

CHAPTER 1
CREATION OF POSTS

General Provisions

1.1 A post, to be created, may be a permanent post or a temporary or a tenure post. Permanent post means a post carrying a definite rate of pay sanctioned without limit of time. Temporary post means a post carrying a definite rate of pay sanctioned for a limited time, whereas a tenure post means a permanent post which an individual Government Servant may not hold for more than a limited period.

F.Rs. 9(22), 9(30) and 9(30A).

1.2 The general provisions relating to creation of posts and the powers delegated to various authorities in regard to creation of posts are contained in the General Financial Rules, 1963 and the Delegation of Financial Powers Rules, 1978 as amended from time to time and various instructions issued by the Ministry of Finance (Department of Expenditure) and the Department of Personnel and Training.

2. Powers Delegated to Ministries/Departments etc.

2.1 Subject to the restrictions contained in the General Financial Rules, 1963, Ministries of the Central Government, Administrators and Heads of Departments enjoy the following powers to create permanent as well as temporary posts vide Rule 13 of the DFP Rules, 1978 in accordance with the provisions contained in Schedules II and III of the said Rules (reproduced below), and instructions issued by the Ministry of Finance from time to time.

SCHEDULE II
POWERS TO CREATE PERMANENT POSTS
(See rule 13)

NOTE : The powers of subordinate authorities for creation of permanent unclassified posts are regulated by separate orders.

Authority	Class of post which may be created
1	2
Department of the Central Government. :	
(i) Department of Parliamentary Affairs and Vice-President's Secretariat.	Posts in Groups A Service : (a) Secretariat posts not above the rank of under Secretary and (b) Other posts carrying prescribed scale the maximum of which does not exceed Rs. 1,600 per mensem.
(ii) Other Departments	(c) Posts in Group B, C and D Services. Posts in Group A Services or pay less than Rs 2,750/—per mensem in the prescribed scale or Rs. 3000/—(if the post carries a pre-1931 scale)

1	2
	Note : Where a post is sanctioned on a time scale the maximum of the time scale should be taken as pay for the purpose of this entry.
	Posts in Groups B, C and D Services.
Administrator I	
(i) Administrators of all UTs excluding Lakshadweep.	Posts in Group B, C and D Services.
(ii) Administrator, Lakshadweep Islands.	Posts in Group D Services.
Heads of Departments	Posts in Group C and D Services.

SCHEDULE III

POWERS TO CREATE TEMPORARY POSTS

(See rule 13)

NOTE : The powers of subordinate authorities for creation of temporary unclassified posts are regulated by separate orders.

1 Authority	2 Class of posts which may be created and the limit of pay upto which a post may be sanctioned	3 Period for which the posts may be sanctioned
Department of the Central Government	Posts in Group A Services.	
(i) Department of Parliamentary Affairs and Vice-President's Secretariat;	(a) Secretariat posts not above the rank of Under Secretary; and (b) Other posts carrying prescribed scale the maximum of which does not exceed Rs. 1600/—per mensem.	Any specified period.
	Posts in Groups B, C and D Services.	
(ii) Other Departments	Posts in Group A Services on pay upto Rs. 2750/—per mensem in the prescribed scale of Rs. 3000/— (if the post carries a pre-1931 scale.) Note :—Where a post is sanctioned on a time scale the maximum of the time scale should be taken as pay for the purpose of this entry.	Any specified period.
	Posts in Group B, Group C and Group D Services other than posts in the Finance Branch of the Department.	Any specified period.

