rules, (Appendix-10).

(11) *Not printed*.

(12) *Leave salary* means the monthly amount paid by Government to a Government servant on leave.

¹[(13) *Lien* means the title of a Government servant to hold on regular basis, either immediately or on the termination of a period or periods of absence, a post, including a tenure post, to which he has been appointed on regular basis and on which he is not on probation:

Provided that the title to hold a regular post shall be subject to the condition that the juniormost person in the grade will be liable to be reverted to the lower grade if the number of persons so entitled is more than the posts available in that grade.]

GOVERNMENT OF INDIA'S ORDERS

'Lien' represents only the right/title of a Government servant to hold a regular post.— The concept of lien as the title of a Government servant to hold substantively a permanent post will undergo a change. Lien will now represent only the right/title of a Government servant to hold a regular post, whether permanent or temporary, either immediately or on the termination of the periods of absence. The benefits of having a lien in a grade will thus be enjoyed by all officers who are confirmed in the grade of entry or who have

¹ Substituted by G.I., Dept. of Per. & Trg., Notification No. 28020/1/96-Estt. (C), dated the 9th February, 1998, published as GSR 44 in the Gazette of India, dated the 28th February, 1998.

been promoted to a higher post declared as having completed the probation where it is prescribed, or those who have been promoted on regular basis to a higher post where no probation is prescribed under the Rules, as the case may be.

The above right/title will, however, be subject to the condition that the juniormost person in the grade will be liable to be reverted to the lower grade if at any time the number of persons so entitled is more than the posts available in that grade. For example, if a person who is confirmed or whose probation in a higher post has been declared as having been completed or one who is holding a higher post for which there is no probation on a regular basis, reverts from deputation or foreign service and if there is no vacancy in that grade to accommodate him, the juniormost person will be reverted. If, however, this officer himself is the juniormost, he will be reverted to the next lower grade from which he was earlier promoted.

[Para. 4.3 of G.I., Dept. of Per. & Trg., O.M. No. 18011/1/86-Estt. (D), dated the 28th March, 1988.]

(14) 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 proceedings generally or to specific matters, such as the sanctioning of their budgets, sanction to the creation or filling up of particular posts, or the enactment of leave, pension or similar rules; and
- (b) the revenues of any body which may be specially notified by the President as such.

(15) Deleted.

(16) (a) Military Commissioned Officer means a commissioned officer other than—

- (i) a departmental commissioned officer;
- (ii) a commissioned officer of the Indian Medical Department.

It does not include a warrant officer.

(b) *Military Officer* means any officer falling within the definition of Military Commissioned Officer, or included in sub-clause (i) or (ii) of Clause (a) above or any warrant officer.

(17) *Ministerial servant* means a Government servant of a subordinate service whose duties are entirely clerical, and any other class of servant specially defined as such by general or special order of the Central Government.

(18) *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.

AUDIT INSTRUCTION

Calculation of period expressed in terms of months and days—

- (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
	0	3	20

- (b) The period commencing on 30th January, and ending with 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
	0	1	4

[C.S. No. 105 to Manual of Audit Instructions (Reprint).]

(19) *Officiate*.— A Government servant officiates in a post when he performs the duties of a post on which another person holds a lien. The Central 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.

(20) *Overseas Pay* means pay granted to a Government servant in consideration of the fact that he is serving in a country other than the country of his domicile.

(21) (a) *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) overseas pay, special pay and personal pay; and
- (iii) any other emoluments which may be specially classed as pay by the President.

* Basic Pay in the revised pay structure means the pay drawn in the prescribed pay band plus the grade pay but does not include any other type of pay like special pay, etc.— Rule 3 (8) of CCS (RP) Rules, 2008.

(b) *Not printed.*

(c) *Not printed.*

NOTE.— In the case of a piece-worker in the Government of India Presses, when appointed to a post on a time-scale, 'pay' shall be deemed to be equivalent to two hundred times his hourly class rate.

