



CHAPTER XII FOREIGN SERVICE

F.R. 109. The rules in this chapter apply to those Government servants only who are transferred to foreign service after these rules come into force. Government servants transferred previously will remain subject to the rules in force at the time of transfer.

Foreign service rules, extent of application.

G.I.O. 1 This rule which contains regulation relating to foreign service applies to those Government servants only who are transferred to foreign service after the 1st January, 1922 those transferred previously remaining subject to the rules in force at the time of transfer. Government servants of the latter class are, however, entitled to take the benefit of the new leave rules, and will be adjudged to have elected to do so if they do not exercise the option given by Fundamental Rule 58. To cover cases in which such Government servants come under the new leave rules, the Government of India rule.-

Scope of rule.

(i) that their pay in foreign service shall be treated as pay for the purpose of calculating leave-salary; and

(ii) that the existing obligation of foreign employers to pay a portion of leave allowance during privilege leave shall be held to continue during the first four months of any period of leave on average pay.

[G.I.F.D.,Resolution No. 35-E.B., dated the 18th January 1922.]

G.I.O. 2. The orders in Resolution No. 35-E.B., dated the 18th January, 1922 above, were not intended to place officers who were transferred to foreign service before the 1st January, 1922, and who have elected to come under the new leave rules in a better position in the matter of leave-salary than those transferred to foreign service subsequently. What was intended is that the principle of the rule in Fundamental Rule 116 should be applied to both classes of officers. The expression "their pay in foreign service" in clause (1) in the resolution should therefore be taken as

Scope of the term "their pay in foreign service."



meaning " the pay drawn in foreign service less such part of it as may be paid as contribution."

In the case of officers who are exempted from the payment of contribution leave-salary should be based on the actual pay in foreign service without regard to the contribution which would have been paid but for the exemption.

[G.I.F.D, endorsement No. 1185-E.B., dated the 29th September 1922]

An extension of foreign service to be treated fresh transfer.

G.I.O. 3. This rule (109) applies only to the original period beginning before and terminating after the 1st January, 1922, for which the services of Government servants were transferred to foreign service. Any further extension should be treated as a fresh transfer and governed by the Fundamental Rules. The same principle will apply as to the date from which the new rates of contribution will apply, as prescribed in Government of India's letter No. 64-E.B., dated the 27th January 1922. The terms of extension commencing after the 1st January 1922, already sanctioned will not be affected by this order unless the foreign employer was specifically warned of the liability to revision.

[G.I.F.D.,letter No. 1391-CSR., dated the 17th August, 1923]

Authorities competent to transfer a Government servant to foreign service.

F.R. 110. (a) No Government servant may be transferred to foreign service against his will:

¹[Provided that this sub-rule shall not apply to the transfer of a Government servant to the service of a body, incorporated or not, which is wholly or substantially owned or controlled by the Government.]

(b) A transfer to foreign service outside India may be sanctioned by the Governor-General in Council.

¹Inserted by F.D. Notification No.1503-R-149-IV---1, dated 18.6.60.



Note- The Government of Madras is authorized to transfer to service in Ceylon any Government servant other than a member of an All India Service.

(c) Subject to any restriction which the Governor-General in Council may by general order impose in the case of transfer to the service of an Indian State, a transfer to foreign service in India may be sanctioned by the Local Government under which the Government servant transferred is serving.

G.I.O. 1.- The Government of India have ruled that the restrictions imposed by or under clauses (b) and (c) of F.R. 110 and sub-rule (2) of rule 45 of the Civil Services (Classification, Control and Appeal) Rules on the powers of the Provincial Government in relation to Government servants under its rule-making control are inconsistent with the new constitution and cannot now be regarded as valid. The Provincial Government is accordingly competent to transfer person under its rule-making control to foreign service outside India without the previous sanction of the Governor-General in Council, and is not bound by the restrictions imposed by him on transfer to the service, of an Indian State. The Government of India and the Crown Representative, however, desire to be consulted beforehand in regard to any request for the loan of the services of Provincial Officers from a foreign country outside the British Empire and of Officers belonging to the Provincial and All-India Services from an Indian State, respectively, in order that they may have an opportunity of considering the proposal from the point of view of their respective responsibilities. The Provincial Government should give full weight to any views which the Government of India or the Crown Representative may express on such consultation.

2. The Governor of a Province, exercising his individual judgement, is under the rule made by the Secretary of State on 14th April, 1942, competent to sanction transfers of Secretary of State's officers serving under the Provincial Government to foreign service outside India and to impose by general order restrictions in the case of transfers of such officers to the service of an Indian State. The



Government of India should however be consulted beforehand in regard to the transfer of such officers to foreign service in countries outside the British Empire.

