

EASTERN RAILWAY

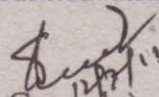
No. E 296/0/1/ Pt. IV

Kolkata, dated 12.07.2013.

ALL CONCERNED

Sub: Transfer on deputation/foreign service of Central Government Employees to ex-cadre posts – Regulation of payment of employer's share of contribution to the CPF during reverse deputation, proforma promotion, 'cooling off' period and proper monitoring of deputation – regarding.

The following copy of Railway Board's letter No. 2010/F(E)II/1(1)/1 dated 28.06.2013 (RBE No. 59/2013) is forwarded for information, guidance & necessary action. Board's earlier letter dated 28.07.2010 mentioned therein was circulated under this office serial circular No. 5/2013.


 (S. Ganguly)

Asstt. Personnel Officer/R
for Chief Personnel Officer

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 Copy of Railway Board's letter No. 2010/F(E)II/1(1)/1 dated 28.06.2013 (RBE No. 59/2013) addressed to General Managers, All Indian Railways and others.

Sub: Transfer on deputation/foreign service of Central Government Employees to ex-cadre posts – Regulation of payment of employer's share of contribution to the CPF during reverse deputation, proforma promotion, 'cooling off' period and proper monitoring of deputation – regarding.

Consolidated deputation guidelines issued by DOP&T vide their OM NO. 6/8/2009 – Estt. (Pay-II) dt. 17/06/2010, which have been circulated on the Railways vide Board's letter of even number dated 28/07/2010, have further been revised as per the instructions issued by DOP&T vide their OMs No. 6/8/2009 – Estt. (Pay-II) dt. 15/02/2012, (ii) 6/5/2012-Estt. (Pay-II) dt. 30/11/2012, (iii) 2/1/2012-Estt. (Pay-II) dt. 04/01/2013, and (iv) 6/8/2009 – Estt. (Pay-II) dt. 16/05/2013. A copy each of the instructions is sent herewith for information and guidance. The orders contained therein will apply mutatis- mutandis to Railway employees also.

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 Index No.:1032: Transfer on deputation/foreign service of Central Government Employees to ex-cadre posts – Regulation of payment of employer's share of contribution to the CPF during reverse deputation, proforma promotion, 'cooling off' period and proper monitoring of deputation..

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No. 6/8/2009-Estt.(Pay II)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, the 15th February, 2012

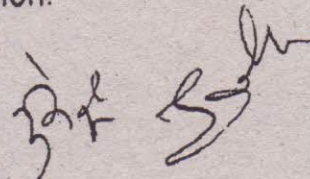
OFFICE MEMORANDUM

Subject:- Clarification regarding regulation of payment of employer's share of contribution to the Contributory Provident Fund during the period of reverse deputation.

The undersigned is directed to refer to this Department's O.M.No. 6/8/2009-Estt.(Pay II) dated 17th June, 2010 vide which instructions were issued for regulating the terms and conditions of pay, Deputation (duty) allowance etc. on transfer on deputation/foreign service of Central Government employees to ex-cadre posts under the Central Government/State Governments/Public Sector Undertakings/Autonomous Bodies, Universities/UT Administration, Local Bodies etc. and vice-versa.

2. As per para 7.7 (ii) of the above cited O.M., in the case of deputation on foreign service terms to PSUs etc., leave salary contribution and pension contribution/CPF contribution are required to be paid either by the employee himself or by the borrowing organisation to the Central Govt.

3. The issue of payment of employer's share of Contribution to the Contributory Provident Fund in case of reverse deputation has been considered in this Department. It is clarified that in case of reverse deputation the employer's share of Contributory Provident Fund for the period on deputation to the Central Government will be borne either by the employee himself or the borrowing organization i.e Central Government depending on the terms of deputation. A clear mention of the stipulation on whether the Central Government or the employee would bear the liability may be made in the terms of deputation.



(Mukesh Chaturvedi)
Deputy Secretary (Pay)

No. 6/5/2012-Estt (Pay-II)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

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North Block,
30th Nov., 2012

OFFICE MEMORANDUM

Subject: Provisions relating to proforma promotion

Undersigned is directed to refer to this Department's OM No. 6/8/2009-Estt (Pay-II) dated the 17th June, 2010 regarding consolidated instructions on deputations. References are being received from Ministries/Departments seeking clarifications/relaxations in respect of provisions which pertain to proforma promotion in these orders or otherwise. The issues have been considered in consultation with the Department of Expenditure, and it has been decided to provide as under:

(i) Proforma promotion in the case of candidates promoted on passing a Limited Departmental Examination

The candidates passing the Limited Departmental Examination may be allowed proforma promotion as under:

In the case of candidates who have passed the LDCE and their names have been recommended for promotion, proforma promotions may be allowed from the date their juniors in the cadre in the order of merit in the LDCE have been so promoted. This may also be allowed in case there is no junior on account of such candidate being the last in the order of ranks/merit from the date he would have received such promotion if he had been in his cadre.

