

NOTIFICATION

FINANCE DEPARTMENT

Sachivalaya, Gandhinagar.

Dated the, 15-11-2002

Constitution of India

No. : GN-32-GCS/102001/913/CH In exercise of the powers conferred by the proviso to Article-309 of the Constitution of India, the Governor of Gujarat hereby makes the following rules, namely :-

CHAPTER - I – GENERAL

- 1. Short Title and Commencement :** (1) These rules may be called the “**Gujarat Civil Services (Joining Time, Foreign Service, Deputation out of India, Payment during Suspension, Dismissal and Removal) Rules” 2002.**
(2) They shall come into force on and from the date of their publication in the Official Gazette.
- 2. Extent of application :** Except where it is otherwise expressly or impliedly provided, these rules shall apply to -
 - (a) all members of services and holders of posts whose conditions of service; the Government of Gujarat is competent to prescribe, **and**
 - (b) the person in respect of whose service conditions, pay and allowances and pension or any of them, special provision has been made under an agreement, in respect of any matter not covered by the provisions of such agreement.
- 3. Right to Interpret :** If any question relating to the interpretation of these rules arises, it shall be referred to the State Government in Finance Department whose decision thereon shall be final.
- 4. Power to Relax :** Where the Government is of opinion that the operation of any of these rules may cause undue hardship to any person or class of persons, it may, by written order, for reasons to be recorded in writing, relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner :
Provided that no such order shall be made except with the prior concurrence of the Finance Department.
- 5. Validity of terms of contract :** The terms and conditions of a specific contract enforceable at law entered into by the Government with any person relating to service shall prevail over the provisions of these rules.
- 6. Regulation of claims to pay, allowances, leave :** A Government employee’s claim to pay and allowances is regulated by the rules in force at the time in respect of which the pay and allowances are earned and claim to leave shall be regulated by the rules in force at the time the leave is applied for and granted, and which would have been admissible but for the introduction of such changes.
- 7. Exercise and delegation of powers :** (1) The nature of powers specified in column 3 of **Appendix-I**, annexed to these rules shall be exercised by the authority specified in Column-4 to the extent specified in column 5 thereof.
(2) Subject to the provision of sub-rule (1), the powers under these rules shall not be exercised or delegated except in consultation with the Finance Department.

Provided that the Finance Department may, by general or special order, specify the cases or class of cases in which it shall not be necessary to consult it.

8. **Reasons for concessions to be communicated to Audit Officer :** When a competent authority, to whom the powers are delegated under **Appendix-I** other than the Government, communicates to the Audit Officer an order granting concessions under these rules to any Government employee in cases in which it is directed that the reasons therefore should be recorded, it shall at the same time forward to audit officer a copy of reasons.

CHAPTER - II

DEFINITIONS

9. Unless the context otherwise requires -

- (1) **“Actual travelling expenses”** means the actual cost of transporting a Government employee with his domestic employees and personal luggage, including charges for ferry and other tolls, if paid, and for carriage of camp equipment, if necessary and does not include charges for accommodation in hotels and traveller's bungalows, or for refreshments, or for the carriage of stores or conveyances or for presents to drivers and like or any allowance for incidental losses or expenses such as the breakage of crockery, wear and tear of furniture, and the employment of additional domestic employees.
- (2) **“Allotment”** means grant of licence to a Government employee to occupy a residential accommodation owned, leased or requisitioned by Government or a portion thereof for his use as residence.
- (3) **“Annexure”** means annexure appended to these rules.
- (4) **“Appendix”** means appendix appended to these rules.
- (5) **“Appointing Authority”** means the authority which is competent to make appointment to the service or post from which the Government employee seeks retirement.
- (6) **“Apprentice”** means a person deputed for training in a trade or business with a view to employment in Government service, who is paid at monthly rates by Government during such training but is not employed in or against a substantive vacancy in the cadre of a department.
- (7) **“Audit Officer”** means an Accounts Officer or Audit Officer appointed by the Comptroller and Auditor General of India whatever his official designation, in whose circle of audit a public servant is serving, or (in respect to verification of service) has served.
- (8) **“Cadre”** means the strength of a service or a part of a service sanctioned as a separate unit.
- (9) **“Camp Equipage”** means an apparatus for moving a camp.
Note : This definition distinctly shows that nothing is meant except moving apparatus or "carriage" which can only include baggage-camels, pack bullocks, carts, (together with the coolies who carry camp equipment and necessary bullocks, or horses etc.) drivers of the bullocks etc., coolies who carry camp equipments, and possibly employees employed as tent pitchers, but does not include private or extra employees.
- (10) **“Camp Equipment”** means an apparatus for moving a camp and includes tents and the requisites for pitching and furnishing them, or, where tents are not carried, such articles of camp furniture as it may be necessary in the interests of public service for a Government employee to take with him on tour.

- (11) **“Class-IV service”** means service performed by a Government employee on a post classified as Class-IV services and such other unclassified Non-gazetted posts the maximum of the scale of which does not exceed Rs. 4000/-.
- Note : This service has been defined as ‘Inferior Service’ under Clause (ii) of rule-2 of Gujarat Civil Services Classification and Recruitment (General) Rules, 1967.*
- (12) **“Compensatory Allowance”** means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed and includes travelling allowance.
- (13) **“Competent Authority”** means in relation to the exercise of any power, means Government, or any authority to which the power is delegated by or under these rules.
- (14) **“Consolidated Fund of India or the State or the Union Territory”** All revenues received by the Government of India, all loans raised by that Government by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government in repayment of loans shall form one consolidated fund to be entitled “the Consolidated Fund of India” and all revenues received by the Government of a State/ Union Territory, all loans raised by that Government/Union Territory by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government/Union Territory in repayment of loans shall form one consolidated fund to be entitled “the Consolidated Fund of the State/Consolidated Fund of the Union Territory”.
- (15) **“Constitution”** means the Constitution of India.
- (16) **“Conveyance Allowance”** means an allowance granted to a Government employee, whose pay has not been fixed with special reference to the expenditure likely to be incurred upon touring in the performance of his duties and whose duties involve an extraordinary amount of travelling within a limited area.
- (17) **“Date of first appointment”** means the date on which the Government employee assumes the duties of his first post in Government service, or, if this be earlier, the date of his assumption of any duty which is treated as service counting for pension.
- (18) **“Daily Allowance”** means an allowance granted to a Government employee for each day of his absence from headquarters, which is intended to cover the ordinary daily expenses incurred by a Government employee in consequence of such absence.
- (19) **“Day”** means the period beginning from a midnight and ending with the next midnight.
- (20) **“Death-cum-Retirement Gratuity”** means the gratuity payable under rule-81 of Gujarat Civil Services (Pension) Rules, 2002.
- (21) **“Director of Pension and Provident Fund”** means the Director of Pension and Provident Fund or any other officer for the time being authorised to discharge the duties and functions of or on his behalf and it includes District Assistant Examiner in respect of the sanction of the retirement benefits to Class-IV employees.
- (22) **“Disbursing Authority for Pension”** means (i) branch of a Nationalised Bank or (ii) treasury including sub-treasury, and pension payment office from where the retired Government employee is receiving pension authorised under the Gujarat Civil Services (Pension) Rules, 2002.
- (23) **“Duty”** Duty includes -
- (a) service as a probationer;
 - (b) joining time;
 - (c) a course of instructions or training authorised by or under the orders of Government;

PART IV-A]

GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002

314-54

Note 1 : The time reasonably required for the journeys between the place of training and the station from which a Government employee proceeds in order to undergo training, is part of the period of training.

Note 2 : The period spent by candidates at the Police Training College or School, for training and the interval between the satisfactory completion of the course and their assumption of duty should be regarded as duty for the purpose of this rule.

Note 3 : The period spent by candidates in the Prohibition and Excise Department for training and interval between the completion of the course and their assumption of duty, should be regarded as duty for the purpose of this rule.

Note 4 : When one or more holidays follow the period of training, the training period may be deemed to have been extended to cover such holidays.

(d) the period occupied -

- (i) in appearing for a language examination prescribed by Government at which a Government employee has been granted permission to appear,
- (ii) in attending an obligatory departmental examination,
- (iii) in attending an examination which a Government employee must pass to become eligible for a higher post in any branch of the Public Service, including the time reasonably necessary for going to and from the place of examination.

This concession should not be allowed more than twice for each obligatory examination.

Note : If an examination is taken immediately before leave, the leave shall be held to have commenced from the date following that of the completion of the examination. In cases where an examination is taken in interruption of leave or immediately after leave, the time occupied in appearing for the examination, including the time necessary for going to and from the place of examination, shall be treated not as duty but as leave.

(e) The period for which a Government employee is required to wait compulsorily until receipt of his posting orders in the cases mentioned below :-

- (i) whose orders of transfer are held in abeyance, cancelled or modified while in transit, or
- (ii) who, on return from leave or deputation or on abolition of the post held by him, has to await receipt of posting orders, or
- (iii) who, on arrival at the headquarters of the post to which he is posted is not in a position to take charge of the post from the Government employee to be relieved.

The period availed of to resume duties after the receipt of posting orders shall not exceed the joining time admissible under the rules and shall be treated as continuation of the period of compulsory waiting.

(f) the period intervening between the date on which a Government employee is engaged temporarily for special or other duty and the date on which he takes over charge, provided the period does not exceed the joining time that would be permissible to a Government employee entitled to joining time.

(g) the period spent by Government employee on training mentioned below :-

- (i) annual training courses of instruction or military service in accordance with the regulations framed under Territorial Army Act, 1948.
 - (ii) On Home Guard training or Home Guard duties with permission of the Head of office.
 - (iii) in training or in the camp in accordance with the rules of the National Cadet Corps and also such period of the vacations as are spent by National Cadet Corps Officers (Senior Division) who are Government employees holding officiating charge of units during the absence of regular Commanding Officers.
 - (iv) training at a Boy Scouts' camp;
Note : No travelling or halting allowance shall be admissible in respect of this duty.
 - (h) the period spent by a Government employee where he is summoned by Court of Law whether criminal or civil or by a court of martial or by a authority constituted under any law, to give evidence regarding facts which came to his knowledge in the discharge of his public duties or to produce official documents in a civil suit.
 - (i) the period spent by a Government employee in connection with work on the various University bodies in the Gujarat State -
 - (a) as representatives of Government or ex-officio,
 - (b) by virtue of his official position such as Principal of a College, and
 - (c) for attending the meeting of a Board of Studies.
- (24) "Emoluments" means -
- (i) Pay,
 - (ii) payments from the Consolidated Fund of India or of the State or of the Union Territory and only that portion of the fees received by a Government employee which he is allowed to retain under the rules, if such payments or fees are received in the shape of a fixed addition to monthly pay and allowance as part of the authorised remuneration of a post.
 - (iii) compensatory allowances other than travelling allowance, uniform allowance, clothing allowance, outfit allowance, special outfit allowance, uniform grant and grant for horse and saddlery whether drawn from the Consolidated Fund of India or of the State, or of the Union Territory.
 - (iv) Pension and pension equivalent of death-cum-retirement gratuity except the following :-
 - (a) wound or injury pension and Family Pensions drawn under the provisions of Gujarat Civil Services (Pension) Rules, 2002.
 - (b) compensation received under the Workmen's Compensation Act, 1923.
Note : The word "Pension" means the full sanctioned pension prior to commutation.
 - (v) in the case of a Government employee under suspension and in receipt of a subsistence allowance, the amount of the subsistence allowance
Provided that, if such Government employee is subsequently allowed to draw pay for a period of suspension, the difference between the house rent recovered on the basis of the subsistence allowance and the house rent due on the basis of the emoluments ultimately drawn shall be recovered from him:

PART IV-A]

GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002

314-56

Provided further that if such Government employee is subsequently reinstated and the period of suspension is treated as leave, the difference between the house rent recovered on the basis of the subsistence allowance and the house rent due on the basis of emoluments defined in Note-2 below shall be recovered from him.

Note 1 : Allowances attached to the President's Police and Fire Services Medal, the Police Medal, or the Indian Order of Merit, Param Vir Chakra, Maha Vir Chakra, VIr Chakra are not included in the emoluments.

Note 2 : The emoluments of a Government employee on leave mean the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.

(25) **“Executive Engineer”** means an officer appointed as such and incharge of the different types of Government residential accommodation and includes any other officer to whom the powers are delegated by the Government in respect of Gujarat Civil Services (Occupation of Residential Accommodation) Rules, 2002.

(26) **“Family”** means a Government employee's wife or husband, as the case may be, residing with the Government employee and legitimate children and step-children residing with and wholly dependent upon the Government employee. It includes, in addition, parents, sisters and minor brothers if residing with and wholly dependent upon the Government employee.

Note 1 : Not more than one wife is included in the term “family” for the purpose of these rules.

Note 2 : An adopted child shall be considered to be legitimate child if, under the personal law of the Government employee, adoption is legally recognised as conferring on it the status of a natural child.

Note 3 : A legitimate child or step child/parent/sister/minor brother who resides with the Government employee and whose income from all sources including pension (inclusive of temporary increase in pension) does not exceed Rs. 500 p.m. may be deemed to be "wholly dependent" upon the Government employee.

(27) **“Fee”** means a recurring or non-recurring payment to a Government employee 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 employee or indirectly through the intermediary of Government, but does not include-

(i) unearned income such as income from property, dividends, and interest on securities; and

(ii) income from literary, cultural, or artistic, scientific or technological efforts if such efforts are not aided by the knowledge acquired by the Government employee in the course of his service.

Note 1 : The above definition is not applicable to the fees payable from the Consolidated Fund under the Gujarat Law Officers (Appointment and Condition of Services) Rules, 1965.

Note 2 : When a Government Department undertakes the work for a non-Government organisation and, in its turn, assign the work to its official, suited for the purpose, the payment therefore is made to the Department in the first instance and forms a part of the revenue of Government. The subsequent

payments to the official concerned are, therefore, payments from the Consolidated Funds of Government and should accordingly be classed as honorarium.