G.I.O. 2. :- The Government of India should be consulted before any officer of the Indian Medical Service is transferred to foreign service.

[Government of India, Department of Education, Health and Lands letter No. F-5-12-35-H, dated the 18th April, 1936]

A.G.I. 1. For the purpose of the Foreign Service Rules, Nepal should be treated as outside India. This decision takes effect from the 23rd February, 1927.

A.G.I. 2. The Government which would be entitled to recover pension contribution on behalf of a Government servant lent to foreign service should be regarded as the Local Government competent to sanction his transfer to foreign service for the purpose of Fundamental Rule 110 (c).

From one local
body to another.

L.G.R. 1. A transfer of a Government servant on foreign service from one local body to another is a fresh transfer on foreign service. Each such transfer should accordingly be regulated by Fundamental Rule 110.

L.G.R. 2. Government medical officers employed by local bodies in dispensaries under their management on the terms laid down in paragraphs 6 and 7 of Central Provinces Government Medical Administration and Public Health Department, letter No. C-315-VIII, dated the 8th May, 1923 are treated as on foreign service under F.R. 110.

L.G.R. 3.² [Deleted].

Transfer to
foreign service,
when admissible.

F.R. 111. A transfer to foreign service is not admissible unless -

² Deleted by F.D. Notification No.175-R-1 IV, dated 10.3.60.



(a) the duties to be performed after the transfer are such as should, for public reasons, be rendered by a Government servant; and

(b) the Government servant transferred holds, at the time of transfer, a post paid from general revenues, or holds a lien on a permanent post, or would hold a lien on such a post had his lien not been suspended.

G.I.O. 1. The Government of India have decided that if in any case a proposal is made that a Government servant should be lent to a private undertaking it is necessary that the principles of F.R. 111(a) should be applied most rigorously and that in general, the loan of a Government officer to a private undertaking should be regarded as a very exceptional case requiring special justification.

Government servants lent to a private undertaking.

[G.I.H.D., letter No. F-358-29 Est., dated the 8th January 1930, copy received with General Administration Department endorsement No. 173-84-IV, dated the 25th January 1930].

G.I.O. 2. The transfer of a temporary Government servant to foreign service is permissible under the above rule.

Temporary Government servants.

[G.I.F.D., letter No. F-66-C.S.R., dated the 22nd July 1934]

Rule made by the local Government under rule 4(1) of the Civil Services (Governor's Provinces) Delegation Rules.

The transfer of an officiating Government servant without a permanent post to foreign service is permissible under the above rule.

Officiating Government servants.

(The rule has effect from the 9th March, 1926.)

F.R. 112. If a Government servant 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.

Transfer to foreign service while on leave.



Applicability of foreign service rules to officers accepting employment under an Indian State while on leave preparatory to retirement.

S.S.O. (i) The Secretary of State has held that the treatment of service in an Indian State in the case of an officer on leave preparatory to retirement on proportionate pension as foreign service (while the time so spent is simultaneously regarded as leave) would not be in accord with the spirit and intentions of the foreign service procedure. He has accordingly decided leave preparatory to retirement on proportionate pension in India, should be treated as being private employment, unless in any special case the circumstances are such that the Government of India think it right to treat the officer as one for whom an alternative carrier has been found by them. In the later case, the officer would not be on leave, the service should be treated as foreign service, counting for pension contribution should be taken from the State concerned, and the proportionate pension should remain in suspense.

Officers retiring on ordinary pensions.

(ii) In the case of officers about to retire on ordinary pensions, the Secretary of State has decided as follows :-

(a) in the usual case (e.g. that of an officer, who has reached on is approaching the age of superannuation) the officer, notwithstanding his employment, with the permission of the Government of India, in an Indian State, should be allowed to take any leave which would be admissible to him had he not accepted such employment, and pension contribution should not be required ;

(b) in exceptional cases which in the opinion of the Government of India, justify such a course, acceptance of the employment might be made conditional on the officer remaining in their service and being placed on the usual foreign service terms.

[G.I.F.D., letter No. 979-EB, dated 16-8-1922]

(iii) The concession of drawing leave salary during leave preparatory to retirement in addition to pay from an Indian State should not, however, be granted to officers of the Indian Services (1) who retire on proportionate pension, or (2) who retire before reaching the age of superannuation, if they take such leave after



being offered, or having made arrangements for, employment in a State; in such cases, they should be required either to retire or go on foreign service terms.

