

कार्यालय रक्षा लेखा महानियंत्रक, उलान बतार रोड, दिल्ली छावनी-10  
*Office of the CGDA, Ulan Batar Road, Palam, Delhi  
Cantt - 110010*

AN/III/3012/Circular/Vol- IV

Dated: 05.06.2012

**(Through CGDA Mail Server)**


To

All PCsDA / PCA (Fys) PIFAs  
CsDA /CsFA (Fys) / IFAs/RTCs

A copy each of the following circulars are forwarded herewith for information & necessary action please.

Sl. No.	No. & Date	Received from	Brief subject
1	O.M. No. 1(1)/2011/TA/292 Dated 31.03.2012	Department of Expenditure	Payment to Government servants other than salary etc. through e-Payment from 01 <sup>st</sup> April, 2012
2	O.M. No. AB. 14017/2/2007-Estt. (RR) dated 28.03.2012	DOP&T	Consolidated Deputation Guidelines dated 29.02.2008 for members of the organized Group A and the Group B Services of the Central Government.
3	O.M No. 20011/2/2010-AIS-II Dated 29.03.2012	DOP&T	Revised stand terms and conditions for deputation of All India Service officers autonomous/statutory/non-statutory/constitutional/local bodies and public sector undertakings' etc. under non-Central staffing Scheme in terms rule 6(1) of the IAS (Cadre) Rules and analogous rules in respect of IPS/IFS – reg.
4	No. 372/19/2012-AVD-III Dated 03.05.2012	DOP&T	Guidelines for checking delay in grant of sanction for prosecution.

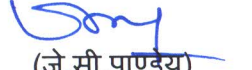
This issues with the approval of Sr. Dy. CGDA (AN)

  
(जे.सी.पाण्डेय)  
वरिष्ठ लेखा अधिकारी (प्रशा .)

Contd---/

Copy to: -

1. All Admin Sections in HQrs Office
2. AT-Coord Section (Local)
3. Accounts Section (Local)
4. IFA (local)
5. EDP Centre (Local):- with request to upload on CGDA website.
6. CENTRAD, Brar Square, Delhi Cantt.
7. SAS Group, Brar Square, Delhi Cantt
8. Shri H.B. Daware (By post)  
Secretary General  
All India Defence Accounts Association (CB) Pune  
Care PCDA (SC)  
Pune
9. Shri G.P. Dutta (By post)  
Secretary General  
All India Defence Accounts Association (HQ)  
Kolkata  
Care PCA (Fys)  
Kolkata

  
(जे.सी.पाण्डेय)

वरिष्ठ लेखा अधिकारी (प्रशा .)

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F. No.1(1)/2011/TA/282  
Ministry of Finance  
Department of Expenditure  
Controller General of Accounts

Dated 31<sup>st</sup> March 2012

Office Memorandum

**Sub:- Payment to Government servants other than salary etc. through e-Payment from 1<sup>st</sup> April 2012**

The Central Government Account (Receipts and Payments) Rules, 1983 have been amended, inter alia, to provide for issue of Payment advices to the bank for direct credit by electronic transfer to the specified bank account of the payee. As per the amendments, the Government servants are, permitted to receive their salary by direct credit to their bank accounts through payment advices, at their option. Further, the amendment also provides that all payments to government servants other than salaries exceeding the limits as specified from time to time, shall be through payment advices.

2. In accordance to the above, with effect from 1<sup>st</sup> April 2012, all Ministries/Departments of the Government of India are directed to make all payments to government servants, other than salary, above Rs. 25,000, by issue of payment advices, including electronically signed payment advices.
3. Further, in accordance to the amended rules, with effect from 1<sup>st</sup> April 2012, all Ministries/Departments of the Government of India are directed to make all payments towards settlement of retirement /terminal benefits such as gratuity, commuted value of pension, encashment of leave salary, CGEGIS, withdrawals from General Provident Fund, etc. by issue of payment advices, including electronically signed payment advices.
4. All Ministries/ Departments and Heads of Accounting Organisations are requested to ensure the compliance of above instructions by Pay & Accounts Offices/ Accounts offices and other payment units under their control.
5. Separate orders have been issued in respect of payments to private parties such as Suppliers, contractors, grantee, loanee institutions etc.