- (28) **“First Appointment”** means the appointment of a person who is not holding any appointment under Government, even though he may have previously held such an appointment.
- (29) **“Flat Rate Rent”** means a monthly rate of flat rate rent to be recovered from a Government employee for the authorised occupation of Government residential accommodation. The rates for the same shall be as laid down in rule-18 the Gujarat Civil Services (Occupation of Government Residential Accommodation) Rules, 2002 as amended from time to time.
- (30) **“Foreign Service”** means service in which a Government employee receives his pay with the sanction of Government from any source other than the Consolidated Fund of India or of a State, or of a Union Territory.
- (31) **“Form”** means a form appended to these rules.
- (32) **“Gazetted Government employee”** is one who is a member of an All India Service or State Service or a person appointed in accordance with the terms of a contract or agreement and whose appointment is gazetted by Government. Members of the Subordinate Civil Services, whose appointments are Gazetted by Heads of Departments and who are Non- gazetted Government employees. Notifications investing Government employees with powers under different Acts, in order that the Courts may take judicial cognisance of them, do not constitute the persons invested with such powers as Gazetted Government employees within the meaning of this sub rule.
Provided that in respect of any category of Government employees in whose case the conditions of this clause have not been fulfilled, Government may by order treat them as Gazetted Government employees for the purposes stated in the said order.
Exception : Officers whose appointments to Class II services or posts are made by the Heads of Departments or Heads of Offices subordinate to them and are not published in the Gazette should be treated as Gazetted Government employees.
- (33) **“Government”** unless the context otherwise requires in respect of anything done or to be done after the commencement of the Constitution, shall mean the Government of Gujarat.
- (34) **“Head of Departments”** this term includes the officers from Appendix-II who have been declared as such or any others officers whom Government may from time to time declare to be Heads of Department.
- (35) **“Head of Office”** means a Gazetted officer declared as such by Government and includes such other authority or person whom the competent authority may by order, specify as Head of Office.
- (36) **“Head-Quarters”** means the station which has been or may be declared to be the headquarters of a Government employee by the appointing authority or a competent authority, or in the absence of such declaration the station where the records of his office are generally kept.
- (37) **“Holiday”** means -
(a) a holiday declared or notified under Negotiable Instruments Act, 1881; **and**
(b) in relation to any particular office, a day on which such office is ordered by Government, or by a duly constituted authority, by notification in the Gazette or otherwise, to be closed for the transaction of Government business without reserve or qualification.

The Gujarat Civil Services (Joining Time, Foreign Service, etc.,) Rules, 2002

PART IV-A] GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002 314-58

- (38) “**Honorarium**” means a recurring or non-recurring payment sanctioned to a Government employee from the Consolidated Fund of India or the Consolidated Fund of the State or of a Union Territory as remuneration for special work of an occasional character.
- (39) “**House Rent Allowance**” means a monthly allowance towards defraying house rent granted to a Government employee in locations where such rents are high or granted in lieu of free residential accommodation.
- (40) “**Joining Time**” means the time allowed to a Government employee to join a new post or to travel to or from a station to which he is posted.
- (41) “**Leave**” means permission to remain absent from duty granted by a competent authority under the Gujarat Civil Services (Leave) Rules, 2002.
- (42) “**Leave Salary**” means the monthly amount paid by Government to a Government employee on leave.
- (43) “**Lien**” means the title of a Government employee to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.
- (44) “**Local Allowance**” is an allowance granted on account of the expensiveness or unhealthiness of an area. It is admissible to Government employees who have their headquarters within the area for which it is sanctioned and not to Government employees merely travelling in that area.
- (45) “**Medical Authority**” means Civil Surgeon/Superintendent of Civil Hospital or as the case may be the Medical Board.
- (46) “**Medical Board**” means a board constituted under Rule 13 of Gujarat Civil Services (General Condition of Services) Rules, 2002.
- (47) “**Mileage Allowance**” means an allowance calculated on the distance travelled and given to a Government employee to meet the cost of a particular journey. It can be drawn in the form of rail fare, bus or road mileage of the journey performed by road.
- (48) “**Ministerial employee**” means a Government employee of Class III services, whose duties are entirely clerical and any other class of employees specially declared as such by Government.
- (49) “**Minor**” means a person who has not completed the age of eighteen years.
- (50) “**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 thereafter the odd number of days should be calculated subsequently.

Instruction : Calculations of period expressed in terms of months and days shall be made as under :-

- (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	07
February to April	0	3	00
1st May to 13th May	0	0	13
Total	0	3	20

The Gujarat Civil Services (Joining Time, Foreign Service, etc.,) Rules, 2002

314-59

GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002

[PART IV-A

- (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 31 January	0	0	2
February	0	1	0
1st March to 2nd March	0	0	2
Total	0	1	4

- (51) **“Non-Official Member”** means any person other than a Government employee who is required to attend a meeting or conference of a Commission of Inquiry or of a Board or of a Corporation or Committee or is required to perform any public duties in an honorary capacity.
- (52) **“Officiate”** means Government employee who officiates in a post when he performs the duties of a post on which another person holds a lien. A competent authority, may if it thinks fit, appoint a Government employee to officiate in a vacant post on which no other Government employee holds a lien.
- (53) **“Pay”** means the basic pay in the revised scales of pay prescribed under the Gujarat Civil Services (Revision of Pay) Rules, 1998 and includes stagnation increments.
- (54) **“Permanent Travelling Allowance”** means a monthly travelling allowance granted by Government to a Government employee whose duties require him to travel extensively. Such an allowance is granted in lieu of all other forms of travelling allowance for journeys within the Government employee's sphere of duty and is drawn all the year round whether the Government employee is absent from his headquarters or not.
- (55) **“Pension”** means any class of service pension including compensation pension referred to in rule 44 of Gujarat Civil Services (Pension) Rules, 2002 and gratuity but does not include temporary increase/dearness relief, granted by Government to a pensioner as compensation for higher cost of living.
- (56) **“Pensionable Pay”** means the average pay earned by a Government employee during the last ten months service as per provisions contained in rule 43 of the Gujarat Civil Service (Pension) Rules, 2002.
- (57) **“Pensioner”** means a retired Government employee who has been granted pension.
- (58) **“Pension Payment Office”** means an office declared as such for making payment to the pensioners and includes treasury and sub-treasuries.
- (59) **“Pension Payment Order”** means an order in a form approved by Government for sanctioning the payment of pension, to be issued by the Director of Pension and Provident Fund.
- (60) **“Pension Sanctioning Authority”** means a competent authority of the Government to whom the powers to sanction pension have been delegated.
- (61) **“Permanent Post”** means a post carrying a definite rate of pay sanctioned without limit of time.
- (62) **“Pay and Accounts Officer”** means the officer entrusted with pay and accounts functions of State transactions arising in Ahmedabad and Gandhinagar.
- (63) **“Personal Pay”** means additional pay granted to a Government employee -

- PART IV-A] GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002 314-60
- (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 due to any reduction of such substantive pay otherwise than as a disciplinary measure; or
- (b) in exceptional circumstances, on other personal considerations.
- (64) **“Presumptive Pay”** of a post, when used with reference to any particular Government employee, means the pay to which he would be entitled if he held the post substantively and was performing its duties; but it does not include special pay unless the Government employee performs or discharges the work or responsibility, in consideration of which special pay was sanctioned.
- (65) **“Probationer”** means a Government employee on probation in or against a substantive or temporary vacancy in the cadre of a department.
- Note 1 :** No person appointed substantively to a permanent post in a cadre is a probationer, unless definite conditions of probation have been attached to his appointment.
- Note 2 :** A Government employee (other than one who holds substantively a permanent post) appointed on promotion to a temporary post will be treated for all purposes as a temporary Government employee.
- Note 3 :** The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribe otherwise.
- (66) **“Public Account of India or the State”** means all other public moneys excluding those referred to in sub-rule (14) received by or on behalf of the Government of India or the Government of a State.
- (67) **“Public Conveyance”** means a train, steamer, aircraft or other conveyance which plies regularly, though not necessarily at fixed intervals, a regular course for the conveyance of passengers and does not deviate therefrom according to the wishes of the passengers.
- (68) **“Qualifying Service”** means service rendered while on duty or otherwise which may be taken in account for the purpose of pension and gratuity admissible under Gujarat Civil Services (Pension) Rules.
- (69) **“Registered Medical Practitioner”** means a medical practitioner registered under the Gujarat Medical Council Act, 1967 or the Gujarat Medical Practitioner Act, 1963 or a practitioner registered and entered in the Register maintained under the Gujarat Homeopathic Act, 1963 (Guj.XXXVI of 1963) or any other law corresponding thereto and in force in the State of Gujarat, or the respective Medical Registration Acts, of the several State Governments.
- (70) **“Rent”** means a monthly rate of compensation made by Government employee or a person not in Government service to Government for the use and possession of residential accommodation allotted or leased to him.
- (71) **“Residential Accommodation”** means building, bungalow, quarter or flat owned by Government and allotted for residential purpose. It also includes building, bungalow, quarter or flat hired, requisitioned or leased by the Government for the said purpose.
- Note :** Requisitioned means requisitioned under the provisions of Requisition and Acquisition of Immovable Property Act, 1952.
- (72) **“Selection Grade”** means a scale of pay which has been sanctioned specifically as a selection grade by an order of Government.

The Gujarat Civil Services (Joining Time, Foreign Service, etc.,) Rules, 2002

314-61 GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002 [PART IV-A

- (73) “**Service Book**” means service book and includes service roll, if any.
- (74) “**Special Pay**” means an addition, of the nature of pay, to the emoluments of a post or of a Government employee granted in consideration of -
- (a) the specially arduous nature of duties,
- (b) a specific addition to the work or responsibility.
- (75) “**Sphere of duty**” means the area to which the duties of a Government employee are confined.
- (76) “**Standard Rent**” means a monthly rate of standard rent for different types of residential accommodation as laid down in rule-18 of the Gujarat Civil Services (Occupation of Government Residential Accommodation) Rule, 2002.
- (77) “**Subsistence Allowance**” means a monthly allowance granted to a Government employee who is not in receipt of pay or leave salary.
- (78) “**Substantive Pay**” means the pay other than special pay, personal pay which a Government employee is entitled on account of a post to which he has been appointed substantively or by reasons of his substantive position in a cadre.
- (79) “**Superintending Engineer**” means an officer appointed as such and to whom the powers are delegated by Government under the relevant rules.
- (80) “**Superior Service**” means any kind of service not being Class IV service.
- (81) “**Table**” means a table appended to these rules.
- (82) “**Temporary Post**” means a post carrying a definite rate of pay sanctioned for a limited time.

Note : Substantive appointments to temporary posts should be made in a limited number of cases only, as for example, when posts are, to all intents and purposes, quasi-permanent or when they have been sanctioned for a period of not less than, or there is reason to believe that they will not terminate within a period of, three years. In all other cases, appointments on temporary posts should be made in an officiating capacity only.

- (83) “**Temporary Transfer**” means a transfer to duty in another station which is expressed to be for a period not exceeding one hundred twenty days. For the purpose of these rules it includes deputation. Subject to the limit of four months, the title to compensatory allowance, if the temporary duty is subsequently extended beyond four months in all, will remain intact up to the date of the orders of the extension.
- (84) “**Tenure Post**” means a permanent post which an individual Government employee may not hold, for more than a limited period without re-appointment.

Note : The following posts have been declared by Government to be tenure posts :-

	Period of Tenure (Years)
(1) Chief Engineer in the Gujarat Service of Engineers (Class-I)	- 5
(2) Three posts of Assistant Directors of Social Welfare	- 3
(3) All technical posts of Under Secretaries and Deputy Secretaries in the Public Works Department.	- 5
(4) The following posts in the Legal Department :	
(i) Deputy Secretaries (Three posts)	- 3

The Gujarat Civil Services (Joining Time, Foreign Service, etc.,) Rules, 2002

PART IV-A]	GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002	314-62
(ii)	Solicitor and Ex-officio Deputy Secretary to Government Ex-Officer (one post)	- 3
(iii)	Special Officer and Ex-officio Under Secretary to Government (one post)	- 3
(5)	Nineteen cadre posts of Deputy Secretaries in the Secretariat Department excluding posts of Deputy Secretaries in the Legal Department and technical posts in the Public Works Department.	- 5
(6)	Eight posts of Under Secretaries out of the total number of temporary and permanent posts on the Secretariat cadre excluding post of Under Secretaries on the Legal side of the Legal Department and Technical posts in the Public Works Department.	- 5

Provided that where a tenure post of an Under Secretary or a Deputy Secretary is held by a Secretariat Officer, such post shall, so long it is held by such officer, cease to be a tenure post.

- (85) **“Time-Scale Pay”** means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum.

Note-1 : 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.

Note-2 : A post is said to be on the same time-scale as an 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.

- (86) **“Transfer”** means the movement of a Government employee from one headquarter station in which he is employed to another such station, either -

- (a) to take up the duties of a new post; or
- (b) in consequence of a change of his headquarters.

- (87) **“Transit Time”** means the actual time required to reach the destination of tour from the headquarters or from one outstation to another outstation by the ordinary mode of travel.

- (88) **“Travelling Allowance”** means an allowance granted to a Government employee to cover the expenses which he incurs in travelling in the interest of the public service. It includes allowance granted for the maintenance of conveyance.

- (89) **“Treasury”** means the treasury established at the headquarters of a district and includes a sub-treasury / Pay and Accounts office.

CHAPTER - III

JOINING TIME

10. When admissible : Joining time may be granted to a Government employee to enable him

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- (1) to join a new post either at the same or a new station without availing himself of any leave on relinquishing charge of his old post;
- (2) to join a new post in a new station on return from -
 - a) leave of not more than one hundred eighty days' duration,
 - b) leave other than that specified in clause (a) when he has not sufficient notice of his appointment to the new post in a new station.

Note 1 : The authority which ordered the transfer will decide whether Government employee has not sufficient notice under clause (b).

Note 2 : Joining time may also be admissible under this rule to a Government employee shifted enblock from one place to another in consequence of a change of his headquarters due to shifting of office.

Note 3 : A temporary Government employee discharged due to reduction of establishment in one office on being reappointed in another shall be entitled to joining time with pay and travelling allowance in transfer scale provided the orders of appointment to a new post are received by him in other office while he is in his old post and the appointing authority certifies that the transfer is in the public interest. Previous service rendered under Government shall be one of the consideration justifying for the appointment to the new post. In case where the certificate is not forthcoming the Government employee shall be allowed only joining time without joining time pay and transfer travelling allowance.

If the order of appointment to a new post is received by the Government employee concerned after discharge from his old post and Government employee joins his new post without delay, the period of break may be converted into joining time without pay by the Head of the Department under whom the Government employee is presently employed provided the break in service does not exceed thirty days and that the Government employee has rendered not less than three years' continuous service on the date of discharge.

11. Joining time admissible to a permanent Government employee under other Governments when appointed to a new post : Joining time shall also be granted under rule-10 to a Government employee who holds permanent post under any other Government in a substantive capacity, when he is appointed to a new post on the results of a competitive examination or interview which is open to both Government employees and others.

12. Change of appointment at the same station : (1) No joining time is admissible when the change of appointment does not involve an actual change of office.

- (2) Joining time of not more than one day is allowed when -
 - (a) the appointment to a post in a new office does not necessarily involve a change of residence from one station to another, or
 - (b) there is an actual change of office in the same station.
- (3) A holiday or Sunday counts as a day for the purpose of this rule.

PART IV-A] GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002 314-64

Note 1 : The offices of Collectors and Assistant and Deputy Collectors are distinct offices for the purpose of this rule.

Note 2 : When a Government employee upon transfer from one appointment to another does not change his place of residence, the transfer does not involve a change of station even though the headquarters of the two appointments may be at different places. Consequently the joining time admissible in such cases is governed by this rule.