[G.I.H.D, letter No. F-61-9-33-Public, dated 9-1-1934].

L.G.R. ✶ The orders contained in clause (iii) (2) above apply also to officers of the Madhya Pradesh Provincial and Subordinate Services.

G.I.O. 1.- The concession of drawing leave salary during leave preparatory to retirement in addition to pay from an Indian State referred to in clause (iii) of the above S.S.O. is inadmissible where the following ingredients, occur (i) premature retirement, and (ii) the previous offer, or arrangement, of employment in an Indian State. The concession is however, permissible when the leave is the last leave taken (a) before or after reaching the age of superannuation, except when the officer is already in foreign service when he applies for such leave, and (b) before the date on which an officer is compelled to retire from a tenure post under Fundamental Rule 56 (c)(iv)(3).

(It will, however, always be open to the authority concerned, in the exceptional cases contemplated by clause (ii) (b) of the S.S.O., to require that the officer should remain in the service of Government and be placed on the usual Foreign Service terms.)

[G.I.H.D., letter No. F-61-9-33-Public, dated the 4th October, 1935]

[G.I.F.D, No. F-61-2-36-Public, dated the 4th June 1936]

G.I.O. 2. The Government of India have decided to accept the suggestions made by the Secretary of State in above S.S.O.

[GIFD., letter No. 602/CSR., dated 26-4-23]

G.I.O. 3. The decision communicated in Government of India, Finance Department, letter No. 602-C.S.R. of the 26th April,



1923 above, should be taken as applying to all foreign service and not only to service in an Indian State.

[G.I.F.D. letter No. 957-CSR., dated 13-6-1928]

G.I.O. 4. The orders contained in the above S.S.O. do not apply to officers who are already in foreign service and propose to continue on duty in the service of the same employer, while on leave preparatory to retirement.

[G.I.F.D., letter no. F-1(45)-R-I-31, dated the 21st December, 1931.]

Lien of
Government
servant
transferred to
foreign service.

F.R. 113. (i) A Government servant transferred to foreign service shall remain in the cadre or cadres in which he was included in a substantive or officiating capacity immediately before his transfer and may be given ³ [subject to the condition prescribed under the second proviso to Fundamental Rule 30 (1)] such substantive or officiating promotion in those cadres as the authority ⁴ competent to order promotion may decide. [In giving promotion such authority shall also take into account the nature of the work performed in foreign service].

(a) the nature of the work performed in foreign service, and

(b) the promotion given to juniors in the cadre in which the question of promotion arises.

^o * [(ii) Nothing in this rule shall prevent a member of a subordinate service from receiving such other promotion in Government service as the authority who would have been competent to grant the promotion had he remained in Government service may decide.

³ Inserted by F.D. Notification No.1787-R-213-IV-R-1, dated 4.9.62.

⁴ Substituted by F.D. Notification No. 1787-R-213-IV-R-1, dated 4.9.62.

^o * This rule is made by the local Government and has effect from the 9th June 1986.



F.R. 114. A Government servant in foreign service will draw pay from the foreign employer from the date on which he relinquishes charge of his post in Government's service. Subject to any restrictions which the Governor-General in Council may, by general order, impose the amount of his pay, the amount of joining time admissible to him and his pay during such joining time will be fixed by the authority sanctioning the transfer in consultation with the foreign employer.

Date from which pay and allowances are payable by foreign employer.

F.R. 115⁵ [Deleted]

F.R. 116⁶ [Deleted]

F.R. 117. (a) The rates of pension contribution prescribed under rule 116 will be designed to secure to the Government servant the pension that he would have earned by service under Government if he has not been transferred to foreign service.

Liability of Government to pay pension and leave.

(b) The rates of contribution for leave-salary will be designed to secure to the Government servant 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, in the case of Government servants paying their own contributions, such part of pay as may be paid as contribution will count as pay for the purpose of Fundamental Rule 9(2).

Note :- The pay drawn in foreign service, less in the case of Government servant paying their own contribution, such part of pay as may be paid as contribution, shall count as pay for the purpose of the calculation of average pay under rule 17 of the Revised Leave Rules, 1934, contained in Appendix I, Part II-B.

L.G.R. 1. In calculating the rate of leave-salary during leave taken while on foreign service by a Government servant subject to the leave rules in the Civil Service Regulations the pay drawn by

⁵ Deleted by F.D. Notification No. IV, dated

⁶ Deleted by F.D. Notification No. 1 IV, dated.



him in foreign service, less such part of pay as may be paid by him as contributions, will count as "salary" for the purpose of the relevant leave rules in the Civil Service Regulations.

