



केंद्रीय विद्यालय संगठन / Kendriya Vidyalaya Sangathan

18, संस्थानिक क्षेत्र / 18, Institutional Area

शाहीद जीत सिंह मार्ग / Shaheed Jeet Singh Marg

नई दिल्ली-16 / New Delhi - 16

F.No.110239/51/Cir./2014/KVS (Budget) | 197

Dated: .04.2014

The following orders issued by Government of India are uploaded on the KVS Website for information and necessary action.

1. G.I Dept. of Per. & Trg. O.M No. 21011//-Estt. (A) (Part-III), dated.31.1.2014 regarding entries in ACR's/APARs and proper disposal of representation in a quasi-judicial manner by the competent authority against remarks in ACRs/APARs or for up gradation / down gradation of the final grading.
2. G.I. Dept. of Per. & Trg. O.M No.6/3/2013-Estt. (Pay-I), dated 6-2-2014 regarding regulation of pay on imposition of a penalty under CCS (CCA) Rules, 1965.
3. G.I., Dept. of Pen. & P.W.,F.No.33/2/2010-P&PW(F), dated 20.12.2013 regarding amendment to the Central Civil services(Extraordinary Pension)Rules,1939.
4. G.I, Dept of Per. & Trg., Notfn. No. 25013/3/2010-Estt-(A-IV), dated 17.01.2014.Amendment to FR 56.
5. G.I Dept. of Per. & Trg., O.M No. 22034/4/2012-Estt.(D-II), dated 23.01.2014 regarding comprehensive review of instructions pertaining to vigilance clearance for promotion-clarification.
6. G.I. Dept. of Per. & Trg, O.M No. 41034/1/2014-Estt (D), dated 30.01.2014 regarding action taken on 62th Report of the Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice on the Status of Women Government Employees, Service Conditions, Protections against exploitation, Incentive and other related issues.
7. G.I., Dept. of Per. & Trg, O.M No. A-36011/1/2013-Estt.(Res) dated 23.01.2014.regarding brochure on reservation for Schedules Castes, Schedules Tribes and Other Backward Classes in Services.
8. G.I. Dept. of Pers & Trg. O.M No. F.No. 42011/2/2014-Estt (Res.) dated 13.02.2014.regarding representation of SC, ST, OBC, Minorities and the Women on Selection Board/Committees.
9. G.I Dept. of Per. & Trg, O.M No. 36012/24/2009-Estt-(Res.) dated 14.02.2014 regarding reservation for persons with disabilities- Computation of reservation-on Implementation of the Judgment of Hon'ble Supreme Court in the matter of Union of India and another v. National Federation of Blind & others.
10. G.I, Dir, of Estates O.M No. 12035/12/2013- Pol.II dated 15.01.2014 regarding retention of General Pool Residential Accommodation by the Central Government Officers on deputation to Public Sector Undertakings/ Statutory/ Autonomous Bodies and on deputation to ineligible offices at Delhi after serving on central deputation under Central Staffing Scheme.

11. G.I, Dept. of Per. & Trg, O.M No. 18016/3/2011-Estt, (L), dated 17.02.2014 regarding special concessions/ facilities to Central Government Employees working in Kashmir Valley in attached/ subordinate offices or PSUs falling under the control of Central Government.

Copies of the aforesaid orders may now be got downloaded from the KVS Website for office record.


02/07/14
(S.Muthusivam)

Asstt.Commissioner(Fin.)
Tel. No. 011-26523070

Distribution:

1. The Deputy.Commissioner, KVS, all ROs.
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6. The Director, ZIET Gwalior, Mumbai, Mysore, Chandigarh & Bhubaneswar.
7. The Asstt.Commissioner, (EDP), KVS (HQ.) with the request to upload the above circulars on the KVS Web site.
8. RTI Cell KVS (HQ.)
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**G.I., Dept. of Per. & Trg., O.M.No.21011/1/2005-Estt. (A)(Part-III),
dated 31-1-2014**

Entries in ACRs/APARs and proper disposal of representation in a quasi-judicial manner by the competent authority against remarks in ACRs/APARs or for upgradation/downgradation of the final grading

This Department has issued OM, dated 14th May, 2009 wherein the new system of communicating the entries in APAR is made applicable with effect from the reporting period 2008-09. This Department's OM, dated 13th April, 2010. Ministries and departments have been further asked to provide a copy of the reckonable below benchmark ACRs for the period prior to the reporting period 2008-09 to the concerned employee for his representation, before such ACRs are placed before future DPCs. This OM also lays down that the representations against the remarks or for upgradation of final grading in the APAR be considered by the competent authority objectively in a quasi-judicial manner on the basis of material placed before it. It provides that the competent authority shall take into account the contentions of the officer who has represented against the particular remarks/grading in the APAR and also take the views from the reporting and reviewing officer and in case of upgradation of the final grading given in the APAR, gives specific reasons in the order.

2. The UPSC has brought to the notice of this Department that in the DPCs being held in the aegis of the Commission, orders of the competent authority do not contain specific reasons for such upgradation in a number of cases. In this regard, this Department has already issued O.m.No.2011/1/2005-Estt.A (Pt.II), dated the 19th May, 2011 which, inter alia, states that such orders cannot be termed as disposed of in a quasi-judicial manner as laid down in the aforesaid OM, dated 13-4-2010. Grading an officer below the benchmark by the DPC in such cases on the ground of up gradation being without giving sufficient reasons is prone to avoidable representations.