- 13. Joining time to join another Government employee on tour :** When a Government employee is transferred without change of headquarters and at the same time obliged to join another Government employee on tour, the time for his journey out to camp calculated in the manner laid down in rule 15 may be allowed in addition to the one day admissible under rule 12.
- 14. Extension of joining time when holidays follow joining time :** When one or more holidays follow joining time the normal joining time may be deemed to have been extended to cover such holidays.
- 15. How joining time is calculated :** The joining time of a Government employee in cases involving a transfer from one station to another is subject to maximum of thirty days. Six days are allowed for preparation, and in addition, a period to cover the actual journey calculated as follows :-
- (a) One day for journeys on transfer to a place within the same district or in an adjoining district (i.e. a district having a common border at any point);
 - (b) Two days for journeys on transfer to a place other than those mentioned in clause (a) above.
 - (c) A Sunday does not count as a day for the purpose of the calculations in this rule, but Sunday are included in the maximum period of thirty days.
 - (d) A Gazetted holiday counts as a day for the purpose of this rule.

Note 1 : A Government employee can avail of the joining time admissible under this rule in one or two spells within a period of six months from the date of his transfer. Second spell of unavailed portion of the joining time shall be treated as special casual leave for the purpose of pay and allowances :

Provided that if a Government employee has not availed the second spell of joining time admissible to him on his first transfer, he cannot avail of the same on his second transfer.

Instruction : When the needs of the service clearly require that a Government employee should join the post to which he is newly appointed as speedily as possible, and he is informed to that effect, Government expect that he will join at his new station as speedily as practicable without availing himself of the full joining time permitted by these rules. Heads of Offices are further reminded that an order of Government appointing a Government employee to another station should be regarded as an order to him to join the new office within the time admissible, and that they will be held responsible, that their subordinates are relieved without delay.

- 16. Admissibility of joining time when appointment is changed while in transit :** If a Government employee is appointed to a new post while in transit from one post to another, his joining time being on the day following that on which he receives the order of appointment; but a second period of six days for preparation will not be allowed to him.

- 17. Leave taken while in transit :** If a Government employee takes leave while in transit from one post to another, the period which has elapsed since he handed over charge of his old post must be included in his leave. On the expiry of leave, the Government employee may be allowed normal joining time.
- 18. Calculation of joining time when appointment is made while on leave :** (1) If a Government employee is appointed to a new post while on earned leave of not more than one hundred twenty days' duration, his joining time will be calculated from his old station or from the place in which he received the order of appointment, whichever calculation will entitle him to the less joining time. If he is on leave out of India and receives the order before he arrives at the port of debarkation, the port of debarkation is the place at which he received the order for the purpose of this rule. If the post to which he is transferred is at the port of debarkation he may be allowed joining time of one day.
- (2) In cases falling under this rule, if a Government employee actually performs the journey to his old headquarters for winding up his personal affairs etc., his joining time will be calculated from the old headquarters to the new head-quarters, irrespective of the place where he spends the leave or receives posting orders.
- (3) In cases falling under this rule, and also in cases of earned leave for a period not exceeding one hundred twenty days on medical certificate taken while in transit from one post to another falling under rule 17, in which the Government employee joins his post before the expiry of his leave and joining time the Head of Department may, without reference to the authority, which granted the leave, deduct full joining time in reckoning the amount of leave to be debited to the Government employee. In any case, Government employee desires not to avail himself of the full period of joining time admissible, the period/s of leave and joining time should be adjusted with reference to such option.
- Note :** The period of joining time admissible to a Government employee who proceeds on earned leave not exceeding one hundred twenty days from his old post and who is posted to a new post in another station where he is spending the leave should be calculated under rule-10. This provision is also applicable to cases falling under clause (b) of sub-rule (2) of rule-12.
- 19. Joining time to be calculated from place of handing over charge :** If a Government employee is authorised to make over charge of a post elsewhere than at its headquarters, his joining time shall be calculated from the place at which he makes over charge.
- 20. Joining time to be calculated from the old head-quarters to the new headquarters in case of a transfer while on tour to the tour station :** If the headquarters of a Government employee while on tour is changed to the tour station itself, or his temporary transfer is converted into permanent transfer by the competent authority, his joining time may be calculated from the old headquarters to the new headquarters, in case he actually performs the journey to his old headquarters for winding up his household.
- 21. Special provisions for grant of joining time :** Notwithstanding anything contained in these rules in cases where Government employees are to undergo special course of instructions or training, or when Gujarat Medical or Veterinary Service Class-III Officers are posted temporarily on fair or epidemic duty for a period not exceeding three months or when they are directed to proceed on duty to other areas without change of headquarters, the Heads of

PART IV-A] GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002 314-66

Offices sanctioning such deputation should see that no more joining time than what is absolutely necessary is allowed in each case.

22. **Joining time admissible to work charged staff :** The work charged staff who are entitled to travelling allowance on transfer in the public interest should be allowed joining time and joining time pay as admissible to Government employees under rule 15 and rule 31 respectively.
23. **Transfer during Vacation :** A Government employee transferred during vacation may join his new appointment at the end of the vacation, even though the joining time calculated under rule-15 is thereby exceeded.
24. **Joining time admissible when vacation is combined with leave :** If vacation is combined with leave, joining time should be regulated under Clause (a) of sub-rule (2) of rule-10 if the total period of leave and vacation combined is of not more than one hundred eighty days duration and in other cases under Clause (b) of sub-rule (2) of rule-10.
25. **Extension of joining time when charge consists of several stores or scattered works or offices :** In cases in which the charge to be transferred consists of several stores or scattered works which the relieving and the relieved Government employees are required to inspect together before the transfer of charges completed, the relieving Government employee shall be treated as on duty, if the period spent in carrying out those inspection is not considered excessive by the Head of Department.
26. **Extension of joining time by Government :** Government may in any case extend the joining time admissible under these rules.
27. **Circumstances in which joining time can be extended by a competent authority :** Within the prescribed maximum of thirty days, a competent authority may, on such conditions as it thinks fit, grant to a Government employee a longer period of joining time than is admissible under the rules in the following circumstances :-
 - (a) when the Government employee is unable to use the ordinary mode of travelling or, notwithstanding due diligence on his part, has spent more time on the journey than is allowed by the rules; **or**
 - (b) when such extension is considered necessary for the public convenience or for the saving of such public expenditure as is caused by unnecessary or purely formal transfer; **or**
 - (c) when the rules have in any particular case operated harshly as for example when a Government employee has fallen sick while on the journey; **or**
 - (d) when the relieved Government employee has to wait for the posting orders beyond the period of admissible joining time, the entire period from the date of relief to the date of taking over (including the period of compulsory waiting) to the extent necessary.
 - (e) when the orders of suspension of a Government employee are cancelled and he is reinstated, the period intervening between the date of orders of cancellation of suspension and date of orders of his reposting shall be treated as joining time.
28. **Audit Officer to move the Head of Department for report to Government about concession under rule 27 :** The Audit Officer shall move the Head of the Department concerned to report to Government any concession made under rule 27 which appears to him contrary to the rule. The later officer may not finally overrule the Audit Officer without a reference to Government.
29. **Joining time not admissible when transferred at own request :** If a Government employee is transferred at his own request he shall not be entitled to any joining time. The competent authority in the former Department may grant, at its discretion leave due and

The Gujarat Civil Services (Joining Time, Foreign Service, etc.,) Rules, 2002

314-67 GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002 [PART IV-A

admissible to him, for the period from handing over charge at the old station to taking over at the other, if Government employee applies for it.

30. Overstayal : A Government employee who does not join his post within his joining time is entitled to no pay or leave salary after the end of the joining time. Wilful absence from duty after the expiry of joining time may be treated as misbehaviour for the purpose of rule-27 of Gujarat Civil Services (General Conditions of Services) Rules, 2002.

31. Pay during joining time : A Government employee on joining time shall be regarded as on duty and shall be entitled to be paid as follows :-

- (a) where joining time is granted under sub-rule (1) of rule 10, the pay which he would have drawn, if he had continued in the old post; or the pay which he will draw on taking charge of the new post; whichever is less.
- (b) where the joining time is granted under sub-rule (2) of rule 10, pay equal to the leave salary which the Government employee would have drawn had he been on earned leave;

Provided that -

(i) no joining time pay shall be granted under sub-rule (1) to a Government employee who does not hold a permanent post under Government (including Central Government or any other State Government) in a substantive capacity, or a post under the Government of Gujarat in quasi permanent capacity when he is appointed to a new post on the results of a competitive examination or interview which is open to both Government employee and others.

(ii) when period spent in taking over charge is treated as duty under rule-25, the relieving Government employee shall draw -

- (a) (i) if he is transferred from a post which he held substantively, his presumptive pay in that post:
- (ii) if he is transferred from a post which he held in an officiating capacity, the officiating pay admissible in that post or the pay he would draw after the transfer is complete, whichever is less:
- (iii) if he has taken charge on return from leave taken while working in the post held by him substantively, the presumptive pay of the post, and
- (iv) if he has taken charge on return from leave taken while working in a post in an officiating capacity, the officiating pay of that post or the pay which will be admissible to him in the new post after taking over charge whichever is less.

(b) Compensatory Local Allowance and House Rent Allowance as admissible under the Gujarat Civil Services (Additions to Pay) Rules, 2002.

In cases where the Head of Department decides to treat the periods of taking over charge of a relieving officer as "duty" a declaration in the form prescribed below shall be issued :-

DECLARATION

(Name) _____ (Designation) _____
_____ declare that Shri _____ (name and
Designation of the Officer to be relieved)

PART IV-A] GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002 314-68

and Shri _____ (Name of the relieving officer) _____ (Designation), were engaged to joint inspection of several scattered works and/or stores during the period from the _____ to the _____ in connection with handing over and taking over charge and I do not consider the above period as excessive during which Shri _____ (Name of the relieving officer) shall be treated as on duty.

Signature _____

Place _____

Name _____

Date _____

Designation _____

32. **Joining time while joining a post under another Government :** When a Government employee under the administrative control of the Government of Gujarat is transferred to a post under the administrative control of another Government, his joining time for the return journey shall be governed by the rules made by that Government. This rule does not apply to the officers in a joint cadre. In their case, the joining time is regulated by the rules of the Government under whom they are proceeding to serve.

CHAPTER - IV

FOREIGN SERVICE

33. **Scope :** The rules in this Chapter apply to those Government employees only who are transferred to foreign service after these rules come into force. Government employee transferred before that date shall remain subject to the rules in force at the date of transfer.
34. **Transfer to foreign service to be treated as fresh transfer after these rules come into force :** In respect of Government employees who were transferred to foreign service prior to the date these rules came into force, further extension of period of foreign service ending after the date should be treated as fresh transfer and dealt with under these rules.
35. **Transfer to foreign service when not admissible :** A Transfer to foreign service is not admissible unless -
- (a) the duties to be performed after the transfer are such as should, for public reasons, be rendered by a Government employee, and
 - (b) the Government employee whether permanent or temporary to be transferred holds, at the time of transfer, a post paid from the Consolidated Fund of the State.
36. **Transfer to foreign service not permissible without consent :** (1) No Government employee may be transferred to foreign service against his will:-
- Provided** that this sub-rule shall not apply to the transfer of a Government employee to the service of a body incorporated or not, which is wholly or substantially owned or controlled by the Government.
- (2) Subject to the provisions of rule 39, a transfer to foreign service may be sanctioned by a competent authority.
37. **Transfer to foreign service while on leave :** If a Government employee is transferred to foreign service while on leave, he ceases from the date of such transfer to be on leave and to draw leave salary.
38. **Date from which pay drawn from foreign employer :** A Government employee in foreign service shall draw pay from the foreign employer from the date on which he relinquishes charge of his post in Government service. Subject to the provisions of rule 39, the amount of his pay, the period of joining time admissible to him, and his pay during such joining time, shall

be fixed by the authority sanctioning the transfer in consultation with the foreign employer.

39. Principles regulating remuneration in foreign service : (1) The amount of remuneration to be granted to a Government employee transferred to foreign service in India should be regulated by the principle that when the transfer of a Government employee to foreign service in India is sanctioned, the pay which he shall receive in such service shall be precisely specified in the order sanctioning the transfer. If it is intended that he shall receive any remuneration or enjoy any concession of pecuniary value in addition to his pay proper, the exact nature of such remuneration or concession shall be similarly specified. No Government employee shall be permitted to receive any remuneration or enjoy any concession which is not so specified; and, if the order is silent as to any particular remuneration or concession, it shall be assumed that the intention is that it shall not be enjoyed.

(2) The following two general principles shall be observed by a competent authority in sanctioning the conditions of transfers :-

- (a) the terms granted to the Government employee transferred shall not be such as may impose an unnecessarily heavy burden on the foreign employer;
- (b) the terms granted must not be so greatly in excess of the remuneration which the Government employee would receive in Government service, as to render foreign service appreciably more attractive than Government service :

Provided that when the two principles laid down above are observed, a competent authority may sanction the grant of the following concessions by the foreign employer. Such concessions shall not be sanctioned as a matter of course, but in those cases only in which their grant is in accordance with local custom and the wishes of the foreign employer and is in the opinion of the competent authority justified by the circumstances. The value of the concessions must be taken into account in determining an appropriate rate of pay for the Government employee in foreign service :-

- (a) the payment of contributions towards leave salary and pension under the rules regulating such contributions;
- (b) the grant of travelling allowance under the travelling allowance rules of Government or under the rules of the foreign employer and of permanent travelling allowance, or conveyance allowance;
- (c) the use of tents, boats and transport on tour :
Provided that this is accompanied by a corresponding reduction in the amount of travelling allowance admissible;
- (d) the grant of free residential accommodation, which may be furnished, in cases in which the competent authority considers this to be desirable, on such scale as may seem proper to the competent authority.
- (e) the use of motors, carriages and animals.

(3) The grant of any concession not specified in proviso to sub-rule (2) above requires the sanction of Government.

40. Terms and conditions of transfer to foreign service : (1) The authority which sanctions the Government employee's transfer to foreign service or on extension in the period of foreign service shall send a copy of such sanction to the concerned Government employee and the Audit Officer.

PART IV-A] GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002 314-70

- (2) The Government employee shall without delay communicate a copy to the officer, who audits his pay, and take his instructions as to the officer to whom he is to account for the contribution; he shall also report to the later officer the time and date of all transfers of charge to which he is a party when proceeding on, while in, and on return from foreign service, and furnish from time to time particulars regarding his pay in foreign service, the leave taken by him, his postal address, and any other information, which that officer may require.
- (3) Every Government employee transferred to foreign service is expected to be conversant with the rules relating to foreign service. He should see that the rules and orders regulating his pay and other conditions of service while in service are observed and that contributions, if any, are paid regularly.
- (4) Transfer of a Government employee to foreign service shall be made on the standard terms and conditions as specified in **Appendix-III**.

Note : Guidelines for both the competent authorities and the foreign employers are given in **Appendix-IV**.