*Soma Roy Burman*

(Soma Roy Burman)

**Joint Controller General of Accounts**

To

1. All Ministries and Departments
2. All Financial Advisers
3. Secretary, Defence Finance
4. Secretary, Posts
5. Financial Commissioner, Railways

*155/FA-105  
3/4/2012*

*Attn: Secy to Govt Addl FA (S) & CGDA*

*Addl FA (S) V.D.*

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*DIA (S) (B-2) 3/4/12*

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AA-7(B-3)*

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No.AB.14017/2/2007-Estt.(RR)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training  
New Delhi

Dated 28<sup>th</sup> March, 2012

**Office Memorandum**

Subject: Consolidated Deputation Guidelines dated 29.2.08 for members of the organized Group A and the Group B Services of the Central Government

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Attention is invited to this Department's OM No. AB.14017/2/2007-Estt.(RR) dated 29.2.08 laying down consolidated guidelines on deputation/foreign service of Members of the Organized Group A and Group B Services of the Central Government. The guidelines contained in this OM have been reviewed and the provisions contained in paragraphs 1.1 and 2.2 of the said guidelines are hereby substituted by following provisions:-

**1.1. Central Staffing Scheme (CSS)**

**Posts that are to be covered:**

Ministries/Departments of Government of India, Union Public Service Commission, Election commission of India, Central Vigilance Commission and Central Information Commission.

**Procedure to be followed for appointment:**

Civil Services Board (below JS), with ACC approval for JS and above.

**Tenure to be applicable**

US level - 3 years  
DS level - 4 years

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23/4/2012

- Dir level - 5 years  
JS level - 5 years  
JS/AS level - 7 years (Subject to 3 years in the second post,  
and also subject further to a minimum of 5 years  
in the Centre)  
AS level - 4 years  
Secy. level - no ceiling

**2.2 Autonomous body, trust, society, etc. not controlled by the Government, or a private body.**

**Posts that are to be covered:**

- (i) Registered Societies or Trusts or Foundations or non-profit organizations or NGOs or cooperatives;
- (ii) Apex bodies of Industries and Commerce;

**Provided that** such autonomous or private bodies fulfil all four of the following criteria:

- (a) they are functionally autonomous of the Central and State Governments;
- (b) they are not substantially funded by the Central and State Governments;
- (c) the Central or State Governments do not have powers to give them directions; and
- (d) they are not companies (except Section 25 companies) registered under the Registration of Companies Act.

**Provided further that** deputation to Section 25 Companies shall be allowed only on standard government deputation terms.

**Procedure to be followed for appointment:**

A Committee under the Chairmanship of Cabinet Secretary with Secretary (Personnel) and Finance Secretary will screen all proposals for deputation on foreign service terms of officers of the level of JS and above, on a case to case basis after the proposals have been approved by the Cadre Controlling Authority. Such screening in the case of officers below the level of JS will be by a Committee chaired by the Secretary of the Cadre Controlling Ministry/Department with a Member each, not below the level of JS from the DOPT and Department of Expenditure. A final decision on the recommendations of the Screening Committee may be taken at the level of Minister-in-charge in the case of officers holding posts below JS-level and with the approval of PM in the case of officers holding JS-level posts or above

**Tenure to be applicable:** Maximum of 5 years at a stretch.

Provided that total period of deputation under all categories under 2.1 & 2.2 shall not exceed a maximum of 7 years in the entire service”.

2. Hindi version will follow

  
(Mukta Goel)  
Director (Estt.)  
Tel. 2309 2479

To

1. All Ministries/Departments of Government of India
2. Chief Secretaries of All State Governments
3. The President's Secretariat, New Delhi.
4. The Vice-President's Secretariat, New Delhi
5. The Prime Minister's Office, New Delhi.
6. The Cabinet Secretariat, New Delhi.
7. The Rajya Sabha Secretariat, New Delhi.

OM No.AB.14017/2/2007-Estt.(RR) dated 28<sup>th</sup> March, 2012

8. The Lok Sabha Secretariat, New Delhi.
9. The Comptroller and Auditor General of India, New Delhi.
10. The Union Public Service Commission, New Delhi.