1	2	3
Administrators.		
(i) Arunachal Pradesh, Delhi; Goa, Daman and Diu; Mizoram, Pondicherry and Andaman and Nicobar Islands.	Posts in Group A Services, the maximum of whose scales of pay does not exceed Rs. 2000/—p.m. and to which the Administrator is the appointing authority.	For any specified period.
	Posts in Group B, Group C and Group D Services.	Any specified period.
(ii) Chandigarh; and Dadra and Nagar-Haveli.	Posts in Group A Services.	Initially for any period not exceeding six months with power to extend the post by not more than a further period of six months.
	Posts in Group B, Group C and Group D Services.	For any specified period.
(iii) Lakshadweep	Posts in Group C and Group D Services.	For any specified period.
Heads of Departments	Posts in Group B, Group C and Group D Services.	For any specified period.

Explanation : In this Schedule, "any specified period" means :—

- (a) in the case where the authority specified in column 1 of the Schedule has power to create a temporary post specified in column 2 of the said Schedule but has no power to create such post permanently for a period not exceeding two years; and
- (b) in any other case, any stated period.

Government of India's decision : An authority competent to create a post under the provisions of this Schedule, shall also be competent to continue it beyond the specified period, provided specific budget provision exists in this regard.

[Ministry of Finance File No. F.1(9)-E.II(A)/74]

3. Creation of Posts :

3.1. Notwithstanding anything contained in these rules, no post shall be created :—

- (a) in the Secretariat office of a Department of the Central Government unless the scale or rate of pay on which the post is created has been approved by the President for a post of similar character under the Central Government;
- (b) in any other office which is under the control of an administrator or Head of Department unless there exists in the same or any other civil non-secretariat office under that Administrator or Head of Department, a post of similar character on a rate or scale of pay approved by the President;
- (c) on a permanent basis, save with the previous consent of the Finance Ministry, unless savings in the succeeding years can be established for this purpose: and

- (d) unless funds to meet the cost of the post, if temporary, can be found by valid Appropriation or re-Appropriation from within the provision placed at the disposal of the authority concerned during a year. Continuance of such posts in future shall be subject to the provision of funds being made in the budget.

3.2 The power conferred on a subordinate authority to create a permanent post may be exercised in creating similar supernumerary post for the purpose of accommodating the lien of a Government servant who, though entitled to hold a lien against regular permanent post, cannot be so accommodated because of non-availability of such a post. The supernumerary post shall be created only if another vacant permanent post is not available to provide lien for the Government servant concerned and it shall remain operative only until he is absorbed in a regular permanent post.

3.3 The power conferred on a subordinate authority to create permanent or temporary posts shall not, unless otherwise directed by the President, be exercised so as to add such posts to any service or cadre unless that service or cadre is under the control of that authority.

Provided that the provisions of this sub-rule shall not be applicable to posts borne on the cadres of the Central Secretariat Service, the Central Secretariat Stenographers' Service or the Central Secretariat Clerical Service. The competent authorities may create posts but their inclusion in the Central Secretariat Service, Central Secretariat Stenographers' Service or Central Secretariat Clerical Service, shall be subject to the provisions of the respective Service or Cadre Schemes.

Government of India's decision (1) :—The Departments of the Central Government may create a post of Officer on Special Duty if the post can be equated to an existing sanctioned post having regard to the comparable nature of the duties and degree of responsibility. In such a case the sanction for the creation of the post should be suitably worded so as to show that the post has been created in the grade of Under Secretary, Deputy Secretary etc. though designated as Officer on Special Duty. If, however, the post of Officer on Special Duty is to be created on a special scale, the approval of the Ministry of Finance (Department of Expenditure) would be necessary. In such a case, the Departments would not be competent to create another post of Officer on Special Duty on that scale on the ground that it is similar to the first post, as the approval of the Ministry of Finance would be with reference to a particular post.

[Min. of Finance OM No. F.12(11)-E(II)-(A)/59, dt. 4-4-1959].

Government of India's decision (2) : Where the prescribed scale of a post carries a special pay and the post is of a class as distinguished from an ad-hoc, isolated or an individual post, the Department of the Central Government may create the post subject to the provisions of these rules.

[Min. of Finance's file No. F.12(72)-E.II(A)/59, and F.11(2)E.III/59].

