

# **FR SR PART – I General Rules**

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## **AAO EXAM PAPER - II**

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## Exam Note- Definition

**Compensatory Allowance:** Refers to an allowance provided to cover personal expenses incurred due to the special circumstances of duty performance. This includes travel allowances but excludes sumptuary allowances or free passage by sea or from any location outside India.

**Duty:** Represents the duration during which a government servant fulfills their responsibilities in a designated post. This encompasses:

- a. Service as a probationer or apprentice, provided it is followed by confirmation.
- b. Joining time.
- c. Time spent in training or instructional courses in India.
- d. For students, whether stipendiary or otherwise,
- e. who are entitled to government service upon successful completion of training at a recognized university or college in India.

### **Lien**

**Lien** refers to a Government servant's right to hold a post on a regular basis, either immediately or upon returning from a period of absence. This includes tenure posts to which the individual has been regularly appointed and on which they are not on probation.

**Fee:** Defines a recurring or one-time payment to a government servant from sources other than the Consolidated Fund of India, a State, or a Union Territory. This can occur directly to the individual or indirectly through government intermediaries but excludes:

- a. Unearned income (e.g., income from property, dividends, and interest on securities).
- b. Income derived from literary, cultural, artistic, scientific, or technological endeavors, as well as amateur sports participation.

**Honorarium:** Refers to a recurring or non-recurring payment made to a government servant from the Consolidated Fund of India, a State, or a Union

## Local Fund means-

- (a) revenues administered by bodies which by law or rule having the force of law come under the control of Government, whether in regard to proceeding generally or to specific matters, such as the sanctioning of their budgets, sanction to the creation of filling up of particular posts, or the enactment of leave, pension or similar rules; and
- (b) the revenues of anybody which may be specially notified by the President as such.

## Definition of Officiate

A government servant is said to officiate in a post when they perform the duties of that post while another individual holds a lien on it. The Central Government may, at its discretion, appoint a government servant to officiate in a vacant post for which no other government servant holds a lien.

## Definition of Overseas Pay

Overseas Pay refers to the salary granted to a government servant due to their service in a country other than their country of domicile.

**Travelling Allowance** is an allowance granted to cover expenses incurred by a Government servant while traveling in the interests of public service. This includes allowances for the maintenance of government-owned conveyances, horses, and tents.

## Fundamental Distinctions

### Apprentice vs. Probationer:

Aspect	Apprentice	Probationer
<b>Definition</b>	A trainee recruited for potential future employment in Government service; does not hold a post.	Appointed against a permanent vacancy in a department or cadre.
<b>Service Count for Increments</b>	Service as an apprentice does not count for increments.	Service as a probationer counts for increments.
<b>Duty Count for Leave/Pension</b>	Service as an apprentice counts as duty only for earning leave during the apprenticeship.	Service as a probationer counts as duty for both leave and pension

## Questions and Answers

### 1. What is a Compensatory Allowance?

**Answer:** A compensatory allowance is provided to cover personal expenses incurred due to special circumstances of duty performance, such as travel allowances, but excludes sumptuary allowances or free passage by sea or from locations outside India.

### 2. How is "Duty" defined in the context of government service?

**Answer:** Duty refers to the duration during which a government servant fulfills their responsibilities in a designated post, including service as a probationer or apprentice, joining time, training time, and the duration for students entitled to government service after completing recognized training.

### 3. What constitutes a "Fee" for government servants?

**Answer:** A fee is a recurring or one-time payment from **sources other than the Consolidated Fund of India**, a State, or a Union Territory. It excludes unearned income and income from literary or artistic endeavors.

### 4. What is an Honorarium, and how is it treated financially?

**Answer:** An honorarium is a recurring or non-recurring payment made from the **Consolidated Fund for special work of an occasional nature**. A government servant can retain up to ₹1,500 in fees in a financial year; if exceeding this amount, one-third of the excess must be credited to the Union Territory.

### 5. What are the distinctions between Permanent, Temporary, and Tenure Posts?

**Answer:**

- **Permanent Post:** Exists indefinitely without a time limit.
- **Temporary Post:** Sanctioned for a specific period.