Copy to :-

1. All Attached Offices under the Ministry of Personnel, Public Grievances and Pensions.
2. Establishment Officer and Secretary, ACC (5 copies).
3. All Officers and Sections in the Department of Personnel & Training
4. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi
5. All Staff Members of National Council (JCM)
6. All Staff Members of the Departmental Council (JCM), Ministry of Personnel, PG and Pensions
7. Establishment (RR Division) (50 copies)
8. NIC, North Block for posting on the website

  
(Mukta Goel)  
Director (Estt.)  
Tel. 2309 2479

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F.No.20011/2/2010-AIS-II  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Deptt. of Personnel & Training

North Block, New Delhi 110 001  
Dated, March 29, 2012

To  
All Chief Secretaries in States/UTs

Subject : Revised standard terms and conditions for deputation of All India Service officers autonomous / statutory / non-statutory / constitutional / local bodies and public sector undertakings etc. under non-Central Staffing Scheme in terms rule 6(1) of the IAS (Cadre) Rules and analogous rules in respect of IPS/IFS – reg.

Sir,

I am directed to say that as per consolidated deputation guidelines issued by this Department vide letter no 14017/33/2005-AIS-II, dated 28<sup>th</sup> November, 2007, the deputation of All India Service officers to autonomous /statutory/non-statutory/constitutional/local bodies and public sector undertakings etc. are covered under non-Central Staffing Scheme in terms of the provisions contained in rule 6(1) of the IAS(Cadre) Rules, 1954. While the procedure and tenure of such appointments on deputation have been outlined in the said consolidated deputation guidelines dated 28<sup>th</sup> November, 2007, a need has been felt to modify the standard terms and conditions for deputation of All India Services officers issued vide this Department's letter No. 29018/5/2001-AIS(II), dated 21<sup>st</sup> August, 2002 after implementation of revised pay structure on the basis of 6<sup>th</sup> Central Pay Commission Report. Accordingly, the revised standard terms and conditions for deputation under non-Central Staffing Scheme, other than as CVO, are enclosed. The appointments members of All India Services as Chief Vigilance Officers in CPSEs etc. shall continue to be governed under the relevant guidelines separately issued by this Department.

2. The revised standard terms and conditions will take effect from **1.1.2006** and shall be applicable to the All India Services officers who were on deputation on **1.1.2006** or appointed thereafter except for the revised rates of deputation (duty) allowance which shall be applicable from **1.9.2008**.

3. Unless specifically made applicable in the order of deputation, these standard terms and conditions will not apply to deputation under Rule 6(2)(ii) of the IAS (Cadre) Rules, 1954 and similar rules in respect of the IPS/IFS.

4. Hindi version will follow.

Yours faithfully

*Deepti*  
(Deepti Umashankar)  
Director (Services)

*23/4/12*  
*Sh 8K*

*884/Estt-I*  
*23/4/2012*



Copy to :

- ✓ 1. All Ministries/Departments of Government of India
2. Ministry of Home Affairs (Shri K.K. Mittal, Joint Secretary, P-I), North Block, New Delhi.
- ✓ 3. Ministry of Environment and Forests (Shri B.M.S. Rathore, Joint Secretary), Paryavaran Bhavan, CGO Complex, New Delhi.
- ✓ 4. Accountants General (A&E) in all States.
- ✓ 5. Accountants General (Audit) in all States.
6. Website Section, DOPT, North Block for up-linking the letter on DOPT website under the links: 'Circulars'-'Service'-'Pay'.

*Deepu*  
(Deepti Umashankar)  
Director (Services)

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**Standard Terms and Conditions for All India Services officers proceeding on deputation under rule 6(1) of IAS (Cadre) Rules, 1954 other than deputation under Central Staffing Scheme and deputation under rule 6(2)(ii) of IAS (Cadre) Rules, 1954 and similar rules in respect of IPS and IFS.**

**1. Period of Deputation:** From ..... to .....  
(Details as per approval of the competent authority)

**2. Pay Fixation:**

2.1 On deputation to a post other than a post mentioned in Schedule-II of the IAS (Pay) Rules, 2007 and similar schedules of IPS/IFS (Pay) Rules, 2007, the requirement of declaration of equivalence of deputation post to a post mentioned in Schedule-II shall be deemed to have been dispensed with in terms of provisions contained in rule 9(4) of IAS (Pay) Rules, 2007 or similar rules in respect of IPS/IFS.