Government of India's decision (3) : The expression 'post' used in sub-rules 11(1)(a) and (b) includes 'permanent' as well as 'temporary' posts.

[Min. of Finance OM No. F.12(I)I-C(I)(A)/59, dt. 4-4-59].

Government of India's decision (4) : Though the concurrence of the Ministry of Finance is necessary to the initial creation of the temporary post in a Department/Office if a post of similar character on a rate or scale of pay approved by the President does not exist in that Department/Office, the administrative authority concerned will be competent to sanction the continuance of such a post provided (i) the period for which the post is continued together with the period for which it was created initially with the concurrence of the Ministry of Finance does not exceed the period for which the administrative authority concerned can create a post in the same class, and (ii) all the circumstances justifying the original sanction continue to exist.

[Min. of Finance OM No. F.12(17)-E.II(A)/61, dt. 30-6-61].

Government of India's decision (5) : The following principles should be observed while creating supernumerary posts under Rule 11(2) :—

- (i) The supernumerary post is a shadow post i.e., no duties are attached to such a post. The officer whose lien is maintained against such a post performs duties in some other vacant post and accordingly it should not be created in circumstances which, at the time of the creation of the post or thereafter, would lead to an excess of the working strength.
- (ii) As a supernumerary post is a post created for accommodating a permanent officer till he is absorbed substantively in a regular permanent post, it should not be created for an indefinite period as other permanent posts are, but should be created for a definite and fixed period sufficient for the purpose in view.
- (iii) It is personal to the officer for whom it is created and no other officer can be appointed against such a post. It stands abolished as soon as the officer, for whom it was created, vacates it on account of retirement or confirmation in another permanent post or for any other reason. In other words, no officiating arrangements can be made against such a post. Since a supernumerary post is not a working post, the number of working posts in a cadre will continue to be so regulated that, if a permanent incumbent of one of the regular posts returns to the cadre and all the posts are manned, one of the officers of the cadre will have to make room for him. He should not be shown against a supernumerary post.
- (iv) No extra financial commitment is involved in the creation of such posts in the shape of increased pay and allowances, pensionary benefits etc.
- (v) Administrative authorities should maintain a record of the supernumerary posts, the particulars of the individuals who hold liens against them and the progressive abolition of such posts as and when the holders of the posts retire or are absorbed in regular permanent posts, for the purpose of verification of service for pension.

[Min. of Finance OM No. F.84(4)-EG.I/61, dated 15-3-1961].

Government of India's decision (6) : In working out a new project or a reorganisation Scheme, it may happen sometimes that creation of some of the posts is within the powers of the Ministries etc., while others need the concurrence of the Finance Ministry. In such cases, it would not be proper for the administrative authorities to implement part of the proposal which can be implemented within their powers and then approach the Finance Ministry to agree to the other part. Where the implementation of the proposal as a whole depends upon the concurrence of the Finance Ministry in regard to some of its parts the correct procedure would be for the administrative Ministry to hold over the entire proposal and implement it only after getting the concurrence of the Finance Ministry.

[Min. of Finance OM No. F.1(18)-E.II(A)/64, dt. 17-4-1964].

Government of India's decision (7) : The authorities competent to create posts should ordinarily not resort to their creation retrospectively. The appointing authorities should also avoid making appointments against posts in anticipation of their creation since such a course of action will lead to administrative difficulties in the event of the posts not being sanctioned ultimately. It should be ensured that all proposals for creation of posts are sponsored by the concerned authority well in advance of making the appointments against posts yet to be created. It is only in very exceptional circumstances (which should be recorded in writing by the competent authority) that creation of posts with retrospective effect and/or making appointments against posts in anticipation of their creation might be resorted to. Where retrospective effect for a period exceeding three months is to be given while creating a post, the proposal should be referred, with full justification therefor to the Ministry of Finance (Expenditure Divisions concerned) for prior concurrence.