Provided it will be ensured that the conditions laid down in the Department of Personnel OM No.8/4/84-Estt-(Pay-I) dated the 15th July, 1985 are strictly fulfilled and the principle of NBR based on overall seniority list of cadres is followed.

(ii) Extension after the employee receives a proforma promotion:

The para 8.6 of the OM No. 6/8/2009-Estt (Pay-II) dated the 17th June, 2010 relating to regulation of pay after an officer has got proforma

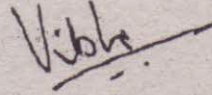
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promotion and extension of deputation thereafter, which reads as under:

"If the Grade pay of the officer in the parent cadre becomes higher than that of the deputation post after getting proforma promotion, he may be allowed the pay in the pay band + Grade Pay of the post to which he is promoted till the time he completes the normal/ extended period of deputation (if he gets proforma promotion in the extended period) already sanctioned, if he so opts. No extension in the period of deputation shall be allowed to him after completing the sanctioned period of deputation."

is modified as follows:

8.6 (a) If the Grade pay of the officer in the parent cadre becomes higher than that of the deputation post after getting proforma promotion, he may be allowed the pay in the pay band + Grade Pay of the post to which he is promoted, if he so opts. In such cases, extensions in deputation after an employee has received the proforma promotion may be considered as per the instructions contained in paras 8.1 to 8.3.2.



(Vibha G. Mishra)
Director

Sl. No. 72/2013.

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No.2/1/2012-Estt.(Pay.II)
Government of India
Ministry of Personnel, Public Grievances and Pension
Department of Personnel & Training

New Delhi, 4th January, 2013

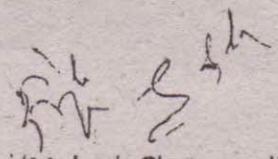
Office Memorandum

Subject: Sponsoring of names of officers for deputation -

The undersigned is directed to state that this Department is receiving proposals for waiver of mandatory cooling off period from various Ministries/Departments/PSUs, in respect of officers, who have been sponsored for selection on deputation. As per O.M. No.6/8/2009-Estt.(Pay-II) dated 17/6/2010, there shall be a mandatory "cooling off" period of three years after every period of deputation/foreign service up to Joint Secretary level posts and one year for Additional Secretary level posts. In view of this provision, the Ministry of Railways etc. are advised not to sponsor name of any such officer who is not likely to complete the mandatory cooling off period by the time the officer is likely to be selected. Further, while sponsoring the name of any such officer who has not completed the mandatory cooling off period, they may inform the borrowing department that the officer will be relieved only after he/she completes the mandatory "cooling off" period.

2. All the Ministries/Departments may please note that the proposals for relaxation of the provision for 'cooling off' period would be considered only in exceptional cases. Such proposals may be referred to this Department in advance with full justification, after obtaining the approval of Minister-in-charge of the cadre authority of the officer.

3. It may also be noted that under no circumstances should any officer be relieved in anticipation of relaxation by this Department.


(Mukesh Chaturvedi)
Deputy Secretary (Pay)

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No.6/8/2009-Estt (Pay-II)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi
Dated : 16th May, 2013.

OFFICE MEMORANDUM

Subject: Proper Monitoring of deputation by the lending departments.

Undersigned is directed to refer to this Departments OM of even number dated the 17th June, 2010 and to say that as per existing instructions no extension in deputation beyond the fifth year is allowed. Further, as per the OM No. 14017/30/2006-Estt (RR) dated the 29th November, 2006, the deputationist officer is deemed to have been relieved on the date of expiry of the deputation period unless the competent authority has with requisite approvals, extended the period of deputation, in writing, prior to the date of its expiry. These instructions were reiterated vide the OM of even number dated the 1st March, 2011.

2. In 56th Report of the Action Taken Replies of the Government on the recommendations/observations contained in the 51st Report on the Demands for Grants (2012-13) of Ministry of Personnel, Public Grievances & Pensions by the Department Related Parliamentary Standing Committee has observed *inter alia* that policy on deputation envisages mobility of personnel between Departments etc so that the employee as well as the Departments benefit from the process. The tendency of treating deputation as a tool to ensure more comfortable, or even home-town postings is required to be discouraged. The instrument of deputation serves public interest only when there is a rational connection with the qualifications and work experience of the deputationist, and the deputation continues for a reasonable period. This would also ensure that both the lending as well as the borrowing department benefit from the experience / exposure of deputationist officer.

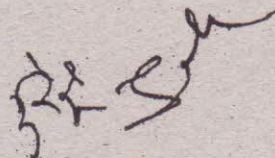
3. All the Ministries/Departments are therefore advised to ensure that deputations are strictly monitored by lending Government Departments. Requests of the borrowing authorities for no objection to extension of deputations should be closely scrutinized to curb tendency to allow extensions on extraneous grounds, and overstay.

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4. These instructions are in addition to the previous OMs on the subject, and in no way dilute the responsibility of the deputationist and borrowing departments to ensure that the deputationists are relieved in time on completion of their approved tenures.



(Mukesh Chaturvedi)

Deputy Secretary to the Government of India