2.2 The member of the service may elect to draw either the pay in the scale of pay of deputation post or his basic pay in the parent cadre plus deputation (duty) allowance thereon plus personal pay, if any. However, in case of member of Service on deputation to CPSEs, this option will not be allowed and his pay will be governed in terms of the orders issued by the Department of Public Enterprises vide O.M. dated 26.11.2008 and clarifications issued thereafter.

2.3 The option once exercised shall be final.

2.4 However, the member of Service may revise the option under the following circumstances which will be effective from the date of occurrence of the same:

- (a) When he receives proforma promotion or is appointed to non-functional grade or up-gradation of scale in the parent cadre;
- (b) When he is reverted to a lower grade in the parent cadre;
- (c) When the scale of pay of the parent post on the basis of which his emoluments are regulated during deputation/foreign service or of the ex-cadre post held by the member of Service on deputation is revised either prospectively or from a retrospective date.
- (d) Based on the revised/same option of the member of Service, in the event of proforma promotion / appointment to non-functional Grade / revision / upgradation of scales of pay in the parent cadre, his pay will be re-fixed with reference to the revised entitlement of pay in the parent cadre. However, if the initial option was for the pay scale of the deputation post and no change in option already exercised is envisaged, the pay already drawn in deputation post will be protected if the pay re-fixed is less.

Note: Revision in the rates of DA, HRA or any other allowance either in the

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parent or borrowing organisation shall not be an occasion for revision of the earlier option.

2.5. If the pay of a member of Service in his cadre post undergoes downward revision, the pay in the ex-cadre post is also liable to be re-fixed on the basis of revised pay and in accordance with the revised option or existing option if the he does not revise his option.

2.6 When a member of Service on deputation elects to draw pay in the scale of pay attached to the ex-cadre post, his pay may be fixed as under:

**(i) Pay fixation on deputation to Central Government under non-Central Staffing Scheme:**

- (a) If the scale of pay/Grade Pay of the ex-cadre post is higher, the pay may be fixed after adding one increment to the existing pay in the Pay Band of the parent cadre post. The grade pay corresponding to the ex-cadre post would thereafter be granted in addition to this pay in the pay band. However, in cases where the fixation of pay in the ex-cadre post involves change of Pay Band also, if the pay in the pay band after adding the increment is less than the minimum of the pay band corresponding to the grade pay of the ex-cadre post, the pay in the pay band will be fixed at the minimum of the Pay Band.
- (b) In case the Grade Pay/scale of cadre post and the ex-cadre post are identical, the member of Service would continue to draw higher existing basic pay.
- (c) In case the Grade pay of the ex-cadre post is upto Rs 10000, the Basic Pay, from time to time after pay fixation should not exceed the maximum of the pay band PB-4 (Rs.67000) plus the grade pay of the post held on deputation. In case the ex-cadre post is in the HAG or HAG+ pay scale, the Basic Pay, from time to time after pay fixation should not exceed Rs. 79000 or Rs.80000 respectively.

**(ii) On deputation to Autonomous / Constitutional / Statutory bodies / non-statutory bodies /Commissions etc.**

- (a) When the pay scale of the post in the parent cadre and that attached to ex-cadre post are based on the same index level and the DA pattern is also same, the pay may be fixed as under (i) above.
- (b) If the appointment is made to a post whose pay structure and/or DA pattern is dissimilar to that in the parent organisation, pay may be fixed by adding one increment to the pay in the parent cadre post in the scale of his regular parent post (and if he/she was drawing pay at the maximum of the scale, by the increment last drawn) and equating the pay so raised plus dearness allowance (and additional or ad-hoc dearness allowance,

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interim relief etc. if any) with emoluments comprising of pay plus DA, ADA, Interim relief etc., if any, admissible, in the borrowing organisation and the pay may be fixed at the stage in the pay scale of the ex-cadre post at which total emoluments admissible in the ex-cadre post as above equal the emoluments drawn in the cadre.