These instructions do not, however, apply to the orders of extension/continuance of the existing posts created by the competent authority.

[Ministry of Finance OM No. F.1(34)-E.II(A)/66, dt. 3-8-1967].

Government of India's decision (8) : The exercise of the existing delegated powers for creation of posts by Ministries will be subject to the observance of the following conditions :—

- (a) The powers do not cover upgrading of scales of pay of existing posts vide Department of Expenditure's OM No. F.5(1)-E.III(A)/65, dated the 26th February, 1965.
- (b) In all cases of creation of posts for which specific provision has not been made in the approved budget, necessary savings should be located and specified before sanction is issued; it will be irregular to create posts on the basis of a mere expectation that savings under the appropriate head are likely to be available. It will, however, be in order if new posts are created in lieu of some others for which provision is included in the approved budget and a decision to this effect is recorded. It will not be correct for Ministries to create posts involving recurring commitments for future years unless corresponding savings can be clearly located for those years also.
- (c) The Internal Work Study Unit, which are an integral part of the arrangement, should be consulted in all cases where additional posts are to be created under the delegated powers due to increase in work or re-organisation of staff.
- (d) The delegated powers for certain posts will not be utilised so as to augment strengths of particular categories as recommended under the Staff Inspection Unit's Report, for at least a period of 6 months after action on the report has been completed.
- (e) Posts should not be created in excess of standard scales where laid down, e.g. in respect of Group 'D' posts, stenographers, personal staff of senior officers and Ministers, etc.
- (f) Retrospective creation of posts should be done with the approval of Finance Minister.

[Min. of Finance OM No. F.1(34)-E.II(A)/66, dt. 3-8-1967 read with UO No. F.11(3)-E.II(A)/78, dated 30-6-1978].

Government of India's decision (9) : Each Ministry shall set up internally a work study unit with properly trained staff to function directly under the Secretary for laying down norms for particular types of work and also for examining such proposals as are referred to it by the Ministry for staff reorganisation or creation of posts (both in the Department and in offices under it). The Staff Inspection Unit will render all possible help to Ministries for this purpose, if necessary. The strength and composition of the unit may be settled in consultation with the Staff Inspection Unit.

It will be the function of the Internal Work Study Unit :—

- (i) to study the organisational structure, methods of work, and procedure of the Ministry/Department with a view to suggest measures for reform so as to improve the efficiency of the organisation;
- (ii) to study the staffing of the establishments under the Ministry/Department with a view to suggest economy in staff consistent with administrative efficiency; and
- (iii) to evolve standards of performance and norms of work relating to jobs peculiar to the Ministry/Department.

The Internal Work Study Units should draw up cyclical programmes for conducting studies and each cycle should ordinarily be completed in a period of about three years. They should also send copies of their programmes and their reports to Staff Inspection Unit. Staff Inspection Unit may issue separate instructions regarding the methodology to be adopted in conducting work studies and the form of reporting the results thereof.

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The Staff Inspection Unit of the Ministry of Finance will continue to conduct its studies in any Ministry/Department in accordance with its programmes and the standards evolved by it for jobs common to several Ministries/Departments will be made available to all Ministries. Norms/standards evolved by the Internal Work Study Units for jobs pertaining to their Ministries will be subject to review by the Staff Inspection Unit. In suitable cases, other studies conducted by the Internal Work Study Unit will also be subject to test check by Staff Inspection Unit.

[Min. of Finance OM No. F.10(4)E(Coord)/62, dated 1-6-62 and F.10(3)-E.(Coord)/67, dated 18-10-68].

Government of India's decision (10) : Where the Finance Ministry's concurrence has to be sought for the creation of posts beyond the powers of the administrative Ministry, the relevant reference to the Finance Ministry should be made, as far as possible, in the form of a self-contained Office Memorandum indicating inter-alia the duties and functions of the posts, their number, the duration for which they are required, the scales of pay and the manner in which the expenditure is proposed to be met, along with full justification for their creation, including reports of work studies conducted.