- 41. Regulation of foreign service while on leave preparatory to retirement :** (1) Foreign service of any kind (whether in India or out of India) during leave preparatory to retirement should be treated as “private employment” for the purpose of rule 37 i.e. a Government employee who has reached or is approaching the age of superannuation, notwithstanding his employment under a foreign employer, should be allowed to take leave which would be admissible to him, had he not accepted such employment, and pension contribution should not be recovered. No concession shall be granted to Government employee who is already in foreign service and propose to continue on duty in the service of the same employer during leave preparatory to retirement. It shall not also be granted to Government employees who retire before reaching the age of superannuation, if they take such leave after being offered, or having made arrangements for employment in foreign service. In such cases they should be required either to retire or to go on foreign service terms.
 - (2) A Government employee, who is already on foreign service in or out of India under a body corporate owned or controlled by the Government, applies for leave preparatory to retirement shall not be permitted to continue in employment under the foreign employer. If he is allowed to continue in employment of the foreign organisation after the date of superannuation, he shall be treated purely on private employment.
- 42. Continuance of foreign service after retirement :** When any Government employee lent on foreign service retires from Government service but continues in the service of his foreign employer, the Audit Officer shall communicate to the foreign employer, through the usual authorities, a statement showing the date of retirement and the amount of pension drawn from the Government so as to give the foreign employer the opportunity, if he be so inclined, of revising the existing terms of the employment.
- 43. Conditions under which the services of Civil Surgeon are available to a Gazetted Government employee while in foreign service :** A Gazetted Government employee in foreign service is entitled to the services of the Civil Surgeon of the District in or near which he is employed -
 - (a) if no Medical Officer is provided by the foreign employer, or
 - (b) if the medical attendant provided by the foreign employer is not of Gazetted rank.

44. Government employee primarily responsible for payment of pension and leave-salary contributions : (1) While a Government employee is in foreign service contribution towards the cost of his pension must be paid to the Consolidated Fund of the State on his behalf.

- (2) If the foreign service is in India, contribution must be paid on account of the cost of leave-salary also.
- (3) Contributions due under sub-rules (1) and (2) above, shall be paid by Government employee himself unless the foreign employer consents to pay them. They shall not be payable during leave taken while in foreign service.
- (4) By special arrangement made under rule-59, contributions on account of leave salary may be required in the case of foreign service out of India also, the contributions being paid by the foreign employer.
- (5) When an officer of the Gujarat Police Service is deputed to foreign service, contributions towards uniform and charger grants should also be recovered from the foreign employer at the rates prescribed by Government from time to time. These contributions are payable during leave also.

Note 1 : Throughout this Chapter, pension includes Government contribution, if any, payable to a Government employee's credit in a contributory provident fund.

Note 2 : A Government employee in foreign service shall be held to have lost his lien in Government service from the date on which the post held by him in Government service is abolished, and no contribution shall be received after that date. He shall be regarded as having retired from Government service from that date, and he shall thereafter be permitted to draw the compensation pension to which he is entitled in addition to the pay which he receives at the time from his foreign employer.

45. Rates of pension and leave salary contribution : (1) Contributions on account of pension and leave salary should be calculated at the rates and by the method prescribed in **Appendix-V**.

- (2) In return for the contributions, Government accept the liability for the pension, and, if the foreign service is in India, the leave salary of the Government employee.

Note : Pension contribution in respect of Forest Subordinates, lent to the Defence Authorities to take charge of Cantonment Forests should be recovered under this rule.

46. Remission of contribution in certain cases : Government may remit the contributions due in any specified case or class of cases.

Note : The amount of contribution in respect of reverted or retired Government employees not exceeding rupees five shall be deemed to have been remitted.

47. Contributions not to be withheld : A Government employee in foreign service shall not withhold contributions payable under rule-44. Neither he nor the foreign employer has any right of property in a contribution paid and no claim for refund can be entertained.

48. Claim to pension and leave-salary if contribution paid : (1) The rates of pension contribution prescribed in **Appendix-V** are designed to secure to the Government employee the pension that he would have earned by service under Government if he had not been transferred to foreign service.

- (2) The rates of contributions prescribed in **Appendix-V** for leave salary are designed secure to the Government employee leave salary on the scale and under the conditions

applicable to him. In calculating the rate of leave-salary admissible, the pay drawn in foreign service, less, in the case of a Government employee if paying his own contributions, such portion of his pay as may be paid as contributions, will count as pay for the purpose of leave-salary.

- 49. Rates of interest payable on overdue contributions :** (1) Contribution for leave salary or pension, due in respect of a Government employee on foreign service, may be paid annually within fifteen days from the end of each financial year or at the end of the foreign service, if the transfer of a Government employee to foreign service expires before the end of a financial year, and if the payment is not made within the said period, interest at the rate of two paise per day per Rs. 100 from the date of expiry of the period aforesaid, upto the date on which the contribution is finally paid, must be paid to Government on the unpaid contribution, unless it is specifically remitted by Government. The interest shall be paid by the Government employee or the foreign employer accordingly as the contribution is paid by the former or the latter.

Note : If the amount of interest due under this rule for any financial year does not exceed Rs. 5 it shall be deemed to have been remitted.

- (2) The leave-salary and pension contribution should be paid separately as they are creditable to different Heads of Accounts and no dues recoverable from Government, on any account, should be set off against these contributions.
- 50. Remittance of interest due :** Interest on overdue contribution will only be remitted in exceptional circumstances when, for instance, the payments of the contribution has been delayed through no fault of the Government employee or the foreign employer concerned. Interest will not be remitted in consequence of delay on the part of the Audit Officer to make a claim, if the facts on which the claim is based were within the knowledge of the Government employee or the foreign employer concerned.
- 51. Consequence of non-payment of contributions :** When the contribution falls into arrears, the Accounts Officer should bring the fact to the notice of foreign employer and claim interest in accordance with rule 49. The total amount of leave and pension contributions due in respect of the persons concerned with interest thereon at penal rate should be treated as an outstanding amount recoverable from the foreign employer.
- 52. Date from which pay and contribution cease to be paid on reversion from foreign service :** When a Government employee reverts from foreign service to Government service, his pay will cease to be paid by the foreign employer, and his contribution will be discontinued with effect from the date of reversion.
- 53. Remittance of contribution in respect of vaccinators :** Recovery of contribution is remitted in the case of vaccinators who have been declared to be pensionable employees of Government and are employed in cantonments or under Municipalities.
- 54. Reversion/re-call from foreign service :** A Government employee in foreign service will be entitled to revert himself within six months after he has given notice to Government of his wish to revert, but a competent authority may allow him to revert sooner :
- Provided** that this rule shall not apply to a Government employee transferred to foreign service under the first proviso to sub-rule (1) to rule 36. A Government employee in foreign service is liable to be recalled by a competent authority at any time.
- 55. Date from which reversion from foreign service is effective :** A Government employee reverts from foreign service to Government service, on the date on which he takes charge

of his post in Government service provided that, if he takes leave preparatory to retirement on the conclusion of foreign service, his reversion shall take effect from the date on which he proceeds on leave.

Note : If a Government employee on foreign service applies for leave preparatory to retirement, the foreign employer is not the competent authority to sanction or refuse the leave.

56. Personal responsibility of a Government employee for accepting leave or leave-salary while on foreign service : (1) A Government employee in foreign service shall be personally responsible for the observance of the provisions of rule 58. By accepting leave to which he is not entitled under these rules he renders himself liable to refund the leave salary irregularly drawn, and, in the event of his refusing to refund, the period for which he has irregularly drawn the leave-salary will not count for leave or pension.

(2) When it comes to the notice of the Accounts Officer that a Government employee in foreign service has availed leave to which he was not entitled under these rules, he shall require the leave so granted to be commuted into leave for which the Government employee is eligible under the rules, and call upon him to refund any leave salary drawn in excess of the amount admissible.

57. Government employee to acquaint himself with leave and leave- salary rules : A Government employee transferred to foreign service shall, before joining foreign service, make himself acquainted with the rules regulating leave during such service.

58. Grant of leave and payment of leave salary while in foreign service in India : A Government employee in foreign service in India may not be granted leave, otherwise than in accordance with the rules applicable to the service of which he is a member, and may not take leave or receive leave salary from Government unless he actually quits duty and goes on leave.

59. Grant of leave during foreign service out of India : (1) A Government employee in foreign service out of India may be granted leave by his employer on such conditions as the employer may determine. In any individual case the authority sanctioning the transfer may determine beforehand, in consultation with the employer, the conditions on which leave will be granted by the employer. The leave- salary in respect of leave granted by the employer will be paid by the employer and the leave will not be debited against the Government employee's leave account.

(2) In special circumstances, the authority sanctioning a transfer to foreign service out of India may make an arrangement with the foreign employer, under which leave may be granted to the Government employee in accordance with the rules applicable to him as a Government employee, if foreign employer pays to the Consolidated Fund of the State, leave-salary contribution at the rate prescribed under **Appendix-V**.

60. Treatment of service in India/out of India while in foreign service : If a Government employee on foreign service in India is sent by his employer, out of India on duty, he should be treated as in foreign service in India. Similarly a Government employee on foreign service out of India deputed by his employer to India on duty should be treated as in foreign service out of India. The fact of the Government employee's being so deputed should, however, be brought to the notice of the lending authority, as it might necessary to reconsider the question of remuneration.

Note : The responsibility of giving the information required under the last sentence of this rule lies with the Government employee.

- 61. Acceptance of pension or gratuity from foreign employer not permissible without sanction :** A Government employee transferred to foreign service may not, without the sanction of Government, accept a pension or gratuity from his foreign employer in respect of such service.
- 62. Principles governing promotions of a Government employee in his cadre while on foreign service :** A Government employee transferred to foreign service shall remain in the cadre in which he was included in a substantive or officiating capacity immediately before his transfer, and he may be given subject to the conditions that not more than one officer in order of seniority-cum-merit is allowed, the benefit of proforma promotion in respect of any one vacancy within the cadre filled by his junior, such substantive or officiating promotion in those cadres as the authority competent to order promotion may decide. In giving promotion, such authority shall take into account the nature of the work performed in foreign service. In any individual case, Government may grant a Government employee even outside his cadre but in his own line such promotion as they consider he would have got had he not been transferred to foreign service.
- Note 1 :** The words 'in his own line' used in the above rule refer to posts to which the Government employee may normally look for promotion in his own department or office.
- Note 2 :** For application of the principle that not more than one officer in order of seniority-cum-merit is allowed the benefit of proforma promotion in respect of any one vacancy, the condition precedent is that claims of all Government employees, who are outside the direct line, to promotion in higher grade or scale within the cadre should be considered when the question of such promotion arises. For instance, in a X cadre while A, B and C are on deputation or foreign service, a vacancy in higher grade occurs in which D is found suitable for promotion, then the claims of A, B and C should be considered and if 'A' could have been promoted to that post then he alone would be eligible for the benefit of this rule. Save in exceptional circumstances, the Government employee who is given the benefit of proforma promotion while on foreign service should be re-called from foreign service as soon as possible and not later than six months after the date from which the rule operates. Government orders should be obtained in case the officer is allowed to enjoy the benefit for a longer period.
- 63. Fixation of pay while holding two or more posts in foreign service :** The pay of a Government employee holding simultaneously two or more posts in foreign service should be fixed as far as possible in accordance with the provisions of the rules contained in Chapter-V of Gujarat Civil Services (Pay) Rules, 2002 read with rules-38 and 39 of these rules.
- 64. Pay in foreign service not to be taken into account while fixing pay on appointment in Government service :** A Government employee on his return from foreign service, if appointed to officiate in a post in Government service, will draw pay calculated on the pay of the post in Government service on which he holds a lien or would hold a lien had his lien not been suspended and that of the post in which he officiates. His pay in foreign service will not be taken into account in fixing his pay.
- 65. Recoveries of cost of establishment to be made from those for whose benefit or at whose request posts are created :** When an addition is made to a regular establishment on the condition that its cost or a definite portion of its cost, shall be recovered from the persons for whose benefit, the additional establishment is created, recoveries shall be made as follows :-
- (a) The amount to be recovered shall be the gross sanctioned cost of the service or of the

314-75 GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002 [PART IV-A

portion of the service, as the case may be, and shall not vary with the actual expenditure of any month.

- (b) In the case of additions made to the establishment the procedure prescribed in rule 4 in **Appendix-V** should be followed.
- (c) Government may reduce or remit the amount of recoveries.

Note 1 : The term 'gross sanctioned cost of the service' used in clause (a) means the average cost of the establishment in the absence of any specific orders to the contrary.

Note 2 : The recoveries on account of pension contribution should not be effected in the case of temporary establishments entertained under this rule when the persons have not been transferred from Government service but are outsiders temporarily appointed. Cases in which the temporary service eventually becomes pensionable should be met by recovering contributions in arrears under proper authority.

Note 3 : The words "its cost" in line 2 of this rule refer to "an addition" in line 1 of this rule. The underlying intention of the rule is to cover the cost of the additional establishments sanctioned. Contributions for leave salary and pension leviable under Clause (b) of this rule should, therefore, be based on the rates of pay, old or revised or both as the case may be, on which that establishment is actually sanctioned.

Note 4 :

- (a) (i) In order to work out a fixed amount for purposes of effecting recoveries under this rule house rent allowance should be calculated at the maximum rate on the average cost of the establishment and
- (ii) Compensatory allowance and house rent allowance drawn during the period of leave should also be included for purpose of recovery under this rule.
- (b) The addition to be made to the 'Pay' element of the gross sanctioned cost of the establishment under this rule on account of dearness allowance should be worked out on the basis of rates applicable in each case.

Note 5 : This rule shall also apply to the cases of additional establishment created in connection with the affairs of the Union and other State Governments.

CHAPTER - V

SUSPENSION, DISMISSAL AND REMOVAL

66. **Pay and allowances cease from the date of dismissal or removal :** The pay and allowances of a Government employee who is dismissed or removed from service, cease from the date of such dismissal or removal.
67. **Grant of Leave not permissible during suspension :** Leave may not be granted to a Government employee under suspension.
68. **Subsistence allowance and compensatory allowances during suspension :** (1) A Government employee under suspension or deemed to have been placed under suspension by an order of the appointing authority shall be entitled to the following payments namely :-
- A subsistence allowance at an amount equal to the leave salary which the Government employee would have drawn if he had been on leave on half pay and, in addition dearness allowance based on such leave salary;

Provided that where the period of suspension exceeds six months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of first six months as follows :-

- (i) It may be increased by a suitable amount, not exceeding fifty per cent of the subsistence allowance admissible during the period of first six months, if in the opinion of the said authority, the period of suspension has been prolonged for reasons, to be recorded in writing, not directly attributable to the Government employee;
- (ii) It may be reduced by a suitable amount, not exceeding fifty per cent of the subsistence allowance admissible during the period of the first six months, if, in the opinion of the said authority, the period of suspension has been prolonged due to reasons, to be recorded in writing, directly attributable to the Government employee;

Instruction : The subsistence allowance as specified in clause (a) of sub-rule (1) of these rule shall be paid at an increased rate so as to be equal to one and a half times the original subsistence allowance after the first six months in case the prolongation of suspension is not due to the Government Employee's non-cooperation with investigation etc., as envisaged in clause (i) of the proviso to rule-68 (1) (a). Subsequently, in case the Government employee after the above increase in subsistence allowance, takes recourse to a court and obtains stay or otherwise hampers the progress of the inquiry pending against him, the subsistence allowance shall be reduced to 50% of the subsistence allowance or even to lower amounts during the periodical six monthly reviews as envisaged in clause (ii) of the proviso to clause (a) of sub-rule (1) of this rule.