GOVERNMENT OF INDIA'S ORDERS

(1) Wireless proficiency pay granted to the wireless operators will be treated as pay under Fundamental Rule 9(21) (a) (iii).

[F.A. (C's) Endorsement No. Es. B-401-23/39/A, dated the 10th February, 1943.]

(2) **Non-Practising Allowance attached to medical posts other than posts included in the Central Health Services (CHS).**— Consequent upon acceptance of recommendations of the Sixth Central Pay Commission by the Government, the President is pleased to decide that, in modification of this Ministry's O.M. No. 7 (25)/E.III (A)/97, dated 15-4-1998, the Non-Practising Allowance may continue to be paid at the existing rate of 25% of Basic Pay subject to the condition that the Basic Pay + NPA does not exceed ₹ 85,000.

2. The term "basic pay" in the revised pay structure means the pay drawn in the prescribed pay band *plus* the applicable grade pay but does not include any other type of pay like special pay, etc. In the case of Government servants in the pay scales of HAG+ and above, basic pay means the pay in the prescribed scale.

3. The revised rate of NPA would be effective from the date an employee draws pay in the revised scale applicable to him in accordance with the provisions of the Central Services (Revised Pay) Rules, 2008.

4. The NPA should be restricted to those Medical Posts for which a Medical qualification recognized under the Indian Medical Council Act, 1956 or under the Dentists Act, 1948 has been prescribed as an essential qualification.

5. The Non-Practising Allowance will be treated as pay for the purpose of computing Dearness Allowance, entitlement of Travelling Allowance and other allowances as well as for calculation of retirement benefits.

6. These orders will not be applicable in respect of medical posts under the Ministries of Railways, Defence and Department of Atomic Energy for which separate orders will issue.

[G.I., M.F., F. No. 7 (19)/2008-E.III (A), dated the 30th August, 2008.]

(3) **Non-Practising Allowance attached to Veterinary Posts.**— Consequent upon acceptance of the recommendations of the Sixth Central Pay Commission by the Government, the President is pleased to decide that, in modification of this Ministry's O.M. No. 7 (25)/E.III(A)/97, dated 15-4-1998, the Non-Practising Allowance may continue to be paid for Veterinary Posts at

the existing rate of 25% of the Basic Pay subject to the condition that the Basic Pay + NPA does not exceed ₹ 85,000.

2. The term "basic pay" in the revised pay structure means the pay drawn in the prescribed pay band *plus* the applicable grade pay but does not include any other type of pay like special pay, etc. In the case of Government servants in the pay scales of HAG+ and above, basic pay means the pay in the prescribed scale.

3. The revised rate of NPA would be effective from the date an employee draws pay in the revised scale applicable to him in accordance with the provisions of the Central Services (Revised Pay) Rules, 2008.

4. The NPA should be restricted only to those Veterinary posts for which minimum qualification of a Degree of B.V.Sc. & A.H. with registration in the Veterinary Council of India is required.

5. The Non-Practising Allowance will be treated as pay for the purpose of computing Dearness Allowance, entitlement of Travelling Allowance and other allowances as well as for calculation of retirement benefits.

6. These orders will not be applicable in respect of Veterinary posts under the Ministries of Railways, Defence and Department of Atomic Energy for which separate orders will issue.

[G.I., M.F., F. No. 7 (19)/2008-E. III (A), dated the 30th August, 2008.]

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

(23) **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 circumstances, on other personal considerations.

GOVERNMENT OF INDIA'S ORDER

(1) **Reference to Finance Ministry necessary in case of grant of personal pay.**— In supersession of all previous orders on the subject, it has been decided that, all cases in which it is proposed to grant personal pay under Fundamental Rule 9(23) (b) may be referred to the Government of India, Finance Department, through the Administrative Departments concerned. No case will be entertained which is not of an entirely exceptional character and in submitting cases for the grant of personal pay this should be carefully borne in mind.

[G.I., F.D., Letters No. F. 14-XXII-Ex. II, dated the 28th September, 1936 and No. F. 16 (14)-Ex. I/38, dated the 16th August, 1938.]