3. It is reiterated that proper disposal of representation in a quasi-judicial manner as outlined in this Department's OM, dated 13-4-2010 is mandatory, before the under consideration ACR / APAR may be placed / considered before / by the DPC.

4. All the Cadre Controlling Authorities, Ministries / Departments are advised to ensure compliance of this before sending proposals for consideration of DPCs.

G.I., Dept. of Per. & Trg., O.M. No. 6/3/2013-Estt. (Pay-I), dated 6-2-2014

**Regulation of pay on imposition of a penalty
under CCS (CCA) Rules, 1965**

The undersigned is directed to say that the following penalties prescribed in the Rule 11 of CCS (CCA) Rules, 1965, have a bearing on the pay of the officer:

11. Penalties

Minor Penalties—

- (iii) (a) reduction to a lower stage in the time-scale of pay by one stage for a period not exceeding three years, without cumulative effect and not adversely affecting his pension.
- (iv) withholding of increments of pay;

Major Penalties—

- (v) save as provided for in Clause (iii) (a), reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Government servant will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay
- (vi) reduction to lower time-scale of pay, grade, post or Service for a period to be specified in the order of penalty, which shall be a bar to the promotion of the Government servant during such specified period to the time-scale of pay, grade, post or service from which he was reduced, with direction as to whether or not, on promotion on the expiry of the said specified period—
 - (a) the period of reduction to time-scale of pay, grade, post or service shall operate to postpone future increments of his pay, and if so, to what extent; and
 - (b) the Government servant shall regain his original seniority in the higher time scale of pay, grade, post or service;

2. Consequent upon implementation of the recommendations of Sixth Central Pay Commission under the CCS (RP) Rules, 2008, pay scale of a post / grade for below HAG level means the Pay Band and Grade Pay specified for that post. Under the CCS (RP) Rules, 2008, a Pay Band may cover Government servants in more than one Grade Pay or posts in the

hierarchy. As per Rule 9 of the CCS (Revised Pay) Rules, 2008, the rates of increment in the revised pay structure is 3% of the sum of the pay in the Pay Band and Grade Pay applicable, which is to be rounded off to the next multiple of 10. Further, as per Rule 10 of the CCS (Revised Pay) Rules 2008, there is now a uniform date of increment, that is, 1st July of the year.

3. The mode of implementation of these penalties has been clarified to individual Ministries / Departments wherever references have been received. It is now proposed to issue detailed guidelines on the issue. The regulation of pay on imposition of these penalties is in the subsequent paras:

A. Reduction to a lower stage of pay by one stage (Rule 11 (ii) (a))

On imposition of a penalty under this Rule, the pay would be fixed at the next lower stage in the Pay Band. In other words, in case of reduction by one stage, the revised pay would be the pay drawn in the Pay Band at the stage before the last increment. Grade Pay attached to the post would remain unchanged. The pay will be fixed by reversing the mode of allowing increments given in Rule 9 of the CCS (RP) Rules, 2008. The formula would be:—

$$\text{Reduced Pay in Pay Band} = \left\{ (\text{Pay in Pay Band} + \text{Grade Pay}) \times \frac{100}{103} \right\} \text{ less (Grade Pay)}$$

(rounded off to next 10)

Pay would be Pay in Pay Band as above + Grade Pay

B. Withholding of increment { Rule 11 (iv) }

As the uniform date of increment now is 1st July, on imposition of a penalty of withholding of increment, the increment(s) due on the 1st of July falling after the date of imposition of the penalty would be withheld. In case where penalty of withholding of more than one increment is imposed, increments due on 1st of July in the subsequent years would similarly be withheld. The increment would be restored at the end of the period for which the penalty is imposed.

This also applies to cases where the penalty is imposed for part of a year. For instance, if the penalty of withholding of one increment for six months is imposed on a Government servant in April 2013, then the increment falling due on 1-7-2013 will be withheld for a period of six months, that is, till 31-12-2013. The increment would be released with effect from 1-1-2014. In this case, the next increment falling due on 1-7-2014 will also be allowed.

C. Reduction to a lower stage in the time-scale of pay for a specified period { Rule 11 (v) }

The process of imposition of penalty of reduction by one stage under Rule 11 (iii a) explained above shall be repeated for every additional stage of reduction by taking the pay arrived at notionally as pay for the second reduction, and so on. Grade Pay shall remain unchanged.

NOTE 1.— It is not permissible to impose a penalty under this rule if the pay after imposition of the penalty would fall below the minimum of the Pay Band attached to the post.

NOTE 2.— A Pay Band may cover Government servants in different Grade Pays or holding posts at several levels in the hierarchy. It needs to be kept in mind that reduction to lower pay scale or grade is a distinct penalty, under Rule 11 (vi). Therefore, while imposing a penalty of reduction to a lower stage in the time-scale of pay under Rule 11 (v) of the CCS (CCA) Rules, 1965, Disciplinary Authorities should weigh all factors before deciding upon the quantum of penalty, i.e., the number of stages by which the pay is to be reduced.

D. Reduction to lower time-scale of pay under Rule 11 (vi)

As a result of imposition of a penalty of reduction to lower time-scale of pay, the pay of the Government servant would be reduced to the stage of pay he/she would have drawn had he/she continued in the lower post for the period of penalty. The mode of fixation of pay in this case is similar to reversing the mode of fixation of pay on promotion. Therefore, both pay in Pay Band and Grade Pay would be reduced.