- (iii) The rate of dearness allowance will be based on the increased or, as the case may be, the decreased amount of subsistence allowance admissible under sub-clauses (i) and (ii) above.
 - (iv) The Government employee shall not be entitled to the compensatory allowances unless the said authority is satisfied that the Government employee continues to meet the expenditure for which they are granted.
- (2) When a Government employee is convicted by a competent Court and sentenced to imprisonment, the subsistence allowance shall be paid at the normal rate with effect from the date of such conviction and he shall continue to draw the same till the date of his removal or dismissal or re-instatement by the competent authority.

69. Recovery of Government dues from subsistence allowances and furnishing of non-employment certificates while under suspension : (1) Notwithstanding anything contained in sub-rule (1) of rule 68, the authority suspending the Government employee may withhold the payment of dearness allowance or compensatory allowance or both to the Government employee under suspension and appropriate the same towards the payment of any amount which may be due to Government.

- (2) The following provisions apply to the recovery of dues from the subsistence allowance proper :-
 - (a) **Compulsory deductions :** The following deductions shall be made from the subsistence allowance :-

- (i) income tax and professional tax,
 - (ii) house rent and allied charges i.e. electricity, water, furniture etc.,
 - (iii) repayment of loans and advances taken from Government at such rates as the Head of the Department deem fit to fix;
- (b) **Optional deductions :** The following deductions shall not be made except with the Government employee's written consent:-
- (i) premium due on Postal Life Insurance Policies;
 - (ii) amounts due to Co-operative Stores and Co-operative Credit Societies;
 - (iii) refund of advances taken from General Provident Fund;
- (c) **Other deductions :** The deductions of the following shall not be made from the subsistence allowance :-
- (i) Subscription to General Provident Fund;
 - (ii) Amounts due on Court attachments;
 - (iii) Recovery of loss caused to Government for which a Government employee is responsible.
- (3) There is no ban to effecting the recovery of over payment from the subsistence allowance, but the competent authority may exercise discretion to decide whether the recovery should be held wholly in abeyance during the period of suspension or it should be effected at full or reduced rate which ordinarily not exceeding one third of the amount of the subsistence allowance only i.e. excluding dearness allowance and other compensatory allowances.
- (4) No payment under sub-rule (1) of rule-68 (1) shall be made unless the Government employee furnishes a certificate to the following effect before payment is made every month :-
- “I certify that I did not accept any private employment or engage myself in any trade or business during the period in question”.
- If the authority has any reasons to doubt this certificate; it may ask the Police Authorities to verify the certificate and if the Government employee is found to have given a false certificate, that shall be construed as an act of misconduct and shall make an additional charge against him.
- (5) Policemen occupying rent-free quarters in Police lines or living in quarters the rent of which is paid by Government may be permitted to occupy such quarters during the period of suspension just as they did while on duty.
- (6) The Compensatory Local Allowance and House Rent Allowance sanctioned at the discretion of the suspending authority under the proviso to sub-rule (1) of rule-68, can be drawn only if the Government employee under suspension certifies that he or his family or both resided for the period for which the allowance is claimed at the station where he was on duty at the time of suspension.
- (7) Government employees other than those referred to in sub-rule (5) occupying rent free quarters prior to being placed under suspension, may, at the discretion of the suspending authority, be allowed to occupy them to such extent and subject to such conditions as the authority suspending the Government employee may direct.

70. Regularisation of pay and allowances and the period of absence from duty where dismissal, removal or suspension is set aside as a result of appeal or review and such Government employee is re-instated :

(1) When a Government employee who has been dismissed, removed or suspended is reinstated, the authority competent to make order of re-instatement shall consider and make a specific order :-

- (a) regarding the pay and allowances to be paid to the Government employee for the period of his absence from duty; and
 - (b) whether or not the said period shall be treated as a period spent on duty.
- (2) Where the authority mentioned in sub-rule (1) is of opinion that the Government employee has been fully exonerated or in the case of suspension that it was wholly unjustified; the Government employee shall be given the full pay and allowances to which he would have been entitled had he not been dismissed, removed or suspended as the case may be.
- (3) In other case, the Government employee shall be given proportion of such pay and allowances as the competent authority may prescribe :

Provided that the payment of allowances under sub-rule (2) or (3) shall be subject to all other conditions under which such allowances are admissible.

- (4) In case falling under sub-rule (2) the period of absence from duty shall be treated as a period spent on duty for all purposes.
- (5) In case falling under sub-rule (3) the period of absence from duty shall not be treated as a period spent on duty unless the competent authority specifically directs that it shall be so treated for any specified purpose.

Instruction : Payment of pay and/or allowances under this rule should be withheld for any period during which the Government employee has accepted private employment or engaged in trade or business. A certificate as prescribed in sub-rule (4) of rule-69 shall be obtained from him before payment is made.

- (6) In deciding whether any pay and allowance should be granted under this rule to Government employees in temporary employment, the period for which the temporary appointment has been sanctioned shall be taken into consideration.
- (7) When an appointment made in consequence of a vacancy caused due to the removal or dismissal of a Government employee is cancelled in order to provide for the reinstatement of the removed or dismissed Government employee, the cancellation shall not affect retrospectively to the said appointment, and for all purposes, the cancelled appointment shall be held to have been in force upto the date of its cancellation.

71. Conversion of suspension period into leave on reinstatement : (1) The authority competent to order the reinstatement may convert a period of absence from duty from the date of suspension, dismissal or removal, as the case may be, till the date of reinstatement into one of leave admissible under the rule. The period of such absence may not, however, be converted into leave without pay, except in accordance with the conditions in relevant provisions contained in Gujarat Civil Services (Leave) Rules, 2002. Subsistence allowance paid under this rule should be adjusted or recovered from the Government employee when the period of suspension is converted into leave with or without pay.

The Gujarat Civil Services (Joining Time, Foreign Service, etc.,) Rules, 2002

314-79 GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002 [PART IV-A

- (2) The conversion of only a part of the period of suspension as leave is not permissible. If a competent authority decides to convert a period spent under suspension into one of leave, the entire period of suspension shall be converted into leave admissible under the rule.
- (3) Before making adjustment in regard to the payment of allowance such as compensatory and house rent allowances, a certificate to the effect that he or his family or both resided during the suspension period for which the allowance is claimed at any of the stations in which he will be entitled to the similar allowance should be obtained from the Government employee concerned unless they have previously been allowed compensatory local allowance or House Rent Allowance under the proviso to sub-rule (1) of rule-68 of these rules. The certificate to the effect that he would return to the station or post from which he proceeded on leave should be dispensed with in such cases.
- (4) The order of the competent authority regarding the treatment of the period of absence from duty under this rule is absolute and no higher sanction would be necessary for the grant of extraordinary leave in excess of three months in so far as temporary Government employees are concerned.
- (5) When a Government employee is reduced as a measure of penalty to a lower post or grade and is subsequently reinstated and the reduction is found to be wholly unjustified or where he is wrongfully reverted to lower post otherwise than as a result of department proceedings and is subsequently reinstated to his original post with effect from the date of reversion, he should be given in respect of the period for which he was reduced the difference between the pay or leave salary or both and allowances already drawn and those to which he would have been entitled had he not been reduced.

72. Payment of subsistence allowance to a Government employee arrested or detained under any law : (1) A Government employee against whom proceedings have been taken either for his arrest for debt, or on a criminal charge, or who is detained under any law providing for preventive detention shall be considered under suspension for any period, during which he is detained in custody or is undergoing imprisonment, and not allowed to draw any pay and allowance (other than any subsistence allowance that may be granted in accordance with the provisions of rule-68) for such period until the termination of the proceedings taken against him, or until he is released from detention and allowed to rejoin duty as the case may be. An adjustment of his allowances for such period shall thereafter be made according to the circumstances of the case, the full amount being given only in the event of the officer being acquitted of charge/s or (if the proceedings taken against him were for his arrest for debt) of its being proved that the liability arose from circumstances beyond his control or the detention being held by competent authority to be unjustified.

- (2) A Government employee against whom a criminal charge or proceeding for arrest for debt is pending shall also be placed under suspension by a specific order to this effect during period when he is not actually detained in custody or imprisoned (e.g. whilst released on bail) if the charge made or proceeding taken against him is connected with his position as Government employee or is likely to embarrass him in the discharge of his duties as such or involves moral turpitude. In regard to his pay and allowances the provisions of sub-rule-1 above shall apply.

PART IV-A] GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002 314-80

- 73. Adjustment of subsistence allowance against final payment :** The amount of subsistence allowance, if any, already drawn shall be deducted from the pay and allowances or proportion of them which may be granted under rule-70, 71 or 72 as the case may be.
- 74. Filling of vacant posts substantively due to reduction, removal or dismissal after one year :** Posts vacated by Government employee reduced, removed, dismissed or compulsorily retired from service shall not be filled in substantively till after the expiry of one year from the date of such reduction, removal, dismissal or compulsory retirement, or till the final disposal of any appeal, revision application, legal proceedings or notice of suit, if filed by the Government employee concerned, whichever is later.
- 75. Grant of pay and allowances on reinstatement does not cancel officiating arrangements :** The grant of pay and allowances or a proportion of them under rule 70, 71, or 72 does not cancel any acting arrangements that may have been in force during the period of a Government employee's suspension, removal, dismissal or reduction.

Note : In cases where a Government employee is re-instated when the order of dismissal or removal is set aside for the reason that it was passed by an authority not competent to pass such an order or was passed without giving a reasonable opportunity to show cause in respect of such order, will also be covered by this rule.

CHAPTER - VI

DEPUTATION OUT OF INDIA

- 76. Deputation out of India not permissible if purpose is served by grant of study leave :** A Government employee shall not be placed on deputation outside India when the requirement of the case is to be met sufficiently by the grant of study leave.
- 77. Admissibility of pay and compensatory allowance during deputation out of India :** Subject to the provisions of rule-85 no Government employee may be deputed on duty outside India without the specific sanction of Government. When with proper sanction, a Government employee is temporarily deputed for duty out of India either in connection with the post held by him in India or in connection with any special duty on which he may temporarily be placed, he shall receive -
- from the date of embarkation to the date of disembarkation, the same pay which he would have drawn had he remained on duty in India;
 - compensatory allowance in the foreign country in accordance with such special or general orders as Government may prescribe from time to time.
- 78. Persons placed on deputation while on leave abroad :** A Government employee placed on deputation whilst on leave out of India may, at his option, elect one of the following alternatives :-
- he may continue to consume leave in which case he may be granted an honorarium equal to one-sixth of his Indian pay during the period of deputation, or
 - he may interrupt his period of leave and take the remainder of the leave granted to him on the expiry of his period of deputation.

In both the cases he shall be eligible for the daily allowance specified in rule 7 of **Appendix-VI** during the period of deputation if he can show that he is put to extra expenses in the matter of accommodation by reason of being placed on duty. He shall also draw the Travelling allowance admissible under rule 5 of Appendix V in respect

314-81 GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002 [PART IV-A

of the necessary journeys on duty, but he shall not be eligible for return passage of India under rule-6 of that Appendix.

- 79. Computation of period of deputation out of India :** The period of deputation shall run from the date on which the Government employee makes over the charge of his office in India to the date on which he resumes it. However, if the Government employee is on leave out of India at the time he is placed on deputation, the period of the deputation shall be the time actually spent on duty.
- 80. Foreign exchange equivalent of remuneration to be calculated as per the rates fixed by Government of India :** The foreign exchange equivalent of the pay, honorarium or compensatory allowance admissible under clause (a) or clause (b) of rule 77 shall be calculated at such rate of exchange as the Government of India may have prescribed in the case of Government employees under its control.
- 81. Pay to be determined for leave salary and pensionable pay by the appropriate authority while on deputation out of India :** In the expression "pay which he would have drawn if he had remained on duty in India" occurring in clause (a), of rule 77 the term 'pay' should be interpreted literally with reference to rule 9 (52) and the pay which a Government employee would have drawn if on duty in India should be determined for this purpose by the appropriate authority in India. In the case of a Government employees who are not deputed out of India for special items of works but are placed on continuous service with commissions and committees whose function require work both in and out of India, the expression should be interpreted as having reference to the pay which they would have drawn in India had they continued on duty with the commission or committee there.
- 82. Drawal of portion of pay in foreign currency :** The portion of the pay which a Government employee may be permitted to draw in foreign currency while on deputation abroad shall be determined in accordance with the orders issued in this regard from time to time by the Government.
- 83. Travelling allowance during deputation abroad :** Rules regulating the grant of travelling allowance while on deputation abroad shall be in accordance with the provisions in **Appendix-VI**.
- 84. Terms and conditions of deputation when Government employees are sponsored for training abroad under various training Scheme :** When a Government employee is sponsored by the various Departments of Government for training abroad under the various training schemes of the United Nations, the Colombo Plan, the point Four Program etc., and the scheme operated through non-official channels (Rock Feller Foundation, Ford Foundation, etc.), the Sponsoring Department should ensure fulfillment of the terms and conditions set out in **Appendix-VII**.
- 85. Deputation out of India by order of Director-General of Police or Commissioner of Police or Director of Health and Medical and Medical Education and Research Services :** (1) The Director General of Police and the Commissioner of Police, may depute a Police Officer of and below the rank of Inspector to any country outside India to accompany or take charge of Criminals or on any other business which is part of his duty as Police Officer.
- (2) The Director of Health and Medical and Medical Education and Research Services may depute Mental Hospital Overseers and attendants to take charge of or to accompany patients proceeding to any country outside India.

CHAPTER - VI

REPEAL AND SAVINGS

86. Repeal and Savings : The Bombay Civil Services Rules, 1959 (as adapted by Government of Gujarat) so far as they relate to Joining Time, Foreign Service, Deputation out of India, Payment during Suspension, Dismissal and Removal are hereby repealed :

Provided that such repeal shall not affect the previous operation of the rules so repealed or anything done or any action taken there under.

By order and in the name of the Governor of Gujarat.

(SUDHIR MANKAD)

Principal Secretary to Government.

The Gujarat Civil Services (Joining Time, Foreign Service, etc.,) Rules, 2002

314-83

GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002

[PART IV-A

APPENDIX – I

[See Rule - 7 & 8]

Authorities to whom powers under the Gujarat Civil Services (Joining Time, Foreign Service, etc.,) Rules, 2002 have been delegated

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
1.	9(23)(e)	Powers to regularise the period of compulsory waiting to 'duty'.	Administrative Departments	Upto a period of fifteen days	Upto a period of fifteen days	Upto a period of fifteen days
2.	9(34)	Declaring an officer as Head of Department.	Administrative Departments	Full powers subject to observation of the following conditions: 1. The officer should be the Head of an identifiable organisation 2. The minimum of the pay scale of the officer should not be less than that of the Deputy Secretary to Government. 3. These powers should be exercised only by the Secretary of the Administrative Department.		
3.	9(52)	To make officiating appointment for a period not exceeding two months.	All Gazetted Heads of Offices.	Government employees holding Class III posts under their control.	Appointments should be made from the approved list of candidates if there be any and all appointment should be reported immediately to the appointing authority.	

