

No.A.35011/1/2013-P&AR(GSW)
GOVERNMENT OF MIZORAM
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS
(GENERAL SERVICE WING)

...

OFFICE MEMORANDUM

Dated Aizawl, the 2nd July, 2014

Subject: *Transfer on deputation of State Government employees to ex-cadre posts or outside the normal field of deployment/foreign services – Regulation of Pay, Deputation (Duty) Allowances, tenure of deputation/foreign services and other terms and condition – regarding.*

The undersigned is directed to refer to this Department's O.M. No.A.35011/1/88-P&AR(GSW) dated 5.3.1990, No.A.35013/1/91-P&AR(GSW) dated 7.10.1991, No.A.35011/1/2003-P&AR(GSW) dated 8.3.2010, No.A.35011/1/2008-P&AR(GSW) dated 19.8.2010, No.A.35011/1/2008-P&AR(GSW) dated 22.2.2011 and No.A.35011/1/2008-P&AR(GSW) dated 31.10.2012 which laid down the guidelines relating to transfer of State Government employees to ex-cadre post, or outside the normal field of deployment as on deputation/foreign services. A need has been felt to consolidate all these orders in one place and accordingly, it has been decided to bring out a self contained O.M. in supersession of the above O.M's. on the subject, incorporating the provisions of earlier orders with suitable modification and addition, wherever necessary as follows:

2. **Scope of term "deputation/foreign services" – restriction on treating an appointment as on deputation/foreign services.**
 - 2.1. The term "deputation/foreign services" shall cover only those appointments that are made by transfer on a temporary basis through proper advertisement for filling up of the vacant post by deputation provided the transfer is outside the normal field of deployment and is in public interest. However, stop-gap arrangement of transfer of a member of any cadre Officer to an ex-cadre post for which the Government has absolute authority to fill up the vacancy shall be treated as Ex-Cadre Posting to officiate the post.
 - 2.2. A person in a higher Grade Pay/Scale of Pay shall not be appointed on deputation to a post in lower Grade Pay/Scale of Pay.
 - 2.3. Appointment on deputation/Foreign services to the vacant post shall be made from a person in the same Grade Pay/Scale of Pay. If there is no suitable officer in the same Grade Pay for appointment on deputation to such vacant post, a person in the immediate lower grade pay who has

rendered not less than 5(five) years regular service in the grade may be considered eligible for appointment on deputation.

- 2.4 In all cases of transfer and posting of Govt. employees on deputation to on ex-cadre post under Govt. of Mizoram or from State to Central Government or, to a foreign service or outside normal field of deployment, DP&AR (GSW) should invariably be consulted for approval.
- 2.5 All proposals for transfer and posting of Government employees on deputation/foreign service should be accompanied by:
 - i) Copy of notice/advertisement inviting willingness
 - ii) List of candidates/willing officers.
 - iii) Minutes of the Selection Committee constituted for the purpose by the Department.

3. **Pay**

- 3.1. An employee appointed on deputation/foreign services shall opt to draw either the Pay Band & Grade Pay of the deputation/foreign service post or his own Grade Pay without Deputation (Duty) Allowance and option once exercised shall not be changed.
- 3.2 An Officer so deputed to an ex-cadre higher Grade Pay/Scale of Pay shall be repatriated to his original post/grade in the parent Cadre/Department on completion of the period of deputation and the deputation shall in no way bestow upon the incumbent the right to claim the pay of the deputation post from which he is repatriated
- 3.3. Officials on deputation on the same Grade Pay/Scale of Pay and below to the post of Private Secretary to Minister/Minister of State/Parliamentary Secretary and other elected dignitaries of equivalent status shall be eligible for grant of Deputation (Duty) Allowance subject to the stipulation that no official below the grade of an Assistant or equivalent shall be so deputed as Private Secretary to Minister etc.