[Min. of Finance OM No. F.10(4)-E(Coord)/62, dated 1-6-1962].

Government of India's decision (11) : The studies made by Internal Work Study Unit may be processed in accordance with the procedure mentioned below :—

- (i) In regard to proposals for staff expansion, the Financial Adviser might decide whether there, at all, is a need for a study in each and every case, keeping in view the size of the staff required etc., in marginal cases it might not be necessary to have the study made and the Financial Adviser could decide on the merits of the case;
- (ii) where, however, the need for a specific study is felt because of the demand for sizeable addition to staff, or where it involves major re-organisation etc., the Financial Adviser should decide whether the study should be entrusted to the Staff Inspection Unit, or to the Internal Work Study Unit; and
- (iii) whenever it is decided by the Financial Adviser to have the study conducted by the Internal Work Study Unit, he should take a final decision on the Internal Work Study Unit's report and no reference to Staff Inspection Unit should be made.

[Min. of Finance (Deptt. of Expenditure) OM No. F.9(3)-E(Coord)/78, dated 15-7-78].

4. Powers of Subordinate Authorities

4.1 Subject to the provisions of these rules, the Departments of the Central Government, Administrators and Heads of Departments shall, in relation to creation of permanent posts, creation of temporary posts, Appropriation and re-Appropriation, incurring of contingent expenditure, incurring of miscellaneous expenditure, and write-off of losses, have the powers respectively specified in Schedules II, III, IV, V, VI and VII of DFPRs.

4.2 A Department of Central Government may, by general or special order, confer powers, not exceeding those vested in that Department, upon an Administrator or Head of Department or any other subordinate authority in respect of any matter covered by these rules :

Provided that no power under this sub-rule shall be redelegated in respect of :—

- (a) creation of posts;
- (b) write-off of losses; and
- (c) re-Appropriation of funds exceeding 10 per cent of the original budget provision.

4.3 The Administrator or Head of a Department referred to in sub-rule (2) may, by an order in writing, authorise a Gazetted Officer serving under him to exercise to such extent, as may be specified in that order all or any of the powers conferred on such Administrator or Head of Department under sub-rule (1) or sub-rule (2). The Administrator or Head of a Department

shall, however, continue to be responsible for the correctness, regularity and propriety of the decisions taken by the Gazetted Officer so authorised.

4.4 An authority empowered by or under these rules to incur contingent expenditure or miscellaneous expenditure shall exercise such powers subject to the following conditions, namely :—

- (a) In regard to the supply of articles required for the public service and for regulating the purchase of stationery stores for the public service, the provisions contained in Appendix 8 and Appendix 9 respectively to the General Financial Rules, 1963 and subsidiary instructions and orders on the subject shall be followed.
- (b) in regard to contingent expenditure on each item specified in column 2 of the Annexure to Schedule V of these rules, orders, restrictions or scales specified in column 4 of that Annexure against that item shall be observed.
- (c) in regard to miscellaneous expenditure any rules, orders restrictions or scales as may be made, imposed or prescribed by the President shall be observed.

4.5 Unless otherwise provided by any general or special rule or order, it shall be within the competence of an authority to exercise the financial powers delegated to an authority subordinate to it.

4.6 The power delegated under these rules can also be exercised for a validation of an action already taken or expenditure or liability already incurred even when the authority validating the action or expenditure or liability, as the case may be, had no competence to do so at the time the action was taken or expenditure or liability was incurred.

Government of India's decision (1) : Powers should not be delegated under these rules to non-gazetted officers.

[Min. of Finance File No. F.12(55)-E.II(A)//59].

Government of India's decision (2) : whenever powers are delegated to any authority under these rules, that authority should be deemed to be competent to exercise those powers in respect of past cases also. The term 'past case' means a case which has not been finalised until the date of the said delegation, although it occurred prior to that date. On the other hand expenditure already incurred by an authority of its powers should be treated as irregular expenditure and should be regularised by the issue of an ex-post-facto sanction.