(2) **Hindi Personal Pay.**— See Appendix-7 of this Compilation.

(24) *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, in consideration of which the special pay was sanctioned.*

(25) *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;*

or

(b) *a specific addition to the work or responsibility.*

For orders regarding grant of Special Pay to various categories of Government servants and treatment thereof for the purpose of fixation of pay on promotion, see Appendix-8 in this Compilation.

For orders regarding grant of Special Pay in the name of Deputation (Duty) Allowance on the transfer of Central Government servants to other Government Departments, Companies, Corporations, etc., see Appendix-5 in this Compilation.

GOVERNMENT OF INDIA'S ORDERS

Delegation of powers to Ministries, etc.— It has been decided to delegate to the Ministries of the Government of India and the Comptroller and Auditor-General of India in respect of the staff of the Indian Audit and Accounts Department powers as shown below—

(a) *Protection of special pay drawn in a post on promotion to another post.*— Subject to the conditions mentioned below, special pay granted for specific additions to duty or for arduousness of work will be protected on promotion by granting a personal pay equal to the difference between pay plus special pay drawn in the lower post and the pay due in the higher post on the basis of the basic pay in the lower post.

The conditions are—

- (i) It must be certified that but for his appointment to the other post, the Government servant would have continued to draw special pay.
- (ii) The protection will only be for so long as the Government servant could have continued to draw the special pay.
- (iii) The personal pay will be absorbed in subsequent increases of pay.

NOTE 1.— The Head of the Office in which the official (whose special pay in his previous post has been protected) is working, should be responsible for satisfying himself that the Government servant continues to be eligible for the protection. For this purpose, he should obtain a periodical certificate from the concerned authority every half-year, say in September and March. The certificate so obtained should be attached to the office copy of the pay bill of the Government servant concerned for those months.

[G.I., M.F., O.M. No. 8 (113)-E. III/62, dated the 29th July, 1963.]

NOTE 2.— It is clarified that the authority competent to fix pay of an official on promotion will also be competent to fix pay and grant personal pay under these orders. In such cases, the sanction of the Administrative Ministry is not necessary for the grant of personal pay unless it is the competent authority to fix pay on promotion.

[D.G., P. & T.'s No. 2-1/67-PAP, dated the 6th April, 1967.]

(b) *Continuation of special pay originally sanctioned with the concurrence of the Ministry of Finance.*— Full power in cases where special pays are granted on the basis of well-defined yardsticks or are granted at a specified rate to a category of officials in general, provided it is certified the consideration for which the special pays are sanctioned continues to exist.

[G.I., M.F., O.M. No. F. 6 (23)-E. III/62, dated the 22nd June, 1962, as modified by O.M. No. F. 6 (23)/E. III/62, dated the 30th June, 1965.]

(26) *Deleted.*

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

(28) *Substantive pay means the pay other than special pay, personal pay or emoluments classed as pay by the President under Rule 9 (21) (a) (iii), to which a Government servant is entitled on account of a post to which he has been appointed substantively or by reason of his substantive position in a cadre.*

NOTE 1.— In the case of a piece-worker in the Government of India Presses, when appointed to a post on a time-scale, "substantive pay" shall be deemed to be equivalent to two hundred times his hourly class rate.

NOTE 2.— 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.

(29) *Deleted.*

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

4) *Tenure post* means a permanent post which an individual servant may not hold for more than a limited period.

NOTE.— In case of doubt, the Central Government may decide whether a particular post is or is not a tenure post.

(31) (a) *Time-scale pay* means pay which, subject to any condition prescribed in these rules, rises by periodical increments from a minimum to a maximum. It includes the class of pay hitherto known as progressive.

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

(c) 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 degree of responsibility, in a service or establishment or group of establishments, so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post.

(32) *Travelling Allowance* means an allowance granted to a Government servant to cover the expenses which he incurs in travelling in the interests of the public service. It includes allowances granted for the maintenance of conveyances, horses and tents.