## 10. What is a Travelling Allowance?

**Answer:** A travelling allowance covers expenses incurred by a government servant while traveling in the interests of public service, including costs for maintaining government-owned conveyances.

## 11. Compare and contrast an Apprentice and a Probationer.

**Answer:**

- **Apprentice:** A trainee for potential future employment who does not hold a post; service does not count for increments.
- **Probationer:** A direct recruit to a permanent post whose service counts for increments and eligibility for leave and pension.

## 12. Explain the concept of Lien.

**Answer:** Lien refers to a government servant's right to hold a post regularly, either immediately or upon returning from absence. It can be retained under certain circumstances, such as while performing duties or on leave, but cannot be held on two posts simultaneously.

## 13. Under what conditions can a lien be terminated?

**Answer:** A lien cannot be terminated if it leaves a government servant without a regular post but will terminate if they acquire a lien on another post outside their original cadre.

## **General Condition of Service**

### **F.R. 10 – Medical Certification for Government Appointments**

No person may be appointed in India to a post in Government service **without medical certificate of health.**

In individual cases, dispense with the production of a certificate, and may by general orders exempt any specified class of Government servants from the operation of this.

### **F.R. 11 – Disposal of Government Servants' Time**

A government employee's entire working time is dedicated to the government that pays them. They may be assigned to any tasks as needed by authorized officials, without any right to additional compensation from government or quasi-government entities.

### **F.R. 12-A – Lien on Post**

Unless otherwise specified in these rules, a Government servant acquiring a lien on a post will cease to hold the lien on any previously acquired post.

**Lien** refers to a Government servant's right to hold a post on a regular basis, either immediately or upon returning from a period of absence. This includes tenure posts to which the individual has been regularly appointed and on which they are not on probation.

The right to hold a regular post is subject to the condition that if there are more entitled individuals than available posts, the junior-most person may be reverted to a lower grade (FR 9(13))

## **Question and Answer.**

**Q1: What is required for a person to be appointed to a Government post in India?**

Ans: A medical certificate of health is required for all appointments, except in individual cases where this requirement may be waived.

**Q2: What does it mean for a Government servant's time to be at the disposal of the Government?**

Ans: It means that a Government servant must **dedicate their entire working time to the Government**, which may assign them tasks as needed without additional compensation.

**Q3: What happens to a Government servant's lien on a post if they acquire a new one?**

Ans: Unless specified otherwise, a Government servant will lose their lien on any previously held post upon acquiring a new lien.

**Q4: In what situations can a Government servant retain their lien on a post?**

Ans: A Government servant retains their lien while performing their duties, on foreign service, during joining time after transfer, on leave, or while under suspension.

**Q5: Under what circumstances can a Government servant's lien be terminated?**

Ans: A lien may be terminated if the servant acquires a lien on another post outside their current cadre. Additionally, it cannot be terminated if it would leave them without a lien on a regular post.

**Q6: Can the President transfer a Government servant's lien? If so, under what conditions?**

Ans: Yes, the President may transfer a lien to another post within the same cadre if the servant is not performing duties related to the original lien.

**Q7: What conditions apply to the transfer of a Government servant to another post?**

# Pay

## Relevant Rules for Fixation of Pay and Increments

### F.R. 19

Except in cases of personal pay granted under the conditions specified in Rule 9 (23) (a), the pay of a Government servant **shall not be increased beyond the sanctioned pay** for their post without the approval of an authority competent to create a post in the same cadre at a pay rate equal to the increased pay.

### F.R. 20

For any period treated as duty under Rule 9 (6) (b), a Government servant may be granted pay that the Government deems equitable, but this amount shall not exceed the pay the Government servant would have received had they been on duty in a capacity other than that specified in Rule 9 (6) (b).