However, Disciplinary Authority has the power, in terms of FR 28, to indicate the pay which the Government servant on whom a penalty of reduction in rank has been imposed, would draw. The Government servant will be entitled to the Grade Pay of the post to which he has been reduced. Thus, the power of the Disciplinary Authority under FR 28 is limited to indicating the pay in the Pay Band applicable to the lower rank / post.

In some cases, imposition of a penalty under Rule 11 (vi) may also involve a change in Pay Band. For instance, a Government servant holding a post in PB-2 with Grade Pay of ₹ 4,200 may be reduced to a post in PB-1 with Grade Pay of ₹ 2,800.

It may also be noted that a Government servant cannot be reduced in rank to a post not held earlier by him in the cadre. For example, an LDC who qualifies as Assistant as a Direct Recruit and is later promoted as Section Officer cannot be reduced to the rank of LDC but only to that of an Assistant.

4. Some illustrations on pay fixation in above types of cases are annexed.

Annexure

ILLUSTRATIONS

Reduction to a lower stage in Pay Band

Example: 1

	Pay in Pay Band ₹	Grade Pay ₹	Total ₹
On the date of penalty	20,460	4,800	25,260
Reduction	Pay in Pay Band ₹	Grade Pay ₹	Total ₹
By 1 stage	19,730	4,800	24,530
By 2 stages	19,020	4,800	23,820
By 3 stages	18,330	4,800	23,130
By 4 stages	17,660	4,800	22,460
By 5 stages	17,010	4,800	21,810

NOTE.— There may be some difference when the process is reversed i.e., when increment is allowed. This is because of rounding off of pay in Pay Band to next 10.

Example: 2

	Pay in Pay Band ₹	Grade Pay ₹	Total ₹
On the date of penalty	10,140	4,200	14,340
Reduction	Pay in Pay Band ₹	Grade Pay ₹	Total ₹
By 1 stage	9,730	4,200	13,930
By 2 stages	9,330	4,200	13,530
By 3 stages	8,940 **	4,200 **	13,140 **
By 4 stages			
By 5 stages			

**In the above illustration, a penalty of reduction by more than two stages would take the pay in the Pay Band below the minimum of the Pay Band, such a penalty would therefore not be implementable in view of Note 2 under Para. 3-C.

Case 1 : Reduction to a lower stage

The penalty of reduction to a lower stage in the time-scale of pay by one stage for a period of one year, without cumulative effect and not

adversely affecting his pension is imposed on a Government servant with effect from 13-3-2013. The Government servant was drawing ₹ 15,440 + GP ₹ 4,200 in Pay Band 2 (₹ 9,300-34,800).

- A. Pay when penalty imposed = ₹ 15,440 + 4,200 = 19,640
- B. Reduced Pay = { (15,440 + 4,200) × $\frac{100}{103}$ less (4,200) rounded off to next 10 }
 = ₹ 19,067 – ₹ 4,200 = ₹ 14,867 rounded off to ₹ 14,870
- C. Reduced Pay with effect from 13-3-2013 = ₹ 14,870 + GP ₹ 4,200
 = ₹ 19,070

Increment (notional) 1-7-2013	= ₹ 15,440 + (₹ 19,640 × 3%) ^{@@} + ₹ 4,200
	= ₹ 15,440 + ₹ 590 ^{@@} + ₹ 4,200
Pay after increment	= ₹ 16,030 + ₹ 4,200 = ₹ 20,230
^{@@} rounded off to next 10	

- D. Pay with effect from 13-3-2014 = ₹ 16,030 + 4,200 = ₹ 20,230
- E. Pay with effect from 1-7-2014 = ₹ 16,640 + 4,200 = ₹ 20,840

Case 2 : Reduction to a lower stage

The penalty of reduction to a lower stage in the time-scale of pay by two stages for a period of one year is imposed on a Government servant with effect from 13-3-2013. It is further directed that the Government servant would earn increment during the period and the reduction will not have the effect of postponing future increments of pay.

The Government servant was drawing ₹ 15,440 + GP ₹ 4,200 in Pay Band 2 (₹ 9,300-34,800)

(same as in Case 1 but reduction by 2 stages).

- A. Pay when penalty imposed = ₹ 15,440 + ₹ 4,200 = ₹ 19,640
- B. Reduced Pay in Pay Band
- Step -1 First stage reduction
 = { (₹ 15,440 + ₹ 4,200) × $\frac{100}{103}$ less (₹ 4,200) rounded off to next 10 }
 = ₹ 19,067 – ₹ 4,200 = ₹ 14,867 rounded off to ₹ 14,870
 Pay = ₹ 14,870 + ₹ 4,200 = 19,070
- Step-2 Second stage reduction
 = { (₹ 14,870 + ₹ 4,200) × $\frac{100}{103}$ less (₹ 4,200) rounded off to next 10 }
 = ₹ 18,514 – ₹ 4,200 = ₹ 14,314 rounded off to ₹ 14,320.

C. Reduced Pay with effect from 13-3-2013 = ₹ 14,320 + GP ₹ 4,200 = ₹ 18,520

Increment (notional) 1-7-2013	= ₹ 15,440 + (₹ 19,640 × 3%) ^{@@} + ₹ 4,200
	= ₹ 15,440 + ₹ 590 [@] + ₹ 4,200
Pay after increment	= ₹ 16,030 + ₹ 4,200 = ₹ 20,230
^{@@} rounded off to next 10	

D. Pay with effect from 13-3-2014 = ₹ 16,030 + 4,200 = ₹ 20,230

E. Pay with effect from 1-7-2014 = ₹ 16,640 + 4,200 = ₹ 20,840

Case 2-A : Reduction to a lower stage

The penalty of reduction to a lower stage in the time-scale of pay by two stages for a period of one year is imposed on a Government servant with effect from 13-3-2013. It is further directed that the Government servant would not earn increment during the period and the reduction will not have the effect of postponing future increments of pay.