The Gujarat Civil Services (Joining Time, Foreign Service, etc.,) Rules, 2002

314-85

GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002

[PART IV-A

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
4.	9(52)	To make officiating appointments for a period not exceeding twelve months.	All Heads of Departments.	Government employees holding Class II posts under their control.	<p>1. Appointments should be made in accordance with approved recruitment rules.</p> <p>2. Appointments otherwise than by promotion or transfer should be made by means of advertisements.</p> <p>3. Appointment should be reported immediately to the Government.</p> <p>4. Appointments should be made on the minimum of the scale of pay for direct recruitment.</p> <p>5. Appointments by promotion should be made from Government employees in the approved select list if any.</p>	
5.	9(52)	To make officiating appointment for a period not exceeding twelve months.	<p>1. Director of Education</p> <p>2. Director of Technical Education</p> <p>3. Commissioner of Health, Medical Services & Medical Education.</p>	Government employees under their control holding Class I posts and performing duties in connection with teaching.	Same conditions as in the case of item 4 above.	

The Gujarat Civil Services (Joining Time, Foreign Service, etc.,) Rules, 2002

PART IV-A]

GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002

314-86

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
6.	9(52)	To make officiating appointment in place of Government employees deputed for training.	Any authority having power to make appointments during leave vacancies.	All Government employees under their control.	Same conditions as in the case of item 4 above.	
7.	9(60)	Powers to sanction pension	(1) Administrative Departments of Sachivalaya (2) All Heads of Departments (3) Appointing Authority	Full powers - do - - do -	In respect of Heads of Department In respect of all class one and two officers excluding Heads of Department In respect of all class three and four Government employees	
8.	27	Power grant a longer period of joining time than is admissible under the rules beyond thirty days	Heads of Departments	Full powers	In the case of all Government employees other than Members of the All India Services under their control.	

The Gujarat Civil Services (Joining Time, Foreign Service, etc.,) Rules, 2002

314-87

GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002

[PART IV-A

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
9.	36(2)	Power to transfer to foreign service within state.	Heads of Departments	Full powers	1. In respect of Government employee whose appointments are within the competence of officers subordinate to Heads of Departments or of themselves. 2. All the cases of deputation and the terms and conditions of deputation for the first year and the extension of deputation period thereafter shall be decided by the administrative departments with the consultation of General Administrative Department and Finance Department	
10.	54	Power to receive notice of reversion from foreign service or to recall a Government employee from foreign service.	Heads of Departments	Full powers	In the case of Government employee transferred to foreign service under the powers delegated to them under sub-rule (2) of rule-36.	

APPENDIX - II

[See Rule - 9 (34)]

List of Officers who are deemed as Heads of Department for the purpose of various sets of the Gujarat Civil Service Rules, 2002

1.0 AGRICULTURE, CO-OPERATION & RURAL DEVELOPMENT DEPARTMENT :

- 1.1 Secretary to Government.
- 1.2 Director of Agriculture.
- 1.3 Director of Animal Husbandry.
- 1.4 Director of Sugar
- 1.5 Director of Co-operative Societies.
- 1.6 President, Gujarat State Co-operative Tribunal.
- 1.7 Director of Horticulture.

2.0 EDUCATION DEPARTMENT :

- 2.1 Secretary (Education) to Government.
- 2.2 Secretary (Technical and Higher Education)
- 2.3 Commissioner of Higher Education
- 2.4 Commissioner of Mid-day-Meals and Schools)
- 2.5 Director of Primary Education
- 2.6 Director of Technical Education
- 2.7 Director of N.C.C.
- 2.8 Director of State Project Gujarat Primary Education Council
- 2.9 Director of Gujarat Council Education Research & Training
- 2.10 Director of Literacy and Continuing Education
- 2.11 Chairman, Gujarat Secondary Education on Board
- 2.12 Gujarat Primary Education Tribunal, Ahmedabad
- 2.13 Director Gujarat Education Technology Bhavan
- 2.14 Chairman, Gujarat State Examination Board
- 2.15 Director of State Project
- 2.16 Chairman, Technical Examination Board

3.0 ENERGY AND PETROCHEMICAL DEPARTMENT :

- 3.1 Secretary to Government.
- 3.2 Chief Electrical Inspector and Collector of Electricity Duty.
- 3.3 Secretary, Gujarat Electricity Regulatory Commission.
- 3.4 Director of Petroleum.

4.0 FINANCE DEPARTMENT :

- 4.1 Secretary to Government.
- 4.2 Director of Accounts and Treasuries
- 4.3 Commissioner of Sales Tax.
- 4.4 President, Gujarat Sales Tax Tribunal
- 4.5 Director of Insurance.
- 4.6 Director of Pension and Provident Fund.

314-89 GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002 [PART IV-A

5.0 FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT :

- 5.1 Secretary to Government.
- 5.2 Director of Civil Supplies.
- 5.3 Director of Food.
- 5.4 Food and Civil Supplies Controller.
- 5.5 The Registrar, Consumer Disputes Redressal Commission.
- 5.6 Controller of Weights & Measures.

6.0 FOREST AND ENVIRONMENT DEPARTMENT :

- 6.1 Secretary to Government.
- 6.2 Principal Chief Conservator of Forests.
- 6.3 Conservator of Forests.

7.0 GENERAL ADMINISTRATION DEPARTMENT :

- 7.1 Secretary to Government.
- 7.2 Secretary to Governor.
- 7.3 Comptroller to the Governor
- 7.4 Commissioner of Inquiries and Member Secretary, Concurrent Vigilance Cell
- 7.5 Director, Directorate of Economics & Statistics
- 7.6 Director of Evaluation
- 7.7 Secretary, Gujarat Public Service Commission
- 7.8 Secretary, Subordinate Staff Selection Board
- 7.9 Chief Editor, Gujarat District Gazetteers
- 7.10 Director of Languages
- 7.11 Commissioner of Training and Director, Sardar Patel Institute of Public Administration
- 7.12 Resident Commissioner, New Delhi
- 7.13 Secretary, Gujarat Civil Services Tribunal
- 7.14 Registrar, Office of Hon'ble Lokayukta
- 7.15 Secretary, State Election Commission

8.0 HEALTH AND FAMILY WELFARE DEPARTMENT :

- 8.1 Secretary to Government.
- 8.2 Commissioner of Health, Medical and Medical Education
- 8.3 Additional Director (Health) Office of the Commissioner of the Health, Medical Services and Medical Education
- 8.4 Additional Director (Medical) Office of the Commissioner of Health, Medical Services and Medical Education
- 8.5 Additional Director (Medical Education) Office of the Commissioner of Health, Medical Services and Medical Education
- 8.6 Director of Medical Services (E.S.I. Scheme)
- 8.7 Director of Indian System of Medicine and Homeopathy
- 8.8 Commissioner of Food & Drugs Control Administration
- 8.9 Director of Stock Holding Central Medical Stores Organization

9.0 HOME DEPARTMENT :

- 9.1 Secretary to Government.

- PART IV-A] GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002 314-90
- 9.2 Director General and Inspector General of Police
- 9.3 Cammandant General Home Gards
- 9.4 Additional Inspector General of Police, Police Computer Center
- 9.5 Inspector General of Prisons.
- 9.6 Director of Transport
- 9.7 Secretary, Gujarat Vigilance Commission
- 9.8 Director of Sainik Welfare
- 9.9 Director of civil Defence
- 9.10 Director of Forensic Science Laboratory
- 9.11 Additional Director General of Police Public Prosecution,
- 9.12 Commissioner and Additional Director General of Police, Prohibition & Excise
- 9.13 Director General of Police & Director, Anti-Corruption Bureau
- 10.0 INDUSTRIES AND MINES DEPARTMENT**
- 10.1 Secretary to Government.
- 10.2 Industries Commissioner
- 10.3 Commissioner of Cottage Industries
- 10.4 Commissioner of Geology and Mining
- 10.5 Director of Government Printing & Stationery
- 10.6 Commissioner of Tourism
- 10.7 Commissioner of Payment
- 10.8 Commissioner of Trade & Commerce
- 11.0 INFORMATION AND BROADCASTING DEPARTMENT**
- 11.1 Secretary to Government
- 11.2 Director of Information
- 11.3 Commissioner of Entertainment Tax
- 12.0 NARMADA AND WATER RESOURCES DEPARTMENT :**
- 12.1 Secretary to Government.
- 12.2 Chief Engineers
- 12.3 Superintending Engineers of Circles
- 12.4 Superintendign Engineers of Water Resources Investigation Circles
- 12.5 Area Development Commissioner
- 12.6 Additional Collectors (Irrigation)
- 12.7 Director, Gujarat Engineering Research Institute
- 12.8 Chief Controller of Accounts (Narmada Project)
- 13.0 LABOUR AND EMPLOYMENT DEPARTMENT :**
- 13.1 Secretary to Government.
- 13.2 Commissioner of Labour
- 13.3 Commissioner of Rural Labour
- 13.4 Director of Employment and Training
- 13.5 Registrar, Industrial Court and Wage Boards
- 13.6 Registrar of Labour Court

14.0 LEGAL DEPARTMENT :

- 14.1 Secretary to Government.
- 14.2 Advocate General
- 14.3 Charity Commissioner
- 14.4 Chief Judge of Court of Small Causes
- 14.5 Chief Magistrate for the City of Ahmedabad
- 14.6 District and Session Judges
- 14.7 Official Trustee and Administrator General
- 14.8 Principal Judge, City Civil and Sessions Court
- 14.9 Registrar, Gujarat High Court
- 14.10 Member Secretary, Gujarat State Legal Services Authority.
- 14.11 Principal Judge, Family Court
- 14.12 Inspecting Officer (Court Fees) and Ex-Officio Chief Inspector (Court Fees)
- 14.13 Registrar, Gujarat Public Works Contract Disputes Arbitration Tribunal.

15.0 PANCHAYAT RURAL HOUSING AND RURAL DEVELOPMENT DEPARTMENT :

- 15.1 Secretary to Government.
- 15.2 Development Commissioner
- 15.3 The Gram Vikas Commissioner
- 15.4 The Gujarat Panchayat Service Selection Board
- 15.5 Director of State Institute of Rural Development and Panchayati Raj
- 15.6 Commissioner of Rural Development

16.0 LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT :

- 16.1 Secretary to Government.

17.0 PORTS AND FISHERIES DEPARTMENT :

- 17.1 Secretary to Government.
- 17.2 Commissioner of Fisheries

18.0 REVENUE DEPARTMENT :

- 18.1 Secretary to Government.
- 18.2 District Collectors
- 18.3 Commissioner of Land Reforms
- 18.4 President, Gujarat Revenue Tribunal
- 18.5 Director of Relief
- 18.6 Secretary (Appeals)
- 18.7 Settlement Commissioner and Director of Land Records
- 18.8 Superintendent of Stamps
- 18.9 Inspector General of Registration

19.0 ROADS AND BUILDINGS DEPARTMENT :

- 19.1 Secretary to Government
- 19.2 Chief Engineer
- 19.3 Chief Architectural and Town Planner

- PART IV-A] GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002 314-92
- 19.4 (C.E. & S.P.) Director Staff Training College
- 19.5 Controller of Accommodation
- 19.6 Director of Parks and Gardens
- 19.7 Superintending Engineers of Circles
- 20.0 SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT :**
- 20.1 Secretary to Government.
- 20.2 Director of Social Defence
- 20.3 Director of Scheduled Caste Welfare
- 20.4 Director of Developing Caste welfer
- 20.5 Commissioner of Disability
- 21.0 URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT :**
- 21.1 Secretary to Government.
- 21.2 Chief Town Planner
- 21.3 Director of Municipalities
- 22.0 SPORTS, YOUTH AND CULTURAL ACTIVITIES DEPARTMENT :**
- 22.1 Secretary to Government.
- 22.2 Commissioner of Youth Services and Cultural Activities
- 22.3 Director of Museums
- 22.4 Director of Archaeology
- 22.5 Director of Archieves
- 22.6 Director of Library
- 22.7 Director General, Sports Authority of Gujarat.
- 23.0 WOMEN & CHILD DEVELOPMENT DEPARTMENT :**
- 23.1 Secretary to Government.
- 23.2 Commissioner Women & Child Development
- 24.0 SCIENCE AND TECHNOLOGY DEPARATMENT :**
- 24.1 Secretary to Government.
- 25.0 GUJARAT LEGISLATURE SECRETARIATE :**
- 25.1 Secretary to Gujarat Legislature Secretariat

APPENDIX – III

[See sub-rule (4) of Rule - 40]

***Standard terms and conditions of deputation
of Government employees to foreign service***

1. The period of deputation of Shri _____ shall be for one year from the date of relief.
2. Shri _____ shall draw his pay in the pay scale of his own grade that he would have drawn while on duty in the department, had he not been sent on deputation. The pay referred to here will be the pay as defined under the Gujarat Civil Services (Pay) Rules, 2002.
- 3.* He shall not be entitled to draw any deputation allowance. He shall be entitled to draw deputation allowance as under : (To be filled in as per orders in force at the time deputing a Government employee).
4. In case of promotion in the parent department during deputation, he shall be allowed to get the pay fixed in accordance with the relevant provision in the Gujarat Civil Services (Pay) Rules, 2002.
5. He shall be allowed to draw the special pay or personal pay that he would have drawn while on duty in parent department had he not been sent on deputation.
6. He shall not be entitled to opt for the pay scale of the post of deputation.
7. He shall be entitled to dearness allowance during the period of his deputation which he would have drawn, had he not been sent on deputation.
8. He shall be entitled to receive compensatory local allowance and House Rent Allowance admissible at the place of duty while on deputation in accordance with the rules of the State Government or as per rules of the other Government/Companies/Corporation etc. at his option.
9. He shall be entitled to get travelling allowance and joining time pay on Joining the post on deputation as well as on reversion to State Government under the rules of the State Government or as per rules of the other Government/Companies/Corporation etc.
10. During the period of deputation he shall be entitled to get travelling allowance at his option under the rules of the State Government or as per rules of the other Governments /Companies/Corporations etc.
11. During the period of deputation he shall continue to be governed by the leave, pension, and Provident Fund rules of the State Governments as applicable to him from time to time.
12. Leave and pension Contribution will be paid by the other Governments/Companies/Corporations etc. to the State Government in accordance with the provision of Gujarat Civil Services (Joining Time, Foreign Service, Deputation out of India, Payment during Suspension, Dismissal and Removal) Rules, 2002, in consultation with the Audit Officer.
13. He shall be entitled to the leave travel concessions under the scheme of the State Government or as per the rules of other Governments/Companies/Corporations etc. at his option. The liability of such concessions during the deputation period shall be borne by the other Governments/Companies/Corporations etc.
14. He shall be entitled to Medical facilities according to Government rules or at his option as per rules of other Government /Companies/Corporations etc. The liability in this behalf shall be borne by the other Governments/Companies/Corporations etc.
15. If unfurnished residential accommodation is provided by the other Government/Companies/Corporations etc. he shall have to pay the rent to the other Governments/Companies/

PART IV-A] GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002 314-94

Corporations etc. at the rate of 10% of his monthly emoluments or the standard rent whichever is less. In case, Government accommodation is allotted to him, the difference between 10% of pay and the economic rent that may be fixed for the accommodation allotted to him under the orders issued by the Government in Roads and Buildings Department should be borne by the other Governments/Companies/Corporations etc.