## FR 22: Fixation of Pay

### Initial Pay Fixation for Government Servants

#### Regulation Overview (FR 22):

##### 1. Promotion to Higher Post:

- **Section (a)(1):** A Government servant promoted to a post with greater responsibilities will have their initial pay fixed as follows:
  - **Increment:** They will receive one increment from their current pay level.
  - **Placement:** They will be placed at a cell equal to this adjusted pay in the new pay level. If no such cell exists, they will be placed at the next higher cell.
- Example: If an employee is promoted from a post with a pay of ₹50,000 (with one increment, it becomes ₹51,000) but there is no cell for ₹51,000 in the new pay scale, they will be placed in the next cell, say ₹52,000.

##### 2. Option for Pay Fixation:

**Ans:** F.R. 20 allows the Government to grant pay deemed equitable, but it cannot exceed what the Government servant would have earned had they been on duty in a different capacity.

**Q3: How is the initial pay fixed for a Government servant who is promoted to a higher post?**

**Ans:** Under F.R. 22(a)(1), they will receive one increment and be placed in a corresponding cell in the new pay scale. If no such cell exists, they will be placed in the next higher cell.

**Q4: What options does a Government servant have for pay fixation upon promotion?**

**Ans:** They can choose to fix their pay from the promotion date or from their next increment date (F.R. 22(a)(1)).

**Q5: What happens if a Government servant is promoted to a post without greater responsibilities?**

**Ans:** If the new post **does not involve greater responsibilities, the pay will be fixed at the same** stage as the old post or the next higher stage if no equivalent exists (F.R. 22(a)(2)).

**Q6: How is pay fixed for probationers and apprentices?**

**Ans:** Probationers receive either the minimum pay or their presumptive pay from a permanent post if higher during their probation. Upon confirmation, their pay is fixed according to the time-scale of the new service (F.R. 22-B).

**Q7: What does F.R. 23 state about changes in pay for post holders?**

**Ans:** If a post's pay is altered, the holder can retain their previous pay until they earn their next increment or vacate the post. Once they make this choice, it is final.

**Q8: Under what conditions can increments be withheld?**

**Ans:** Increments may be withheld due to unsatisfactory conduct or performance, as per F.R. 24, and the authority must specify the duration of withholding.

# Dismissal, Removal and Suspension

## Key Provisions

### **F.R. 52:**

When a government servant is dismissed or removed from service, their pay and allowances stop from the date of dismissal or removal.

### **F.R. 53:**

#### **1. Suspension Payments:**

A government servant under suspension is entitled to specific payments, which vary based on their role:

- **Commissioned Officers or Warrant Officers:** They receive the pay and allowances as if they were suspended from military duty.
- **Other Government Servants:** They receive a subsistence allowance equivalent to half of their average leave salary, along with applicable dearness allowance.
- **Duration of Suspension:**
  - If the suspension lasts **more than three months**, the authority can adjust the subsistence allowance:
    - **Increase:** Up to 50% if the delay in proceedings is not the servant's fault.
    - **Decrease:** Up to 50% if the delay is the servant's fault.
    - **Rate of dearness allowance based on subsistence allowance admissible.**

#### **2. Employment Certification:**

No payments under this rule are made unless the government servant provides a certificate stating they are not engaged in any other employment.

### **F.R. 54:**

#### **1. Reinstatement After Dismissal:**

If a dismissed government servant is reinstated, the competent authority must decide:

- The pay and allowances for the period of absence, including suspension.

fee recovered based on the subsistence allowance and the usual license fee will be deducted.

## **Questions and Answers**

### **1. What happens to a government servant's pay and allowances upon dismissal or removal?**

**Answer:** When a government servant is dismissed or removed from service, their pay and allowances stop from the date of dismissal or removal as per F.R. 52.

### **2. What are the payment entitlements for a government servant under suspension?**

**Answer:**

- **Commissioned Officers or Warrant Officers:** They receive pay and allowances as if suspended from military duty.
- **Other Government Servants:** They receive a **subsistence allowance** equivalent to half of their average leave salary, plus applicable dearness allowance.

### **3. How can the subsistence allowance change after three months of suspension?**

**Answer:**

- If the suspension lasts more than three months, the authority can adjust the subsistence allowance:
  - **Increase:** Up to 50% if the delay in proceedings is not the servant's fault.
  - **Decrease:** Up to 50% if the delay is the servant's fault.