[Min. of Finance OM No. 1(3)-E.II(A)/65, dt. 16-2-1965].

Government of India's decision (3) : Insofar as matters covered by Schedules II to VII are concerned, subordinate authorities can exercise the same financial powers in respect of capital expenditure as they can exercise in respect of revenue expenditure except in the case of those items where the powers may be specifically restricted to revenue expenditure (e.g. item 17 of the Annexure to Schedule V).

[Min. of Finance OM No. F.12(80)-E.II(A)/60, dt. 23-12-1960].

Government of India's decision (4) : The Administrators of Union Territories whether with or without Legislature, may redelegate their own powers in respect of matters covered by Schedules II to VII to these rules, to Heads of Departments under their names in Schedule I.

[Min. of External Affairs No. G.1(Goa)578/16/64 dated 6-8-1964 and Ministry of Home Affairs No. 3(4)/64-Finance, dated 30-3-65 and 6-4-1965].

Government of India's decision (5) : An officer appointed to perform the current duties of a post in addition to his own can exercise administrative or financial powers vested in the full-fledged incumbent of the post but he cannot exercise statutory powers, whether these powers are derived direct from an Act of Parliament (e.g. Income Tax Act) or Rules, Regulations and

Bye-laws made under various articles of the Constitution (e.g. Fundamental Rules, Classification, Control and Appeal Rules, Civil Service Regulations, Delegation of Financial Powers Rules etc.)

[Min. of Home Affairs OM No. F.7/14/61-Ests(A), dt. 24-1-1963].

Government of India's decision (6) : In exercise powers to sanction unusual contingent and Miscellaneous expenditure, Ministries should exercise due care and restrict the growth of expenditure on new lines or new types of items.

[Min. of Finance OM No. F.10(3)-E(Coord)/75, dt. 10-4-1975].

Government of India's decision (7) : Specific powers delegated to the Head of Department and Head of Office are only the floor level of delegations and the Ministries could make good the additional requirements at subordinate levels by further re-delegations. In order to derive the benefit of these delegations optionally, the Ministries should not only make full use of the delegated powers but also further re-delegate powers to their subordinate organisations to match the latter's requirements. In any case, a complete review of such re-delegations should be undertaken at least once in three years.

[Min. of Finance OM No. F.10(13)-E(Coord)/75, dated 10-4-1975].

Government of India's decision (8) : "Head of a Department" declared as such under the Delegation of Financial Powers Rules 1978 and Head of an organisation, (who has not been declared as a Head of a Department so far) and in both the cases whose status is not less than that of a Joint Secretary should be delegated the powers vested in a Ministry or a Department. Such an authority will exercise the powers delegated to a Head of Department under these rules without reference to the Financial Adviser. When he is proposed to be delegated the powers of a Ministry, the Secretary of the Ministry/Department will decide and specify, in consultation with his Financial Adviser. The remaining powers will be exercised by him without consultation with the Financial Adviser.

All other Heads of Organisations who are of the level of Deputy Secretary or above but below the status of a Joint Secretary to Government and have not been declared as Heads of Departments, should be delegated all the powers of Head of Department automatically.

[Min. of Finance OM No. F.10(18)-E(Coord)/77, dated 20-1-1978 and 21-6-1978].