16. In case Government accommodation is allotted to him at Gandhinagar, he shall have to pay rent to the foreign employer as per orders issued by Government from time to time. The difference between the rent so fixed and economic rent which may be fixed under the orders issued by the Government in Roads and Buildings Department for the accommodation that may be allotted to him shall be borne by the foreign employer.
17. The whole expenditure in respect of any compensatory allowance for the period of leave taken by him on foreign service while in or at the end of the foreign service shall be borne by the other Governments/Companies/Corporations etc.
18. Other Governments/Companies/Corporations etc. shall not promote him to higher post/grade/pay scale etc. or grant new or increased allowance without the prior consent of the State Government.
19. The deputation will commence from the date he is relieved by the State Government. Duration of deputation will be counted from the date of relieve from the post under the State Government and upto the date he takes over the charge of his post under the State Government.
20. Other Governments/Companies/Corporations etc. will be responsible for the payment of any gratuity or pension that may be admissible under the rules of the State Government because of any injury sustained by him or his death occurred as a result of an injury sustained during the period of deputation.
21. Other Governments/Companies/Corporations etc. shall be liable to pay leave emoluments in respect of any disability incurred in and through deputation period under the other Governments /Companies/Corporations etc. even if such injury/disability manifest itself after the termination of deputation period under the other Government/Companies/Corporationes etc.
22. He shall be allowed to draw conveyance allowance or any other allowance for maintenance of car of any other vehicles etc. as per rules of the State Government or as per rules of the other Governments/Companies/Corporations etc. at his option.
23. He shall be allowed to draw bonus/ex-gratia payment/in lieu of bonus that may be declared by the Companies/Corporations concerned subject to the provisions of the Payment of Bonus Act, 1965 and the other orders issued by the Government from time to time.
24. In the matter of disciplinary action and the departmental inquiry, he will be governed by the rules and orders issued by the State Government from time to time.
25. In respect of matters relating to other conditions of service not specifically provided here, he will be governed by the rules of the State Government and other orders issued by the State Government as may be in force from time to time.
26. During the period of deputation he shall continue to be governed by the State Government Employees' Insurance Scheme applicable to him.
27. While deputing him in the District of his home town the borrowing authority must follow the orders and instructions issued by the Government from time to time as regards posting of Government employees in their home town/district.

*** Strike out if not applicable.**

APPENDIX – IV

[See Note below Rule-40]

Guidelines for transfer of Government employees to foreign service

The following are the guidelines which should be observed by the authorities competent to transfer a Government employee to foreign service and by the foreign employer.

1. Procedure for sending the names to the borrowing authority.

Whenever a request is received from an authority a penal of three to four employees with their confidential records shall be forwarded to the borrowing authority and the choice may be left to it. Names of those Government employees who are willing should be included in the penal of deputation to a body which is not wholly or substantially owned or controlled by the Government of Gujarat. It is not necessary to ascertain the willingness of Government employees concerned before taking a decision in regard to deputation to another Government or body which is wholly or substantially owned or controlled by the Government of Gujarat.

2. Period of deputation.

- (1) The tenure of deputation shall initially be for a period of one year which may be extended by a period of another one year in spells not exceeding the maximum period of four years.
 - (2) All the cases of deputation, the terms and conditions of deputation for the first year and extension thereof after words shall be decided by the Administrative Departments in consultation with the General Administrative Department and Finance Department.
 - (3) The maximum period for which the Government employee is permitted to be on deputation in foreign service shall be four years. Extension beyond this period shall required specific approval of the General Administrative Department and the Chief Minister in case of Class I Officers and in respect of other cases prior approval of the General Administrative Department at the Secretary's level shall be obtained.
 - (4) Deputation allowance shall be allowed for such extension as per order issued by Government from time to time.
 - (5) The proposal for extension of deputation shall be made well in advance atleast two months before the expiry of the deputation period.
 - (6) If a Government employee is sent on deputation direct from one organisation to another, the total period of deputation under both the organisation shall be taken into account for the purpose of computing the time limit of four years. Thus the total period spent by a Government employee outside his cadre on deputation continuously shall be taken into account.
3. The proposal for grant of extension of deputation period shall be made alongwith the information in the following checklist.

CHECK LIST IN RESPECT OF CONTINUANCE OF OFFICERS ON DEPUTATION

1. Name of officer with present
Designation of the post of
deputation & Special Pay, if any.
2. Designation of the post in parent department
3. Original date from which continuously on
present deputation.
4. The date of expiry of current deputation.

5. Whether deputation is in continuation of any other previous deputation.
6. If so, state the period of previous deputation.
7. State grounds of previous extension
8. Whether proposed further continuance is
 - (a) Normal, (i.e. upto two years)
 - or
 - (b) Special (between two-four years)
 - or
 - (c) Under exceptional circumstances (beyond four years)
9. The reasons
 - (a) Further extension upto two years.
 - (b) Special reasons i.e. upto four years.
 - (c) If proposed for extension beyond four years exceptional circumstances to be specified.

10. Special Remarks :

4. Rate of deputation allowance.

- (i) The State Government employee when deputed only in public interest shall be paid the deputation allowance. In other cases the State Government employees who may go on deputation on their own request may not be paid deputation allowance.
- (ii) An employee shall be granted deputation allowance as per orders in force at the time of deputing him.
- (iii) When the activity of any Government Department is transferred to Board/Corporations and the Government employees are transferred or deputed to such Board/Corporation, they shall not be entitled to deputation allowance.

5. Leave

The foreign employer will maintain a leave account of the Government employee concerned. An extract of the leave account may be supplied to him by the Audit Officer in the case of Gazetted Officers, and by the Head of the Office in the case of non-gazetted Government employees. The foreign employer will determine the leave admissibel to the Government employee concerned and sanction it under intimation to the Audit Officer in the case of gazetted officers and to the Head of the Office in the case of Non-Gazetted Government employees, as the case may be. The foreign employer will then make payment of the leave salary to the officer concerned. Thereafter, he may claim half yearly reimbursement of leave salary so paid from the Audit Officer/Head of the Office, as the case may be. For this purpose, he may send his claim duly supported with details of the officials on foreign service, nature and period of leave sanctioned and enjoyed, rate of leave salary and amount of leave salary paid to the Audit Officer in the case of Gazetted Officers and to the Head of the Parent Department in the case of Non-Gazetted Government employees. The half yearly reimbursement may be in respect of the period from 1st April to 30th September and 1st October to 31st March. The Audit Officer or the Head of the Department should verify the claims preferred by the foreign employer and arrange to reimburse the amount through Bank Draft within a month of the receipt of the claim.

6. Leave salary and pension contributions

The foreign employer shall follow the following instructions to ensure prompt payment and due crediting of the contributions :-

- i) One demand draft of the total amount due on account of pension and leave salary contributions should be drawn.
- ii) The draft should be made payable to the Accountant General, Gujarat, Ahmedabad.
- iii) The draft should be crossed.
- iv) The draft should be sent under a covering letter wherein the following details should be indicated :-
 - (a) Name/s of the person/s in whose respect contributions are paid;
 - (b) Period to which the contributions pertain;
 - (c) Split up of the amount

	Rs.
(i) Leave salary contribution.....	
(ii) Pension contribution.....	_____
Total	Rs.

- v) It is not necessary to send separate drafts if there are more than one Government employee on deputation to one and the same foreign authority. The purpose can be served by issuing only one demand draft. However, the details of the amount sent should be given in a covering letter as stated in Clause (iv) above.

7. It shall be incumbent upon the foreign employer to consult the parent department if it is proposed to absorb the Government employee under the Public Sector Undertaking, Autonomous body or a Local Authority. Neither the Government employee nor the foreign employer shall have any right of property in the contributions paid towards pension, Leave salary etc. to the Government and no claims for refund will be entertained.

8. The pensionary benefits as provided in the relevant rules of the State Government on the subject will be admissible to only permanent Government employees who while on deputation are absorbed in the public interest in service of a public sector undertaking, Autonomous Body or a Local Authority.

APPENDIX – V

[See Rules-45, 48, 59 and 65]

***Rules regulating the recovery of leave and pension contribution
in the case of Government employees in foreign service***

1. Contribution on account of pension and leave should be calculated according to the rates laid down in para-6.

Note : The liability of a borrowing organisation/Government to pay contributions to the lending Government] will cease when a Government employee is permanently transferred to the former.

2. (a) The term “active foreign service” used in rule-6 of these Appendix includes the period of joining time, which may be allowed to a Government employee both on the occasion of his proceeding to and reverting from foreign service and contributions are accordingly leviable in respect of such periods.

Note 1 : The recovery of leave salary contribution in respect of joining time taken under sub-rule (2) of rule-10 of Chapter-III while proceeding to foreign service, should be based on the pay that the Government employee would draw on the assumption of office in foreign service.

Note 2 : The leave-salary contribution for the period of joining time taken by a Government employee in continuation of leave under sub-rule (2) of rule-10 of Chapter-III before reversion from foreign service should be calculated on the pay he was getting immediately before he proceeded on leave.

(b) “Length of Service” means the continuous service of the Government employee concerned.

Note : In the case of judicial officers who are allowed in addition to their service counting for superannuation pension, an additional period of service as admissible under the rules should be added to their length of service for determining the rate of pension contribution.

3. Pension contributions should be recovered from the foreign employer on behalf of temporary Government employees transferred to foreign service, as in the case of permanent Government employees at the rates laid down in para-6.

4. For the purpose of sub-rule (b) of rule-65 of Chapter-IV, the following procedure should be followed :-

(a) As regards contribution for pension in the case of members of Class I and II Services, the amount to be recovered as contribution should be the average of the rates prescribed in the second, third and fourth columns of the table in rule-6 of this Appendix. In the case of members of Class III and Class IV services a fraction of the total maximum monthly pay of all the sanctioned posts equal to the average of the percentage laid down in columns-5 and 6 respectively of the table under sub-para (1) of para-6 should be levied as contribution.

(b) As regards contributions for leave-salary, recoveries should be made at the rate of 11 per cent on the average cost of the time scales of pay of all the posts concerned.

5. A Government employee who is a subscriber to the contributory Provident Fund and who is transferred to foreign service shall pay monthly subscriptions calculated on the rate of pay drawn in foreign service. The foreign employer or the Government employee himself according to the arrangement made under rule 44 of Chapter IV shall pay, in addition for the period of active foreign service, at such times as Government may prescribe in each case, a contribution determined by the formula $X + XY$, where X equals the amounts which would have been credited monthly to the subscriber’s account in the Provident Fund, had he not proceeded on foreign service, the rate of pay drawn by him, in foreign service, being regarded as his “emoluments” for this purpose and Y equals the fraction which the amount recoverable as leave-salary contribution bears to pay drawn in foreign service.

6.(1) Rates of monthly contribution for pensionary benefits payable during active foreign service in respect of -

The Gujarat Civil Services (Joining Time, Foreign Service, etc.,) Rules, 2002

314-99

GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002

[PART IV-A

Percentage of maximum monthly pay				
Length of service	Class-I Officers	Class-II Officers	Class-III Government employees	Class-IV Government employees
1	2	3	4	5
0-1 Years	4%	4%	5%	7%
1-2 Years	4%	5%	5%	7%
2-3 Years	5%	5%	6%	8%
3-4 Years	5%	5%	6%	8%
4-5 Years	5%	6%	6%	8%
5-6 Years	6%	6%	7%	8%
6-7 Years	6%	6%	7%	8%

Percentage of maximum monthly pay				
Length of service	Class-I Officers	Class-II Officers	Class-III Government employees	Class-IV Government employees
1	2	3	4	5
7-8 Years	7%	7%	7%	8%
8-9 Years	7%	7%	8%	8%
9-10 Years	7%	7%	8%	8%
10-11 Years	8%	8%	8%	8%
11-12 Years	8%	8%	8%	9%
12-13 Years	9%	8%	9%	9%
13-14 Years	9%	8%	9%	9%
14-15 Years	9%	9%	9%	9%
15-16 Years	10%	9%	10%	9%
16-17 Years	10%	9%	10%	9%
17-18 Years	11%	10%	10%	9%
18-19 Years	11%	10%	10%	9%
19-20 Years	11%	10%	11%	9%
20-21 Years	12%	11%	11%	9%
21-22 Years	12%	11%	11%	10%
22-23 Years	13%	11%	12%	10%
23-24 Years	13%	11%	12%	10%
24-25 Years	13%	11%	12%	10%
25-26 Years	13%	11%	12%	10%
26-27 Years	13%	11%	12%	10%
27-28 Years	13%	11%	12%	10%
28-29 Years	13%	11%	12%	10%

(2) Rates of monthly contribution for leave-salary payable during active foreign service will be eleven per cent of pay drawn in foreign service.

APPENDIX – VI

[See Rules-78 and 83]

***Rules regulating the grant of travelling allowances
and passages during periods of deputation outside India***

1. The following rules do not apply to cases governed by special rules such as the Study Leave rules.
2. For free return passages by sea the class of sea passage to be granted to Government employees deputed on duty outside India may be as decided by Government.
3. A Government employee who has been authorised to travel by air and who actually performs the journey by air when deputed on duty outside India will be paid travelling allowance as follows :-
 - a) Travelling allowance as on tour for the journeys from his headquarters to the airport from where the passage has been sanctioned;
 - b) Free air passage in Tourist (Economy) to the airport of debarkation.
 - c) Travelling allowance at the rates admissible under the rules made by the High Commissioner for India in England from the port of debarkation to destination in cases of deputation to Europe or America and the actual travelling expenses in the case of deputations to other countries;
 - d) Similar terms for the return journey.
4. Travelling expenses when admissible and actually incurred will be granted to the following class of accommodation.

Pay Range	Entitlement
Rs. 16400 and above	AC First Class
Rs. 8000 and above but less than Rs. 16400	II AC 2-Tier Sleeper
Rs. 6500 and above but less than Rs. 8000	First Class-II AC III-Tier Sleeper/AC Chair Car *
Rs. 4100 and above but less than Rs. 6500	First Class/II AC-III Tier Sleeper/AC Chair Car *
Below Rs. 4100	Second Sleeper

* All Government employees who are entitled to travel on tour/transfer by First Class/ II AC III-Tier Sleeper/AC Chair Car may at their discretion, travel by II AC 2-Tier Sleeper where any of the trains connecting the originating and destination stations concerned by the direct shortest route do not provide these three classes of accommodation.

Travel by Rajdhani Express Trains :

Pay Range	Entitlement
Rs. 16400 and above	AC First Class
Rs. 8000 and above but less than Rs. 16400	II AC 2-Tier Sleeper
All other drawing pay below Rs. 8000	AC Chair Car *

* Travel by AC III-Tier Sleeper will be permissible in trains in which AC Chair Car accommodation is not provided.

Travel by Shatabdi Express Trains :

Pay Range	Entitlement
Rs. 16400 and above	Executive Class
All others drawing pay below Rs. 16,400	AC Chair Car

5. The grant of a return passage to India, on the conclusion of deputation is conditional on a Government employee's return to duty forthwith on the conclusion of the period of deputation provided that this rule may be relaxed when leave is granted on medical certificate immediately on conclusion of a period of deputation.