The Government servant was drawing ₹ 15,440 + GP ₹ 4,200 in Pay Band 2 (₹ 9,300-34,800).

(same as in Case 2 but no increments during penalty period).

A. Pay when penalty imposed = ₹ 15,440 + 4,200 = 19,640

B. Reduced Pay in Pay Band

Step -1 First stage reduction

$$= \{ (\text{₹ } 15,440 + 4,200) \times \frac{100}{103} \text{ less } (\text{₹ } 4,200) \text{ rounded off to next 10} \\ = \text{₹ } 19,067 - 4,200 = \text{₹ } 14,867 \text{ rounded off to } \text{₹ } 14,870.$$

$$\text{Pay} = \text{₹ } 14,870 + 4,200 = 19,070$$

Step-2 Second stage reduction

$$= \{ (\text{₹ } 14,870 + \text{₹ } 4,200) \times \frac{100}{103} \text{ less } (\text{₹ } 4,200) \text{ rounded off to next 10} \\ = \text{₹ } 18,514 - \text{₹ } 4,200 = \text{₹ } 14,314 \text{ rounded off to } \text{₹ } 14,320.$$

C. Reduced Pay with effect from 13-3-2013 = ₹ 14,320 + GP ₹ 4,200 = ₹ 18,520.

D. Pay with effect from 13-3-2014 = ₹ 15,440 + 4,200 = 19,640

E. Pay with effect from 1-7-2014 = ₹ 16,030 + 4,200 = 20,230

(NOTE.— The Government servant has drawn ₹ 15,440 for six months including broken periods).

Case 3 : Reduction to a lower stage

The penalty of reduction to a lower stage in the time-scale of pay by one stage for a period of two years, without cumulative effect and not adversely affecting his pension is imposed on a Government servant with effect from 13-3-2013. The Government servant was drawing ₹ 15,440 + GP ₹ 4,200 in Pay Band 2 (₹ 9,300 - 34,800).

A. Pay when penalty imposed = ₹ 15,440 + ₹ 4,200 = ₹ 19,640.

B. Reduced Pay = { (₹ 15,440 + ₹ 4,200) × $\frac{100}{103}$ less (₹ 4,200) rounded off to next 10 in Pay Band } = 19,067 - 4,200 = 14,867 rounded off to ₹ 14,870.

C. Reduced Pay with effect from 13-3-2013 = ₹ 14,870 + GP ₹ 4,200 = ₹ 19,070.

Increment (notional) 1-7-2013 = ₹ 15,440 + (₹ 19,640 × 3%)^{@@} + ₹ 4,200
= ₹ 15,440 + ₹ 590 + ₹ 4,200

Pay after increment = ₹ 16,030 + ₹ 4,200 = ₹ 20,230

^{@@}Increment (notional) 1-7-2014 = ₹ 16,030 + (₹ 20,230 × 3%)^{@@} + ₹ 4,200
= ₹ 16,640 + ₹ 4,200 = ₹ 20,840

^{@@} rounded off to next 10

D. Pay with effect from 13-3-2015 = ₹ 16,640 + 4,200 = ₹ 20,840

E. Pay with effect from 1-7-2015 = ₹ 17,270 + 4,200 = ₹ 21,470

Case 4 : Withholding of increment

The penalty of withholding of one increment for a period of six months, without cumulative effect and not adversely affecting his pension is imposed on a Government servant on 13-3-2013. The Government servant was drawing ₹ 15,440 + GP ₹ 4,200 in Pay Band 2 (₹ 9,300 - ₹ 34,800).

A. Pay when penalty imposed = ₹ 15,440 + 4,200 = 19,640

Increment (due) 1-7-2013 = ₹ 15,440 + (₹ 19,640 × 3%)^{@@} + ₹ 4,200
= ₹ 15,440 + ₹ 590 + ₹ 4,200

Pay after increment = ₹ 16,030 + 4,200 = ₹ 20,230

^{@@} rounded off to next 10.

This increment is to be withheld for six months i.e., from 1-7-2013 to 31-12-2013.

B. Pay with effect from 1-7-2013 to 31-12-2013 = ₹ 15,440 + ₹ 4,200 = ₹ 19,640.

C. Pay with effect from 1-1-2014 = ₹ 16,030 + ₹ 4,200 = ₹ 20,230.

D. Pay with effect from 1-7-2014 = ₹ 16,640 + ₹ 4,200 = ₹ 20,840.

Case 5 : Reduction to lower grade

The penalty of reduction to the post carrying Grade Pay of ₹ 4,200 for a period of two years is imposed on Government servant in Grade Pay ₹ 4,600 with effect from 13-3-2013, with further directions that the reduction shall not postpone his future increments and on the expiry of the period, he shall regain his original seniority in the higher grade.

On 13-3-2013, the Government servant was drawing ₹ 17,540 + GP ₹ 4,600 in Pay Band 2 (₹ 9,300 - ₹ 34,800). The Government servant had been promoted to the post in Grade Pay ₹ 4,600 on 1-8-2009. At that time, his pay was ₹ 15,070 + GP ₹ 4,200 in Pay Band 2.