**2.7 Pay fixation on deputation from one ex-cadre post to another:**

- (a) In cases of appointment from one ex-cadre post to another ex-cadre post where the member of service opts to draw pay in the scale of the ex-cadre post, the pay in the second or subsequent ex-cadre post should be fixed under the normal rules with reference to the pay in the cadre post only. However, in respect of appointments to ex-cadre posts carrying Grade Pay identical to that of the ex-cadre post(s) held on an earlier occasion(s), it may be ensured that the pay drawn in subsequent appointment should not be less than the pay drawn earlier.
- (b) In cases of appointments to a second or subsequent ex-cadre post(s) in a higher pay Scale/grade pay than that of the previous ex-cadre post, the pay may be fixed with reference to the pay drawn in the cadre post and if the pay so fixed happens to be less than the pay drawn in the previous ex-cadre post, the difference may be allowed as personal pay to be absorbed in future increases in pay. This is subject to the condition that on both the occasions, the member of service should have opted to draw pay in the scales of pay/Grade Pay attached to the ex-cadre posts.

**2.8 Pay fixation on Proforma Promotion :** If during the period of deputation, on account of proforma promotion in the parent cadre, the member of service becomes entitled to a higher Pay Scale/Pay Band & Grade Pay in the parent cadre vis-a-vis that of the ex-cadre post, he will complete his tenure of deputation already approved by the competent authority. The pay shall be regulated as under:

- (a) If the Grade pay of the officer in the parent cadre becomes higher than that of the deputation post after getting proforma promotion, he may be allowed the pay in the pay band + Grade Pay of the post to which he is promoted till the time he completes the normal/extended period of deputation (if he gets proforma promotion in the extended period) already sanctioned, if he so opts.
- (b) If he draws the pay in the pay band + grade pay attached to the deputation post, on reversion to his parent cadre, his pay may be fixed by allowing him notional increments in his regular post in the parent department + the Grade pay attached to it.
- (c) If the grade pay of the IPS/IFS officer in the State cadre becomes higher than that of the deputation post on being granted non-functional financial upgradation in PB-3, PB-4 or HAG scale in terms of provisions contained in Note 3 below rule 3 of IPS/IFS (Pay) Rules, 2007, the officer may be allowed, if he opts for, to draw the pay in the pay band + grade pay to which he becomes entitled to in the State cadre.

**3. Deputation Allowance:** A member of the service while on deputation will be eligible to draw deputation allowance wherever admissible in case he has given option to draw his grade pay of the cadre post. However, he will not be eligible to draw deputation allowance if he opts for pay of the post of the borrowing organization.

The deputation (duty) allowance admissible shall be at the following rates:

- (a) In case of deputation within the same station, the allowance will be paid at the rate of 5% of basic pay subject to a maximum of Rs.2000/- p.m.; and
- (b) In other cases, Deputation (Duty) Allowance will be payable at the rate of 10% of the officer's basic pay subject to a maximum of Rs.4000/- p.m.
- (c) The deputation (duty) allowance as above shall further be restricted as under:-

Basic Pay, from time to time, plus Deputation (Duty) Allowance shall not exceed the maximum of the pay band PB-4 (Rs.67000) plus the grade pay of the post held on deputation in case the Grade Pay of the post held on deputation is upto Rs 10000. In case the post held on deputation is in the HAG or HAG+ pay scales, the Basic Pay, from time to time, plus Deputation (Duty) Allowance should not exceed Rs. 79000 and Rs.80000 respectively.

**4. Dearness Allowance:** If a member of the service has given option to draw his grade pay of the cadre post, along with deputation allowance, if any, he will be eligible to draw dearness allowance at the Central Government rates. However, in case the member of the service has opted for pay of the post in the borrowing organization, this allowance would be admissible as per the relevant rules of the borrowing organization.

**5. House Rent Allowance/Transport Allowance:** If a member of the service has opted for drawing his grade pay of the cadre he would be paid house rent allowance/transport allowance at rates applicable to him in the cadre post under relevant rules. In case the member of service opts for official accommodation he would be required to pay the prescribed license fee for similar class of accommodation in the Government. However, if the officer has opted to draw pay in the pay scale of the post of the borrowing organization, HRA/Transport Allowance will be regulated as per relevant rules of that organization.

**6. Transfer T.A./Joining Time:** A member of the service will be entitled to Transfer TA and Joining Time both on joining the post on deputation and on reversion under the rules of the borrowing organization which shall not be inferior to the relevant provisions of the AiS Rules. The expenditure on this account will be borne by the borrowing organization.

**7. TA/DA :** for journey on duty: A member of the service will be paid Travelling Allowance and Daily Allowance by the borrowing organization under its own rule for the journey undertaken by him in connection with the official work under that

organization whether in India or abroad, which shall not be inferior to the relevant provisions of the All India Services Rules.