L.G.R. 2. The rates prescribed for leave-salary contributions have been calculated on the basis of the leave on full and half average pay normally taken by a Government servant during the total period of his service and do not take into account any compensatory allowance, which may form part of leave-salary as defined in Fundamental Rule 9(12). The whole expenditure in respect of any compensatory allowance for period of leave in or at the end of foreign service should, therefore, be borne by the foreign employer. In order to avoid any misunderstanding a condition to this effect should be inserted in the terms of transfer to foreign service.

[F.D. Endt. No. 226-5315-R-VI, dated 19-1-1944.]

F.R. 118. :- (Cancelled)

Remission of
leave and
pension
contributions and
rate of interest on
overdue
contributions.

F.R. 119. Subject to any general orders of the Governor-General in Council, a Local Government sanctioning a transfer to foreign service may -

- (a) remit the contribution due in any specified case or class of cases; and
- (b) make rules prescribing the rate of interest, if any, to be levied on overdue contributions.

L.G.R. In the case of Government Medical Officers transferred to foreign service for employment in dispensaries under the management of local bodies on the terms laid down in paragraph 6 and 7 of Central Provinces Government, Medical Administration and Public Health Department, letter No.-315-VIII, dated the 8th May, 1923, no recovery of contributions towards leave-salary or pension will be made.

S.R. 1. "The recovery of pension and leave-salary contribution from foreign employer in respect of Government



servant on deputation should be recovered once in a year or at the end of the financial year or at the end of the foreign service if the deputation comes to an end before the end of the financial year."

S.R. 2. If any amount due, including interest, is not paid within twelve months of its accrual, the Government servant concerned shall forfeit his claim to pension and leave-salary. In order to revive such claim, the Government servant must first pay the amount due and then represent his case to the Government.

S.R. 3. Interest on overdue contributions will not be remitted, save in exceptional circumstances with the sanction of Government.

F.R. 120. A Government servant in foreign service may not elect to withhold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ. The contribution paid on his behalf maintains his claim to pension, or to pension and leave-salary, as the case may be, in accordance with the rules of service of which he is member. Neither he nor the foreign employer has any right of propriety in a contribution paid, and no claim for refund can be entertained.

Refund of leave and pension contributions.

F.R. 121. A Government servant transferred to foreign service may not, without the sanction of a local Government, accept a pension or gratuity from his foreign employer in respect of such service.

Pension or gratuity from foreign employer, not to be accepted.

F.R. 122. A Government servant 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.

Leave to a Government servant on foreign service in India.

F.R. 123. (a) A Government servant in foreign service out of India may be granted leave by his employer on such condition 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

Leave to a Government servant on foreign service out of India.



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 servant's leave account.

(b) 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 servant in accordance with the rules applicable to him as a Government servant if the foreign employer pays to General Revenue leave contribution at the rate prescribed under Fundamental Rule 116.

Pay of Government servant in foreign service when appointed to officiate in a post in Government service.

F.R. 124. A Government servant in 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 has 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.

Date of reversion from foreign service.

F.R. 125. A Government servant 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 on the conclusion of foreign service before rejoining his post, his reversion shall take effect from such date as the local Government on whose establishment he is borne may decide.

Pay and allowances on reversion from foreign service

F.R. 126 F.R. 126. When a Government servant reverts from foreign service to Government service, his pay will cease to be paid by the foreign employer, and his contributions will be discontinued, with effect from the date of reversion.

Regular establishment, the cost of which is payable to Government.

F.R. 127. 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 under the following rules:-

(a) The amount to be recovered shall be the gross sanctioned cost of the service, or of the portion of the



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

(b) The cost of the service shall include contributions at such rates as may be laid down under Fundamental Rule 116, and the contributions shall be calculated on the sanctioned rates of pay of the members of the establishment.

(c) A local Government may reduce the amount of recoveries or may entirely forego them.

G.I.O. 1 The Government of India have prescribed the following procedure which should be adopted in applying the revised rates of contributions for pension and leave-salary promulgated in Government of India, Finance Department, Resolution No. 81-R--I-24, dated the 11th February 1929, to cases falling under Fundamental Rule 127.

Procedure for applying revised rates of contributions.

(1) Pension Contribution

In the case of members of the I.C.S, the amount to be recovered as contribution should be the average of the rates prescribed columns 2 and 3 of the first table in the annexure to Government of India, Finance Department, Resolution No. F.81-R-I-24, dated the 11th February 1929, and in the case of members of other Superior Services, the average of the rates laid down in columns 4 and 5 of that table. In the case of members of Provincial/Subordinate Services, a fraction of the total maximum monthly pay of the sanctioned posts equal to the average of the percentages laid down in column 2/3 of the second table in the said annexure should be levied as contribution.