In this case, the pay in GP ₹ 4,200 would need to be fixed with effect from 13-3-2013 to 12-3-2015 as if he had continued in GP ₹ 4,200. Pay would be regulated as under:—

Date	Pay in GP ₹ 4,200	Pay in GP ₹ 4,600
1-8-2009	15,070 + 4,200 = 19,270**	15,650 + 4,600 = 20,250
1-7-2010	15,650 + 4,200 = 19,850**	16,260 + 4,600 = 20,860
1-7-2011	16,250 + 4,200 = 20,450**	16,890 + 4,600 = 21,490
1-7-2012	16,870 + 4,200 = 21,070**	17,540 + 4,600 = 22,140
13-3-2013	16,870 + 4,200 = 21,070	
1-7-2013	17,510 + 4,200 = 21,710	
1-7-2014	18,170 + 4,200 = 22,370	
13-3-2015		18,210 + 4,600 = 22,810**
1-7-2015		18,900 + 4,600 = 23,500

NOTE:

1. *Notional pay in GP 4,200 from 1-8-2009 to 12-03-2013.
2. **One increment would be allowed on the Pre -Penalty Pay as the Government servant would have drawn that pay for more than six months as on 1-7-2013.
3. In case, the higher and lower grades are in different Pay Bands, then also the same method would be followed.
4. Under FR 28, the authority which orders the transfer of a Government servant as a penalty from a higher to a lower grade or post may allow him to draw any pay, not exceeding the maximum of the lower grade or post which it may think proper. Provided the pay allowed to be drawn by a Government servant shall not exceed the pay which he would have drawn by the operation of FR 22 read with Clause (b) or (c) as the case may be, of FR 26. This illustration is where no such orders have been passed. Where the Disciplinary Authority has specified the pay to be drawn in the lower post pay will be drawn as per those direct.

Gl., Dept. of Pen. & PW., F. No. 33/2/2010-P&PW (F), dated 20-12-2013

**Amendment to the Central Civil Services
(Extraordinary Pension) Rules, 1939**

GS.R. 296.— In exercise of the powers conferred by the proviso to Article 309 read with Clause (5) of Article 148 of the Constitution and after consultation with the Comptroller and Auditor-General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Extraordinary Pension) Rules, 1939, namely:—

1. (1) These rules may be called the Central Civil Services (Extraordinary Pension) Amendment Rules, 2013.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Central Civil Services (Extraordinary Pension) Rules, in Rule 8, in sub-rule (3), in Note 2, for sub-para. (i), the following shall be *substituted* namely:—

“(i) The findings of the examining Medical Board shall be made known to the Government servant concerned within one month after the receipt of the medical report by the Head of the Office or Department. The Government servant concerned shall, if he desires to appeal against such decision, can do so together with requisite evidence in support of his case within one month from the date on which the findings of the Medical Board were made known to him. On an appeal made by the Government servant and if the Government is satisfied on the evidence placed before it by the Government servant concerned, of the possibility of an error of judgment in the decision of the examining medical authority, it shall be open to them to allow re-examination by a second Medical Board”.

NOTE.— The Central Civil Service and (Extraordinary Pension) Rules, 1939 as amended up to 7th August, 1987 were published by the Ministry of Personnel, Public Grievances and Pensions, erstwhile Department of Pension and Pensioners Welfare, and the said rules were last amended *vide* notification number S.O 410 (E), dated the 15th February, 2011.

Gl., Dept. of Per. & Trg., Notfn. No. 25013/3/2010-Estt. (A-IV),
dated 17-1-2014

Amendment to FR 56

GSR. 27 (E).— In exercise of the powers conferred by the proviso to Article 309 of the Constitution and in consultation with the Comptroller and Auditor-General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rule further to amend the Fundamental Rules, 1922, namely:—

1. (1) These rules may be called the Fundamental (First Amendment) Rules, 2014.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Fundamental Rule, 1922, in Rule 56, —
 - (a) in Clause (k), in sub-clause (1), for item (c), the following shall be *substituted* namely :—
 - “(c) it shall be open to the Appropriate Authority to withhold permission to a Government servant, who seeks to retire under this clause, if—
 - (i) the Government servant is under suspension; or
 - (ii) a charge-sheet has been issued and the disciplinary proceedings are pending; or
 - (iii) if judicial proceedings on charges which may amount to grave misconduct, are pending.

EXPLANATION.— For the purpose of this clause, judicial proceedings shall be deemed to be pending, if a complaint or report of a police officer, of which the Magistrate takes cognizance, has been made or filed in a criminal proceedings”;

- (b) for Clause (m), the following shall be *substituted*, namely :—

“(m) A Government servant in Group ‘C’ post who is not governed by any pension rules, may, by giving notice of not less than three months in writing to the Appropriate Authority, retire from service after he has completed thirty years service;

Provided that it shall be open to the Appropriate Authority to withhold permission to a Government servant, who seeks to retire proceedings.”;

- (i) the Government servant is under suspension; or
- (ii) a charge-sheet has been issued and the disciplinary proceedings are pending; or
- (iii) if judicial proceedings on charges which may amount to grave misconduct, are pending.