4. **Leave Salary/Pension/NPS contribution.**

- 4.1. In case of deputation of State Government employees on foreign service terms to Public Sector Undertakings/Autonomous Bodies etc. leave salary contribution (except for the period of leave availed of on foreign service) and pension contribution are required to be paid by the borrowing organization to the State Government.
- 4.2. In case of State Government employees transferred on deputation to posts in Offices or Bodies having autonomous administrative control and not on foreign services, payment of leave salary and pension contribution by the borrowing Department to the State Government shall not be required.

- 4.3 In case of reverse deputation from Private Sector Undertaking/Autonomous Bodies/Local Bodies to State Government, the question regarding leave salary and pension contribution will be decided by mutual consent.
- 4.4. In case of employees covered under New Pension Scheme (NPS), the borrowing department shall be required to match the pension contribution and leave salary contribution of the employees.

5. **Foreign Service:**

A service in an organisation which does not receive funds directly from the Government Accounts of the Consolidated Fund of India or the Consolidated Fund of the State of Mizoram but receive from the nodal Departments either in the State or in the Centre in the form of Grants-in-Aid and which is administered by a separate body other than the Government of Mizoram and makes payment without presenting Bills into Treasury may be termed as Foreign Service and the service of State Government employees on deputation to such organisations should be treated as on 'Foreign Service'.

6. **Tenure of deputation/deputation on foreign service.**

- 6.1 The period of deputation/deputation on foreign service shall be in accordance with the recruitment rules of the deputation post or 3(three) years in case no tenure regulation exist for the deputation post.
- 6.2 In cases where the period of deputation/deputation on foreign service prescribed in the recruitment rules of the deputation post is 3(three) years or less, the borrowing Administrative Department / borrowing organizations may grant extension of the period of deputation up to the 4th year only after obtaining prior approval of the lending Department and DP & AR(GSW).
- 6.3. The borrowing department/Organisation may propose for extension of the period of deputation upto the 5th year only in rare and exceptional cases and where absolutely necessary in the public interest subject to the following conditions:
- (i) The extension would be subject to the prior approval of the lending department, the consent of the deputed official and approval of DP&AR(GSW).
 - (ii) If the borrowing department wishes to retain an officer on deputation beyond the prescribed period, it shall initiate action for seeking concurrence of the lending department, individual concerned etc. before 6(six) months of the expiry of the period of the deputation. In no case, it should retain an official on deputation beyond the sanctioned term unless approval of the competent authority to grant further extension has been obtained.
- 6.4. The period of deputation will in no case exceed 5(five) years.

7. **Premature reversion of deputationist to parent cadre**

Normally, when an employee is appointed on deputation/foreign service, his services are placed at the disposal of the parent Cadre/Department at the end of the period of deputation. However, as and when a situation arises for premature reversion to the parent Cadre/Department of the deputationist, his services could be so returned after giving an advance notice of at least 1 (one) month to the lending Department and the employee concerned.

8. **Relaxation of conditions.**

Any relaxation of these terms and conditions will require **prior concurrence** of the DP&AR (GSW)

These orders will take effect from the date of issue of this Office Memorandum.

Sd/- L. TOCHHONG

Chief Secretary to the Govt. of Mizoram

Memo.No.A.35011/1/2013-P&AR(GSW) : Dated Aizawl, the 2nd July, 2014

Copy to:-

1. Secretary to Governor, Mizoram
2. Principal Secretary to Chief Minister, Mizoram
3. P.S. to Speaker/Ministers/Deputy Speaker/Ministers of State
4. P.S. to Vice Chairman, State Planning Board/Government Deputy Chief Whip/Parliamentary Secretaries, Mizoram
5. Sr. PPS to Chief Secretary, Mizoram
6. PS to all Principal Secretaries, Commissioners, Secretaries & Special Secretaries, Mizoram
7. All Administrative Departments
8. Secretary, MPSC/MSEC/MSIC/AMC
9. All Heads of Department
10. All Deputy Commissioners, Mizoram
11. All wings of DP&AR
12. Website Manager, DP&AR for uploading in the website
13. Guard File


21/7/14
(LALROHLUA)

Under Secretary to the Govt. of Mizoram