**8. Medical facilities:** The borrowing organization shall afford to a member of the service medical facilities not inferior to those which are admissible to an All India Service Officer of the same status under Central Government rules on the subject.

**9. Leave and Pension:** During the period of deputation, a member of the service will continue to be governed by the All India Services (Leave) Rules, 1955 and the All India Services(DCRB) Rules, 1958. The entire expenditure in respect of leave taken during and at the end of deputation shall be borne by the borrowing organization. The member of the service shall not be allowed to join any of the pension schemes of the borrowing organization.

**10. Provident Fund:** During the period of foreign service, a member of the service will continue to subscribe to the All India Service(Provident Fund) Scheme to which he was subscribing at the time of proceeding on foreign service in accordance with the rules of such fund.

**11. Conduct, Discipline and Appeal Rules:** A member of the service, shall continue to be governed by the All India Services (Conduct) Rules, 1968 and All India Services(Discipline and Appeal) Rules, 1969.

**12. Leave Travel Concession:** The organization shall allow Leave Travel Concession to a member of the service as admissible under its own rules provided these are not inferior to those admissible to him under the All India Services (LTC) Rules, 1975. The whole expenditure in this regard shall be met by the borrowing organization. This is, however, subject to the condition that the officer had not already, before proceeding on deputation, availed of the concession during the particular block years period of his deputation.

**13. Disability Leave:** The borrowing organization will be liable to pay leave emoluments in respect of disability leave, if any, granted to a member of the service on account of any disability incurred in and through foreign service even though such disability manifests itself after termination of foreign service. The relevant AIS rules will be applicable in such cases.

**14. Leave Salary/Pension Contributions:**

(i) The organization will pay to the Government of the parent cadre of the member of the service leave salary and pension contributions at the rates in force from time to time in accordance with the orders issued by the President under F.R. 116. The payment of these contributions must be paid annually within 15 days from the end of each financial year or at the end of foreign service if the deputation expires before the end of a financial year. Delayed payment will attract liability of payment of interest in terms of the instructions contained in the Ministry of Finance's Notification No. F.1(I)-EIII/83 dated the 10<sup>th</sup> August, 1983, as amended from time to time. Pending intimation of the rates of Leave Salary and Pension Contributions by

the concerned Accountant General, the organization shall pay Leave Salary and Pension Contributions provisionally at the prescribed rates.

(ii) In case of officers covered under New Pension Scheme (NPS), the borrowing Organisation shall make matching contribution to the NPS account of the concerned officer.

**15. Group Insurance:** If a member of the service has not opted out of the Central Government Employees Group Insurance Scheme, 1980, before 31.12.1981, the said scheme as appended to the Schedule to the AIS(Group Insurance) Rules, 1981, shall be applicable to him. In that case, an amount of deducted from his salary as per prescribed rates as subscription towards the Insurance Scheme shall be remitted to the concerned Accountant General by the organization. If at any time the recovery of subscription falls in arrears, the same shall be recovered with interest admissible under the Scheme on the accretions to the Saving Fund.

**16. Residuary Matters:** In all matters relating to conditions of service and benefits/facilities and perquisites in the borrowing organization not covered under Item 1 to 15 above, a member of the service shall be governed by the existing rules, regulations and orders of the borrowing organization. The above mentioned terms and conditions would be applicable till the member of the service remains on deputation with the borrowing organization. On reversion from deputation, he/she will be governed by the relevant rules laid down for the All India Services

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No.372/19/2012-AVD-III  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

North Block,  
New Delhi the 3<sup>rd</sup> May, 2012.

**OFFICE MEMORANDUM**

Subject: Guidelines for checking delay in grant of sanction for prosecution.

...

Attention is invited to this Department's OMs No. 399/33/2006-AVD-III dated 6<sup>th</sup> November, 2006 and 20<sup>th</sup> December, 2006 on the subject mentioned above.