EXPLANATION:— For the purpose of this clause, judicial proceedings shall be deemed to be pending, if a complaint or report of a police officer, of which the Magistrate takes cognizance, has been made or filed in a criminal proceedings”;

G.I., Dept. of Per; & Trg., O.M.No.22034/4/2012-Estt.(D-II), dated
23-1-2014

Comprehensive review of instructions pertaining to vigilance
clearance for promotion - clarifications

The undersigned is directed to refer to the Department of Personnel and Training O.M. of even number, dated 2-11-2012, on 'Comprehensive review of instructions pertaining to vigilance clearance for promotion', wherein, inter alia, it has been laid down in Para.9, as under:

"For the purpose of vigilance clearance for Review DPC, instructions exist in O.M.No.22011/2/99-Estt.(A), dated 21-11-2002, that review DPC will take into consideration the circumstances obtaining at the time of original DPC and any subsequent situation arising thereafter will not stand in the way of vigilance clearance for review DPC. However, before the officer is actually promoted, it needs to be ensured that he/she is clear from vigilance angle and the provision of Para.7 of O.M.No.22011/4/91-Estt.(A), dated 14-9-1992 are not attracted".

2. This Department has been receiving references seeking clarification on grant of promotion in case of review DPC with regard to the official who is clear from vigilance angle on the date of promotion of the junior in the original DPC but subsequently attracts the provisions contained in Para. 2 of DoP&T, OM, dated 14-9-1992.

3. The matter has been examined in consultation with the Department of Legal Affairs and it is further clarified that, in the case of a review DPC, where a junior has been promoted on the recommendations of the original DPC, the official would be considered for promotion if he/she is clear from vigilance angle on the date of promotion of the junior, even if the provisions of Para. 2 of DoP&T OM, dated 14-9-1992 get attracted on the date the actual promotion is considered, as provided in DoP&T O.M. No. 22011/2/99-Estt. (A), dated 21-11-2002.

4. In cases, where the junior is not promoted, it is to be ensured that the provisions of Para. 7 of OM, dated 14-9-1992 are not attracted on the date the official is being actually promoted.

G.I., Dept. of per. & Trg., O.M.No.41034/1/2014-Estt.(D),
dated 30-1-2014

Action taken on 62nd Report of the Department Related Parliamentary
Standing Committee on Personnel, Public Grievances,
Law and Justice on the Status of Women Government Employees,
Service Conditions, Protection against exploitation,
Incentives and other related issues.

The undersigned is directed to refer to Para.20.1 and Para.20.2 of the 62nd Report of the Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice wherein, the Committee has drawn attention to extant instructions of the Government on age relaxation for appointment of widows, divorced women and women judicially separated from their husbands and who were not remarried allowing age concession up to the age of 35 years(40 years for member of SCs/STs) for the post of Group 'C' and erstwhile Group 'D' filled through SSC/Employment Exchange and has directed scrupulous compliance of these instructions by all administrative authorities.

2. The Department of Personnel and Training's O.M.No.15012/12/79-Estt.(D), dated 19-1-1980(not printed) provides that for purposes of appointment to Groups 'C' and 'D' posts under the Central Government filed through the SSC and the Employment Exchange, the upper age limit in the case of widows, divorced women and women judicially separated from their husbands who are not remarried shall be relaxed up to the age of 35 years(up to 40 years for members of Scheduled Castes/Scheduled Tribes) by invoking the provisions in the relevant recruitment rules, subject to production of a certified copy of the judgment/decreed of the appropriate court to prove the fact of divorce or the judicial separation, as the case may be(provided through DoP&T O.M.No.15012/1/82-Estt.(D), dated 6-9-1983). Further, this relaxation has been extended to Groups 'A' & 'B' posts except where recruitment is made through open competitive examination vide DoP&T O.M.No.15012/1/87-Estt.(D)(should be 15012/1/80/Estt.(D), dated 5-10-1990)

3. All Ministries/Departments are requested to bring these instructions to the notice of all concerned including attached and subordinate offices for strict compliance.

*GI., Dept. of Per. & Trg., O.M. No. A-36011/1/2013-Estt. (Res.),
dated 23-1-2014*

**Brochure on reservation for Scheduled Castes, Scheduled Tribes
and Other Backward Classes in services**

The brochure on reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes in services was last updated by Department of Personnel and Training in the year 2011. In this connection, this Department's O.M. No. A-36011/1/2011-Estt. (Res.), dated 17-11-2011 refers.

2. A few instructions have since been issued on the subject. The updated brochure has now been prepared by the Reservation Division which includes all orders and instructions issued up to the year 2013. The brochure has been posted on the DoP&T's website at "persmin.nic.in" under 'OMs & Orders' → Establishment Reservation → Brochure Reservation for SCs, STs and OBCs in Services. In this revised brochure the relevant orders / instructions have been mentioned at the end of the concerned para. / topic in each of the chapter. Further, the orders / instructions, referred in the brochure have also been hyperlinked to enable the reader to refer to them quickly.

3. As in the earlier brochure, this brochure also contains two parts. Part one of the brochures is self-contained and practically covers all aspects of the reservation in central services. However, relevant O.Ms in Paragraphs should be referred to before taking decisions.

4. All Ministries / Departments are requested to bring the instructions to the notice of all their Attached / Subordinate Offices, also the Public Sector Undertakings and Statutory Bodies, etc., at the earliest.