6. Subject to the provisions of rule-8 of this Appendix, Government employee deputed on duty to any country out of India should be granted daily allowance at the rate prescribed by the Government of India for their officers of the corresponding grade on deputation to that country.

7. If a Government employee is permitted to take leave during his deputation, or to delay his embarkation at the conclusion of his deputation by taking leave, payment of daily allowance will cease the period of leave.

8. A Government employee, unless otherwise instructed, is expected to take up his headquarters at his place of work and will not be refunded the cost of journeys, other than the first and last, between his home or place or residence and headquarters.

9. Necessary incidental expenses such as taxi and cab fares, motor hire etc. may be passed by the High Commissioner, to whom powers are delegated to sanction them at his discretion. The extra cost of sleeping berths or seats in Pullman cars will not be admitted elsewhere than in America.

10. Nothing in the foregoing rules shall operate to prevent Government in such cases as it thinks fit to do so from reimbursing a Government employee on the basis of actual expenses incurred by him during a period of deputation. In cases in which it is decided to follow this procedure the decision should be made known to the Government employee concerned before he leaves India and he should be instructed that he will be expected where possible to support his claims by the production of vouchers.

APPENDIX – VII

[See Rule-84]

***Terms and conditions regarding pay, allowances, passage etc.
to be granted to Government employees sent abroad for training***

1. When a Government employee is deputed by any department of the Government for training abroad under a training scheme of the United Nations, the Colombo Plan, the Point Fourth Programme or any like scheme or under any of the schemes operated through non-official channels such as Rock Fellow Foundation, Ford Foundation etc., the terms of deputation of such employee shall be regulated as follow, namely :-

- (i) **Pay** : The entire period of the Government employee's absence from his post in India shall be treated as period of deputation on full pay which he would have drawn had he remained on duty in India, and he shall be paid his pay accordingly.
- (ii) **Dearness Allowance** : During the first six months of his training, the Government employee concerned may be allowed to draw dearness allowance where admissible at the rate at which he would have drawn it, had he not proceeded for training abroad. No dearness allowance shall be admissible during the period of training beyond six months.
- (iii) **Compensatory allowance** : The Government employee shall be allowed to draw compensatory allowance at the rate at which he would have drawn such allowance in India

but for his proceeding for training abroad during the first six months of absence from his post in India, in accordance with such special or general orders as Government may prescribe from time to time. No compensatory allowance shall be admissible during the training period beyond six months.

(iv) **House rent allowance** : The Government employee shall be allowed to draw house rent allowance at the rate at which he would have drawn such allowance in India but for his proceeding for training abroad, during the entire period of training in accordance with such special or general orders as Government may prescribe from time to time. If the Government employee concerned is allowed to retain Government accommodation during the period of training abroad the rent therefore shall continue to be charged at the rate at which it would have been normally charged had he not proceeded for training.

(v) **Passage** : Free passage both ways by sea shall be granted to the Government employee in accordance with the scale laid down in rule 3 of **Appendix-VI** to these rules subject to the modification that it shall be obligatory on him to do by a P and O Steamer. A Government employee desirous of travelling by air shall obtain special previous permission of Government. The payment under this clauses shall be reduced to the extent, the United Nation Organisation or other authority sponsoring the training scheme makes any payment towards cost of passage.

(vi) **Advance** : A Government employee in receipt of a pay less than Rs. 4500 per mensem shall be entitled to an advance of two months' pay to be repaid in equal instalments not exceeding twelve. A Government employee drawing Rs. 4500 or more shall be entitled to an advance of Rs. 10000 or one month's pay whichever is more. The advance shall be recovered in monthly instalments equal to one third of the pay, the last instalment being suitably reduced, if necessary. The advance shall be subject to the following conditions, namely :-

(a) The period of deputation shall not be less than one month.

(b) The advance may be allowed to temporary Government employee on the condition that a surety from a permanent State Government employee for the amount in question is given before the advance is sanctioned.

2. The period of deputation of Government employee sent abroad for training shall not be longer than absolutely necessary.

3. The training of a Government employee abroad under financially aided schemes shall invariably be at the instances of the administrative department concerned. In no case shall a Government employee himself approach or negotiate direct with the foreign Government or organisation for scholarship.

4. Before sponsoring a case for training abroad it shall be ensured that the Government employee concerned possesses adequate background of the subject or field in which he would be receiving training and that his services shall be available to Government atleast for a reasonable period, after the completion of his training.

5. The deputation of a Government employee for training abroad shall be subject to the following conditions namely :-

(i) In the case of a Government employee proceeding for training abroad.

(a) Where the State Government bears the whole or part of the expenditure, **or**

(b) Where the State Government allows him only the pay and allowances due to him, but he gets the benefits of Government of India Scholarship, Rockefeller Fellowship or some such award or scholarship which he secures by virtue of his being an employee of State Government -

- the Government employees shall be required to give an undertaking as specified below in **Form-A** appended to this Appendix before he is allowed to proceed on training abroad, namely :-

- (1) Where the period of training is not more than six months, he shall undertake to serve Government for a period of not less than one year on return from training and in default he shall be liable to make good all the expenditure incurred by Government or by other agencies on his training with interest thereon at the Penal rate of interest as may be in force or as decided from time to time and also the amount of pay and allowances drawn by him during the period of training and in addition he shall also pay an amount equal to his one month's pay at the rate of pay last drawn, if the period of training is less than one month, and an amount equal to his two months' pay at such rate if the period of training is not less than one month.
 - (2) Where the period of training is not less than six months and not more than one year, he shall undertake to serve Government for a period of not less than three years on return from training and in default he shall be liable to make good all the expenditure incurred by Government or by other agencies on his training with interest at the penal rate of interest as may be in force from time to time and also the amount of pay and allowances drawn by him during the period of training, and in addition he shall also pay an amount equal to his three months' pay at the rate of pay last drawn.
- (ii) A Government employee in whose case the State Government allows only leave salary due to him and who goes abroad for training at his own cost or with a loan or grant from private educational trust or any other private institution or person, shall be required to give an undertaking as specified below in **Form-B** appended to this Appendix before he is allowed to proceed on training abroad, namely :-
- (1) Where the period of training is not more than a month, he shall undertake to serve Government for a period of not less than one year on return from training and in default he shall be liable to refund the amount of leave salary paid to him, and in addition he shall also pay an amount equal to his one month's pay at the rate of pay last drawn.
 - (2) Where the period of training is not less than one month or more than six months, he shall undertake to serve Government for a period of not less than one year on return from training and in default he shall be liable to refund the amount of leave salary paid to him, and in addition he shall also pay an amount equal to his two months' pay at the rate of pay last drawn.
 - (3) Where the period of training is not less than six months or more than one year, he shall undertake to serve the Government for a period of not less than two years on return from training and in default he shall be liable to refund the amount of leave salary paid to him, and in addition he shall also pay an amount equal to his three months' pay at the rate of pay last drawn.
 - (4) Where a period of training is one year or more he shall undertake to serve Government for a period of not less than three years on return from training, and in default he shall be liable to refund the amount of leave salary paid to him, and in addition he shall also pay an amount equal to his three months' pay at the rate of pay last drawn.
- (iii) In the case of a Government employee whose services are taken on loan from other Government or a quasi Government body or a local body, the lending authority shall agree to make him available to Government for service for the whole of the remaining period of his service under such other Government, quasi Government body or a local body as the case may be, or for such less period as the Government may specify.

PART IV-A] GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002 314-104

- (iv) The Government employee shall also undertake to resume service in the same cadre in which he was working prior to going for training and on the same salary which he then draw.
- (v) The Government employee shall also give two sureties for the due performance of the terms and conditions of the undertaking given by him. If the Government employee fails to abide by the undertaking, the amount stipulated as payable by him in case of default shall be recoverable either from him or from the sureties as an arrears of land revenue. Necessary undertaking in **Form-B** appended to this Appendix shall also be taken from the sureties.
- (vi) The Government employee shall have completed a minimum of five years service and shall also possess adequate background of the subject or field in which he would be receiving training.
- (vii) Where a particular scheme provides for any specific conditions to be fulfilled before a person is approved for training, the same shall be followed in preference general conditions referred to above. For instance, if a scheme prescribes a maximum age limit for the trainees, the same shall be adhered to. Where, however, no specific conditions are laid down by foreign agencies or departments administering the scheme, the general conditions referred to above shall invariably be enforced before a person is sponsored for training.
- (viii) In case of a Government employees whose period of training abroad is extended, a supplementary bond and surety bond covering the cost of training during such extended period of training shall be obtained in **Forms-C and D**, respectively.

FORM 'A'

[Para-5 of Appendix-VII]

**Bond for Government employees proceeding
abroad on deputation for training**

KNOW ALL MEN BY THESE PRESENTS THAT I _____ resident of _____ in the District of _____ at present employed as _____ in the Department/Office of _____ do hereby, bind myself and my heirs, executors and administrators to pay to the Government of Gujarat (hereinafter called "the Government") on demand the sum of Rs. _____ (Rupees _____ only) on account of my having been placed on deputation for training connected with (particulars of the nature of training) for the period from _____ to _____ at _____ (names of institution/countries) at the cost of the Government on account my having been granted study leave to enable me to undergo training at _____ at my own cost or with loan or grant from local educational trust or such financial aid of private nature, together with interest thereon from the date of demand at the rate of the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India dated this _____ day of _____ two thousand _____ and WHEREAS the above bounder Shri _____ is placed on deputation by Government/ granted study leave by Government.

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of the above bounder Shri _____ resigning or retiring from service without returning to duty after the expiry or termination of the period of training or at any time within a period of _____ after his return to duty, he shall forthwith refund to the

The Gujarat Civil Services (Joining Time, Foreign Service, etc.,) Rules, 2002

314-105 GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002 [PART IV-A

Government or as may be directed by the Government to refund on demand the said sum of Rs. _____ (Rupees _____ only) on account of his having been placed on deputation/having been granted study leave as aforesaid together with interest and penal interest thereon from the date of demand at the rate of Government's last open market borrowing and he shall also be liable to pay an amount equal to his _____ month's pay at the rate of pay last drawn and that the amounts payable under this Bond shall be recoverable as arrears of land revenue.

AND upon above boulder Shri _____ making such refund, the above writtn obligation shall be void and of no effect, otherwise it shall be and remain in full force and virtue.

The Government of Gujarat have agreed to bear the stamp duty payable on this bond.

Signed and delivered by

in the presence of

Witness

(1) _____ (2) _____

accepted

for and on behalf of the Governor of Gujarat.

FORM 'B'

[Para-5 of Appendix-VII]

Surety Bond

We, _____ hereby declare ourselves Sureties for Shri _____ (hereinafter called "the employee") and guarantee that the employee shall do and perform all that the employee has undertaken to do and perform under the Bond dated _____ executed by the employee in favour of the Governor of Gujarat (hereinafter referred to as "the Government") and in case of the employee making default therein, we hereby bind ourselves jointly and severally to pay to the Government of Gujarat, a sum of Rs. _____ or such sum as the Government shall deem to be sufficient to cover any loss or damage that Government may sustain by reason of such default, and we further agree that Government may, without prejudice of any other remedies of Government, recover from us, the said sum as an arrears of land revenue and we do hereby agree that any variation of the terms of the said Bond will not discharge us from our liabilities of our liability under this bond, our liability will be joint and several with that of the employee.

Dated this _____ day of _____ 20

Signed by the above named sureties in the presence of

(1) _____ (2) _____

FORM 'C'

[Para-5 (viii) of Appendix-VII]

Supplementary bond for Government employees granted extension of Deputation for Training abroad/Study leave

KNOW ALL MEN BY THESE PRESENTES THAT I _____ resident of _____ in the District of _____ at _____ present employed as _____ in the Department/Office of _____ do hereby bind myself and my heirs, executors and administrators to pay to the Governor of Gujarat (hereinafter called "the Government") on demand the sum of Rs. _____ (Rupees _____ only) together with interest and penal interest thereon from the date of demand at the rate _____ percent per annum or if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India.

Dated this _____ day of _____ two thousand and _____

Whereas the above bounder Shri _____ was placed on deputation on training/granted study leave by Government for the period from _____ to _____ in consideration of which a bond dated _____ of Rs. _____ was executed by him in favour of the Governor of Gujarat.

AND WHEREAS in respect of the above bounded the period of deputation for training connected with (particulars of the nature of training) has been extended from _____ at (names of institution/countries) at the cost of the Government/under a foreign aided scheme in terms of Government circular Memorandum, Finance Department No. DOI/1060/40158/J dated the 2nd November, 1962 the period of study leave granted to enable him to undergo training at _____ at his cost or with loan or grant from local educational trust or such financial aid of private nature has been extended from _____ to _____ AND whereas the above bounden has agreed to execute this supplementary bond with such conditions as hereunder is written.

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of the above bonder Shri _____ resigning or retiring from service without returning to duty after the expiry or termination of the period of training/study leave so extended or at any time within a period of _____ after his return to duty, he shall forthwith refund to the Government or may be directed by the Government to refund on demand the said sum at the rate of Rs. _____ (Rupees _____ only) on account of his having been granted extension of the period of deputation/study leave as aforesaid together with interest and penal interest thereon from the date of demand at the rate of _____ percent per annum, and he shall also be liable to pay an amount equal to his _____ months' pay at the rate of pay last drawn and that the amount payable under this bond shall be recoverable as arrears of land revenue.

AND upon the above bounden Shri _____ making such refund the above written obligation shall be void and of no effect otherwise it shall be and remain in full force and virtue.

The Government of Gujarat have agreed to bear the stamp duty payable on this bond.

The Gujarat Civil Services (Joining Time, Foreign Service, etc.,) Rules, 2002

314-107

GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002

[PART IV-A

Signed and delivered by the above _____ bounder _____ in the presence of _____

Accepted

for and on behalf of the Governor of Gujarat.

FORM 'D'

[Para-5 (viii) of Appendix-VII]

SUPPLEMENTARY SURETY BOND

We, _____ hereby declare ourselves sureties for Shri _____ (hereinafter called "the employee") and guarantee that the employee shall do and perform all that the employee has undertaken to do and perform under the supplementary Bond dated _____ executed by the employee in favour of the Governor of Gujarat (hereinafter referred to as "the Government") and in case of the employee making default therein, we hereby bind ourselves jointly and severally to pay to the Government a sum of Rs. _____ or such sum as the Government shall deem to be sufficient to cover any loss or damage that the Government may sustain by reason of such default. And, we further agree that Government may, without prejudice to any other remedies of Government, recover from us the said sum as an arrears of land revenue and we do hereby agree that any variation of the terms of the said supplementary Bond will not discharge us from our liabilities to pay the said sum and for the purpose of enforcement of our liability under this bond, our liability will be joint and several with that of employee.

Dated this _____ day of _____ 20

Signed by the above named sureties in the presence of

(1) _____ (2) _____

FINAL DRAFT

NOTIFICATION

**THE GUJARAT CIVIL SERVICES
(JOINING TIME, FOREIGN SERVICE,
DEPUTATION OUT OF INDIA,
PAYMENT DURING SUSPENSION,
DISMISSAL AND REMOVAL)
RULES, 2002**