

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

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

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

G.O.(P).No.10

Dated.22-01-1993
Read the following:

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

ORDER:

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

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

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

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

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

BASIC PAY

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

ALLOWANCES:

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

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

COMPENSATORY ALLOWANCE

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

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

admissible under Fundamental Rules/Hyderabad Civil Service Rules.

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

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

OR

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

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

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

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

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

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

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

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

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

xviii) **General:**

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

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

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

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

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

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

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