*G.I., Dept. of Per. & Trg., O.M. No. F.No. 42011/2/2014-Estt. (Res.),
dated 13-2-2014*

**Representation of SC, ST, OBC, Minorities and the
Women on Selection Board / Committees**

The undersigned is directed to draw attention of the Ministries / Departments to this Department's O.M. No. 42011/15/1995-Estt. (SCT), dated the 11th July, 1995. Para. 2 provided as follows:—

2. In partial modification of the above instructions, it has now been decided that wherever a Selection Committee Board exists or has to be constituted for making recruitment to ten or more vacancies in Group 'C' or Group 'D' posts or services, it shall be mandatory to have one Member belonging to SC/ST/OBC and one Member belonging to Minority Community in such Committees / Boards. Further, one of the Members of the Selection Committees / Boards, whether from the general category or from the minority community or from SC, ST, OBC should be a lady, failing which a lady member should be co-opted on the Committee / Board. It may please be ensured that where the number of vacancies against which the selection is to be made is less than ten, no effort should be spared in finding SC/ST/OBC officer, minority community officer and a lady officer as explained in Para. (2) for inclusion in such Committees / Boards.

2. The matter has been reviewed and in partial modification of above instructions, it has now been decided that wherever a Selection Committee / Board exists or has to be constituted for making recruitment to 10 or more vacancies in any level of posts or services, it shall be mandatory to have one Member belonging to SC/ST, one Member belonging to OBC category and one Member belonging to Minority Community in such Committees / Boards. Further, one of the members of the Selection Committee / Board, whether from the general category or from the minority community or from the SC/ST/OBC community should be a lady failing which a lady member should be co-opted on the Committee/Board. It may also be ensured that where the number of vacancies against which selection is to be made is less than ten, no effort should be spared in finding the SC/ST, OBC Officer and the Minority Committee Officer and a lady officer, for inclusion in such Committees / Boards.

3. Similar instructions in Public Sector Undertakings and Financial Institutions including Public Sector Banks will be issued by Department of Public Enterprises and Ministry of Finance respectively.

G.I., Dept.of Per. & Trg., O.M.No.36012/24/2009-Estt. (Res.),
dated 14-2-2014

Reservation for persons with disabilities – Computation of
reservation – Implementation of the judgment of Hon,ble Supreme
Court in the matter of Union of India and another v.National
federation of Blind & others

The undersigned is directed to refer to this Department's
O.M. of even number, dated the 3rd December, 2013 on the subject
cited above conveying the judgment of the Hon'ble Supreme
Court, dated 8-10-2013 in the matter of Civil Appeal No.9096 of
2013(arising out of SLP (Civil) No.7541 of 2009) titled Union of
India and another V.National federation of Blind and others and
follow-up action required to be taken thereon.

All the Ministries / Departments / Organizations were, *inter alia*,
requested to compute the number of vacancies available in all the cadres
under their control including attached offices, subordinate offices, public
sector undertakings, Government Companies Cantonment Board, etc. in
accordance with the directions of the Hon'ble Supreme Court as per Para. 5
of the aforementioned O.M. of this Department and further identify the
posts for disabled persons within a period of three months from the date of
the judgment of the Hon'ble Supreme Court (i.e. 8-10-2013) and implement
the same without default.

The National Federation of Blind has filed an application and the
Hon'ble Court has directed to file a status report giving details of steps
taken to implement the judgment of the Hon'ble Supreme Court including
the appointments made, if any. The next date of hearing is 12th March, 2014.
A copy of the correspondence received in this regard from the Central
Government Standing Counsel is enclosed for reference (*not received—
not printed*).

This Department is required to file a status report on the action taken
by the Ministries / Departments in connection with the next hearing to be
held on 12th March, 2014.

It is requested that status report on the action taken by the
Ministries / Departments / Organizations may kindly be sent to this
Department within a week's time i.e. by 21st February, 2014 so that a
consolidated report could be filed before the next date of hearing.

G.I., Dir. of Estates, O.M. No. 12035/12/2013-Pol. II,
dated 15-1-2014

**Retention of General Pool Residential Accommodation by the
Central Government Officers on deputation to Public Sector
Undertakings / Statutory / Autonomous Bodies and on deputation
to ineligible offices at Delhi after serving on central deputation
under Central Staffing Scheme**

The following guidelines were issued vide O.M. No. 12035/14/92-Pol. II, dated 11-10-2000 for retention of General Pool Residential Accommodation by the Central Government Officers on deputation to Public Sector Undertakings / Statutory / Autonomous Bodies:—

- (i) officers posted to PSUs / Statutory / Autonomous Bodies, etc. on deputation basis, at the time of its initial constitution, may be allowed retention of General Pool Residential Accommodation that they were occupying for a maximum period of 5 years and the concerned organization should pay an amount equivalent to the House Rent Allowance admissible to the officer *plus* the flat rate of licence fee prescribed by the Central Government from time to time in respect of said General Pool Residential Accommodation. The concerned organizations may, however, recover normal licence fee from the officers.
- (ii) the officers posted to PSUs / Statutory / Autonomous Bodies, on mandatory basis or under Central Staffing Scheme may be considered eligible for allotment / retention of General Pool Accommodation and the concerned organization should pay an amount equivalent to the House Rent Allowance admissible to the officer, *plus* the flat rate of licence fee prescribed by the Central Government from time to time, in respect of the General Pool Residential Accommodation to be allotted / retained by such officers. The organization may, however, recover normal licence fee from the concerned officers; and
- (iii) the office of the Establishment Officer, Department of Personnel and Training shall issue a certificate that the posting of the officer concerned to the PSUs, etc. is on mandatory basis, or under Central Staffing Scheme, without seeking his/her option, and is in public interest