(2) Contribution for leave-salary

In the case of members of the Superior Services, the rate to be applied in calculating the amount to be levied as contribution should be the average of the rates prescribed for officers subject to the special and ordinary leave rules. In the case of members of Provincial and Subordinate Services, recoveries on account of contributions of leave- salary should be made by levying the percentages prescribed in the annexure referred to above on the total sanctioned cost, or in the case of time-scales of pay on the average cost of all the posts concerned.

[G.I.F.D. letters No. F.-I-XI-R-I-29, dated the 17 June 1929 and No. F.-I-XI-R-I-29, dated the 4th September 1929.]



Procedure for applying revised rates of contribution under C.S.R.

G.I.O. 2. Contribution for pension and leave-salary in the case of additions made to regular establishments under article 783, Civil Service Regulations, or under Fundamental Rule 127, should be made as under:-

(a)The additions made before the 1st August 1913 are subject to the rates prescribed in the original fifth edition of the Civil Service Regulations, even though the incumbents may change or any further additions be made to the additional establishment, vide note 3 to Article 783, Civil Service Regulations.

(b)The rates of contributions applicable to the additions made on or after the 1st August 1913 and before the 27th January 1922, are those prescribed in Articles 769 and 770 of the reprint of the fifth edition of the Civil Service Regulation, irrespective of any change of incumbents or further additions to the additional establishment.

(c)The additions made on or after the 27th January 1922 are subject, up to the 28th February 1929, to the rates laid down in Government of India, Finance Department, letters No.64-E.B., dated the 27th January 1922 (G.I.O. 1 below F.R. 116), and No.F.-81-C.S.R.24, dated the 4th August 1924 (G.I.O.3 below F.R.116), and thereafter to the rates announced in Government of India, Finance Department. Resolution No. 81-R-I-24 dated the 11th February 1929 (G.I.O. below F.R. 116), or any revised rates which may be prescribed from time to time.

(d)In all cases, renewal of sanctions to additions to regular establishments should be treated as new sanctions.

G.I.O.3.In the case of officers of All -India Services who are eligible for passage concessions under Schedule IV to the Superior Civil Services Rules and who form additions to regular establishments under Fundamental Rule 127, an additional contribution at Rs. 50 per mensem to cover the cost of free passage should be levied from the parties concerned. This contribution is payable during the whole period of service in the additional post except that it should not be charged during leave where-

(a)the leave taken is preparatory to retirement, or

(b)the Government servant concerned will, on return from leave, be given different duties and not return to the additional post; or



(c) the substitute in the additional post, for the Government servant on leave, is entitled to passage concessions and a contribution for passages is recovered on his behalf.

[G.I., F.D., letter No. F.1 (16)-R-I34, dated the 9th May 1934.]

L.G.R. In the case of officers eligible for passage concessions under the Central Provinces Passage Rules who from additions to regular establishments under Fundamental Rule 127, and additional contribution at Rs. 30 per mensem should be recovered from the parties concerned to cover the cost of free passages subject to the exception mentioned in G.I.O..3 above

A.G.I. Principles for the calculation of contributions for leave-salary and pension. - the words 'its cost' in line 2 of F.R. 127 refer to an 'an addition' in line 1 of that rule. The underlying intention of the rule is to recover the cost of the additional establishment sanctioned. Contributions for leave-salary and pension livable under clause (b) of this rule should, therefore, be based on the rates of pay, old and/or revised, as the case may be, on which that establishment is actually sanctioned irrespective of whether the person employed on the work for which it is sanctioned is an old or a new entrant.

The criterion for the calculation of contributions for leave-salary and pension in respect of the additional establishment which is in practice interchangeable with the main establishment and which carries alternative scales of pay (old or revised), should be the anticipation at the time of an annual review to be carried out by the Accountant-General. If at the time of review it is anticipated that the post or posts will ordinarily be held by old entrants during the year, calculations will be based on the old rates of pay. Even though, in fact, the post or posts may be held by new entrants for certain periods of the year. The reverse will be the case if the anticipation is for new entrants.

[Slip No. 70, 1-842 to the Manual of Audit Instructions (Reprint) and Accountant-General, C. P.'s un-official memo. No.T.19-495, d. 10-6-43.]



F.R. 128 to 130.- [Deleted]

[Finance department Notification No. G-22/6/94/C/IV, dated
29.3.96]

(Service under Local Fund)