**4. What certificate must a suspended government servant provide to claim payments?**

**Answer:** A suspended government servant must provide **a certificate confirming they are not engaged in any other employment**, business, profession, or vocation.

**5. What happens upon the reinstatement of a dismissed government servant?**

**Answer:** Upon reinstatement, the competent authority decides the pay and allowances for the period of absence. If fully exonerated, the servant receives full pay and allowances for the entire absence unless the delay was their fault.

**6. What is the outcome if a court reinstates a government servant due to procedural errors?**

**Answer:** If a court overturns a dismissal for procedural issues, the absence is regularized, and the authority will determine partial pay, and the absence is treated accordingly.

**7. Under what conditions can a suspended government servant retain accommodation?**

**Answer:** A suspended government servant can retain accommodation but will be charged a license fee from the date of suspension, as the concession for license fee-free accommodation ceases.

**8. What deductions can be made from a suspended government servant's subsistence allowance without consent?**

**Answer:** Mandatory deductions include:

- Income tax
- House rent and related charges
- Repayment of loans from the government
- Contributions to the Central Government Health Scheme (CGHS)
- Group Insurance subscriptions

# CCS(Joining Time ) Rule 1979

## Preliminary:

1. **Title of the Rules:** These rules are referred to as the Central Civil Services (Joining Time) Rules, 1979.
2. **Scope of Application:** These rules apply to all Central Government employees; however, they do not apply to:
  - a. Railway employees
  - b. Personnel of the armed forces and those funded by the defense service estimate
  - c. Government servants engaged on a contract basis and those who are not in full-time employment of the Government
  - d. Government servants who are paid from contingency funds.

## Definition

1. **Joining Time-** means time allowed to a Government servant in which to join a new post or to travel to a station to which he is posted.
2. **Transfer-** means movement of a Government servant from one post to another either within the same station or to another station to take up duties of a new post or in consequence of change of his headquarters.

## Joining Time salient feature.

Feature of Joining Time for government servants:

1. **Eligibility for Joining Time:** Joining Time is granted to a government servant upon transfer in the public interest, allowing them to join a new post either at the same station or at a different location.
2. **Temporary Transfers:** No Joining Time is allowed for temporary transfers lasting up to 180 days. However, if the transfer is within the same station, one day of Joining Time is permitted.
3. **Combining with Leave:** Joining Time can be combined with any type of leave for any duration, except for casual leave.
4. **Holidays and Joining Time:** Holidays cannot precede Joining Time. However, if holidays follow the Joining Time, the period will be extended to include those holidays.

- c. When an official has through no fault on his part missed a steamer or fallen sick on the journey.

## **Questions and Answers**

### **Q1: What are the Central Civil Services (Joining Time) Rules, 1979?**

**A1:** These rules govern the time allowed for government servants to join a new post after a transfer. They apply to all Central Government employees but exclude railway employees, armed forces personnel, contract employees, and those paid from contingencies.

### **Q2: What is meant by "Joining Time"?**

**A2:** Joining Time refers to the period allowed for a government servant to join a new post or travel to their new station after a transfer.

### **Q3: What conditions must be met for a government servant to avail of Joining Time?**

**A3:** Joining Time can be availed when:

1. Joining a new post at the same or a new station.
2. Returning from any leave (excluding casual leave).
3. Surplus staff transferred under redeployment schemes.
4. Discharged staff reappointed in another government office, provided they received appointment orders while still in the old post.
5. Domiciled employees of Andaman and Nicobar Islands or Lakshadweep, when posted to the mainland in public interest.

### **Q4: How is Joining Time calculated based on distance?**

**A4:** The admissible days of Joining Time are calculated as follows:

- **1000 km or less:** 10 days (12 days if traveling by road)
- **1000-2000 km:** 12 days (15 days if traveling by road)
- **Above 2000 km:** 15 days (12 days if by air, 15 days if by road)

### **Q5: What happens if a government servant overstays their Joining Time?**

**A5:** If a government servant overstays their Joining Time:

1. They receive no pay or leave salary for the overstay period.
2. The overstay is treated as "dies non," not counting towards pension or increment.