2. In addition to the above existing provisions on this matter and the difficulties faced by the All India Services Officers and Central Group 'A' Civil Services Officers, who join a non-CSS post for balance tenure of their central deputation after serving four years on Central Staffing Scheme

For retention of general pool residential accommodation, it has also been decided by the competent authority that –

- (i) Retention of general pool residential accommodation may be allowed to the All India services Officers and Central, Group 'A' Civil services Officers, who serve on Central staffing Scheme (CSS) post under central deputation for at least four years and thereafter, join a non-CSS post for balance tenure of their central deputation as long as the non-CSS post is located in Delhi.
- (ii) In such cases, the Establishment Officer would issue a certificate to the effect that the officer concerned had served for at least four years in CSS post and she/he needed to retain Government accommodation for her/his balance tenure on non-CSS post.
- (iii) The concerned organization shall recover from the salary of the officer concerned an amount equivalent to House Rent Allowance admissible and normal licence fee as prescribed for the accommodation by the Central Government from time to time and remit the amount so recovered to the Directorate of Estates every month.

3. These orders are issued in supersession of O.M.No.12035/14/92 Pol.II,dated 11-10-2000.

G.I., Dept. of Per. & Trg., O.M.No.18016/3/2011-Estt.(L),
dated 17-2-2014

Special concessions/facilities to Central Government Employees
working in Kashmir Valley in attached/subordinate offices or
PSUs falling under the control of Central Government

The undersigned is directed to refer to this Department's O.M.No.18016/3/2011-Estt. (L), dated the 27th June, 2012 on the subject mentioned above and to state that it has been decided to extend the package of concessions/incentives to Central Government employees working in Kashmir Valley for a further period of one year with effect from 1-1-2013. The revised package of incentives is as per annexure.

2. The package of incentives is uniformly applicable to all Ministries / Departments and PSUs under the Government of India and they should ensure strict adherence to the rates prescribed in the package. The concerned Ministry / Department may ensure implementation and monitoring of the package in conformity with the approved package, and therefore, all Court cases in which verdicts are given contrary to the package would have to be contested by the Ministries / Departments concerned.

ANNEXURE

DETAILS OF PACKAGE OF CONCESSIONS / FACILITIES TO CENTRAL GOVERNMENT EMPLOYEES WORKING IN KASHMIR VALLEY IN ATTACHED / SUBORDINATE OFFICES OR PSUs FALLING UNDER THE CONTROL OF CENTRAL GOVERNMENT

[Kashmir Valley comprises of ten districts namely, Anantnag, Baramulla, Budgam, Kupwara, Pulwama, Srinagar, Kulgam, Shopian, Ganderbal and Bandipora]

I. ADDITIONAL HRA AND OTHER CONCESSIONS :

(A) *Employees posted to Kashmir Valley:*

- (i) These employees have an option to move their families to a selected place of their choice in India at Government expense. T.A. for the families allowed as admissible in permanent transfer inclusive of transportation of personal effects, lumpsum payment for packing, etc.
- (ii) Departmental arrangements for stay, security and transportation to the place of work for employees.
- (iii) HRA as for Class 'Y' city applicable for employees exercising option at (i). Such employees will be eligible for drawing the normal HRA as well at their place of posting provided Departmental arrangement is not made for his/her stay.
- (iv) The period of temporary duty extended to six months. For period of temporary duty daily allowance at full rate is admissible, apart from departmental arrangements for stay, security and transportation.

(B) Employees posted to Kashmir Valley who do not wish to move their families to a selected place of residence :

A per diem allowance of ₹ 10 is paid for each day of attendance to compensate for any additional expense in transportation to and from office, etc. This will be in addition to the transport allowance, which the employee is otherwise eligible for under Ministry of Finance Order No. 21(2)/2008-E.II (B), dated 29-8-2008.

II. MESSING FACILITIES :

Messing Allowance to be paid to the employees at a uniform rate of ₹ 15 per day by all Departments, or in lieu messing arrangements to be made by the Departments themselves. This rate of allowance will have to be adhered to uniformly by all the Ministries / Departments with effect from 1-7-1999. The slightly higher rate of ₹ 25.50 adopted by the Department of Telecom and Posts and allowed to be continued as a special case by the Department of Personnel in consultation with the Ministry of Finance, would, however, continue to be paid at the said rate.

III. PAYMENT OF MONTHLY PENSION TO PENSIONERS OF KASHMIR :

Pensioners of Kashmir Valley who are unable to draw their monthly pensions through either Public Sector Banks or PAO treasuries from which they were receiving their pensions, would be given pensions outside the Valley where they have settled, in relaxation of relevant provisions.

NOTE— 1. The package of concession/facilities shall be admissible in Kashmir Valley comprising of ten districts namely, Anantnag, Baramulla, Budgam, Kupwara, Pulwama, Srinagar, Kulgam, Shopian, Ganderbal and Bandipora.

2. The package of concessions / facilities shall be admissible to Temporary Status Casual labourers working in Kashmir Valley in terms of Para. 5 (i) of the Casual Labourers (Grant of Temporary Status and Regularization) Scheme of Government of India, 1993.

3. The benefit of additional HRA admissible under the Kashmir Valley package shall be admissible to all Central Government employees posted to Kashmir Valley irrespective of whether they are natives of Kashmir Valley, if they choose to move their families anywhere in India subject to the conditions governing the grant of these allowances.

4. The facilities of Messing Allowance and Per Diem Allowance shall also be allowed to natives of Kashmir Valley in terms of the Kashmir Valley package.