2. In terms of above instructions, the Competent Authority has to formulate its tentative views regarding the action to be taken on the request of the Investigating Agency and seek the advice of the CVC in the matter. The instructions further lay down that CVC would tender its advice within 10 days to the concerned administrative Ministry/Department, which shall finalise its view in the matter and issue orders accordingly. The instructions also lay down that the administrative Ministry/Department shall refer the case to CVC for reconsideration only in exceptional cases when new facts come to light and that CVC would render appropriate advice to the competent authority based on the findings of the expert committee, within a fortnight and that if the CVC on reconsideration advises for grant of sanction, the concerned Ministry/Department will issue the requisite orders immediately. The instructions further lay down that if the concerned administrative Ministry/Department proposes not to accept the reconsidered advice of the CVC, the case will be referred to DoP&T for final decision and that the DoP&T shall decide the case within 3 weeks and convey its decision to the concerned Ministry/Department.

3. Government constituted a Group of Ministers (GoM), on 6<sup>th</sup> January, 2011 with the approval of the Prime Minister, to consider measures that can be taken by the Government to tackle corruption. One of the terms of reference (ToR) of the GoM was to consider and advise on "Fast tracking of all cases of public servants accused of corruption". The Group of Ministers, while considering this ToR, observed that it is imperative that cases of sanction for prosecution should be decided expeditiously and within the timeframe of 3 months. **The GoM, therefore, recommended that:-**

(a) In all cases where the Investigating Agency has requested sanction for prosecution and also submitted a draft

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charge sheet and related documents along with the request, it will be mandatory for the competent authority to take a decision within a period of 3 months from receipt of request, and pass a Speaking Order, giving reasons for this decision.

(b) In the event that the competent authority refuses permission for sanction to prosecute, it will have to submit its order including reasons for refusal, to the next higher authority for information within 7 days.

Wherever the Minister-in-charge of the Department is the competent authority and he decides to deny the permission, it would be incumbent on the Minister to submit, within 7 days of passing such order denying the permission, to the Prime Minister for information.

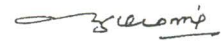
(c) It will be the responsibility of the Secretary of each Department/Ministry to monitor all cases where a request has been made for permission to prosecute. Secretaries may also submit a certificate every month to the Cabinet Secretary to the effect that no case is pending for more than 3 months, the reasons for such pendency and the level where it is pending may also be explained.

4. The said recommendation of the GoM has been accepted by Government with the approval of the Prime Minister. The Prime Minister has also directed that in cases of disagreement where the competent authority proposes to disagree with the investigating agency/CVC, the matter shall be referred to DoP&T and DoP&T's views in such cases must be communicated to the Competent Authority within such time as would enable the competent authority to pass the final speaking order within a period of three months.

5. As mentioned in para 2 above, the extant instructions have specified clear timelines for each stage of processing of such requests which also includes a period of three weeks for the DoP&T to finalise its views in cases of disagreement referred to it.

6. Accordingly, the above recommendations of the GoM as accepted by the Government and the instructions of the Prime Minister regarding timely communication of DoP&T's views in disagreement cases are brought to the notice of all Ministries/Departments for strict compliance.

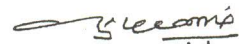
7. As already pointed out in para 2(v) of this Department's OM dated 6<sup>th</sup> November, 2006, the responsibility of processing cases for sanction for



prosecution within the time limits laid down shall continue to remain with the administrative Ministries/Departments.

8. All Ministries/Departments shall henceforth ensure -

- (a) Strict compliance with the above procedure and timelines for sanctioning prosecution of public servants;
- (b) Submission of a certificate every month by the Secretary of each Ministry/Department to the Cabinet Secretary to the effect that no case is pending for more than 3 months and wherever a case is pending for more than 3 months, the reasons for such pendency and the level where it is pending;
- (c) Submission of disagreement cases, where the competent authority proposes to disagree with CVC, to the DoP&T giving at least three weeks time for DoP&T to finalise its views and communicate the same to the competent authority; and
- (d) Submission of copies of orders refusing sanction to prosecute to the next higher authority (Prime Minister, in case of an order passed by a Minister-in-charge of a Ministry/Department), within seven days.



(V.M. Rathnam)

Deputy Secretary to the Government of India

Tel. No. 23094637

- 1. All Ministries/Departments of Government of India as per standard list.
- 2. Prime Minister's Office, South Block, New Delhi.
- 3. NIC, DoP&T for uploading on the website of the Department.

Copy to:-

- (i) Secretary, Central Vigilance Commission, Satarkata Bhawan, New Delhi.
- (ii) Director, Central Bureau of Investigation, North Block, New Delhi.
- (iii) Others as per standard list.



(V.M. Rathnam)

Deputy Secretary to the Government of India