5. Restrictions on creation of posts/filling up of vacancies :

5.1 As part of anti-inflationary measures, Ministry of Finance issued orders on 3rd January, 1984 advising the Ministries/Departments not to create new posts for the next nine months till 30th September, 1984 except in the most exceptional circumstances, not to fill up the existing vacancies for the same period where recruitment action has not been taken. The ban orders were applicable to both plan and non-plan posts and also to operational and non-operational posts. It was, however, decided that the ban orders on filling up of vacancies would not apply to :

- (a) cases where recruitment action had been taken prior to issue of ban orders;
- (b) vacancies to be filled up on compassionate grounds or by appointment of handicapped persons in accordance with the procedure laid down by the Department of Personnel and Administrative Reforms and subject to the percentage quota laid down in the relevant orders;
- (c) vacancies to be filled up by redeployment of surplus personnel through the Central (Surplus) Staff Cell administered by the Department of Personnel & A.R./Directorate General of Employment and Training;
- (d) regularisation of casual labour in accordance with the Department of Personnel and A.R.'s orders on the subject;

- (e) vacancies to be filled up purely by promotion in terms of the recruitment rules provided the resultant vacancies in the lowest level of the cadre are not filled up during the period of the ban orders;
- (f) vacancies to be filled up by transfer on deputation basis or on tenure basis, provided the resultant vacancy in the parent cadre is kept vacant during the period of the ban orders.

5.2 The above instructions were extended upto 31-3-1985 having regard to the need for utmost economy in Government expenditure. The matter was reviewed and it was decided that these instructions should stand extended until further orders.

5.3 Representations were received from various staff associations requesting for lifting of the ban. Similar requests were received from various Ministries/Departments. It has been decided to modify the existing guidelines regarding creation of posts/filling up of vacancies to the extent indicated below :—

- (i) vacancies both Plan and non-Plan arising due to promotion, retirement or death, resignation, dismissal, removal or deputation may be filled up;
- (ii) while creating any new assets such as purchase of vehicles, establishment of new organisations, etc., staff required for running such assets should also be provided. The number of posts that can be made available by re-deployment from existing strength should be taken into account in deciding on the staff requirement.
- (iii) As regards creation of posts under Plan Schemes the staff component should be considered as a part of the entire Plan Scheme at the formulation stage. While approving a Plan Scheme by the Ministries/Departments under the delegated powers by BFC/PIB, no piecemeal decision should be taken in respect of approval of the scheme alone leaving aside staff component. In other words, whenever a scheme is approved, the necessary staff for execution of such schemes may also be provided for. However, while taking such a decision, a condition should be imposed that the precise timing of filling up of such posts should be indicated with reference to the various phases of completion of the project or scheme.

5.4 There is no modification in the existing guidelines subject to (II) above regarding creation of non-Plan posts. Such proposals for creation of non-Plan posts will continue to be considered, at the level of the Finance Minister/Cabinet.

[Min. of Finance OM Nos. F.7(1)-E(Coord)/84, dated 3-1-84, 20-6-84 Nos. 7(1)-E (Coord)/86, dated 20-5-86 and 15-7-86].

6. *Gestetner Operator.*

The posts of Gestetner Operator carry two scales of pay viz. Rs. 260-6-326-EB-8-350 and Rs. 210-4-250-EB-5-270 and are designated as Senior and Junior Gestetner Operator respectively. The scale is to be sanctioned with due regard to the load of work in a particular Ministry/Office, and not whether the machine is hand-operated or electrically-run. Where a Ministry or Office has more than one post, not more than 50% of the posts will be in the higher grade.

[Ministry of Home Affairs OM No. 2/25/54-RPS, dt. 3-10-56].

7. *Personal Staff of Ministers/Deputy Ministers.*

The scale of personal staff of Ministers and Deputy Ministers laid down in the Ministry of Home Affairs OM No. 20/1762-CS(B), dated the 27th June, 1962, were revised in DGP&T OM No. 875/85-CS.II, dated 2-4-85. The statement below gives the category of staff and the scales of pay prescribed for various posts. All posts sanctioned on the personal staff should be deemed to have been abolished when the Minister demits office. When a new Minister takes charge, the posts within the scale as laid down may be created by the Ministries themselves

immediately. Any post in excess of the entitlement can be created only after obtaining the approval of the Ministry of Finance (Department of Expenditure) and the Department of Personnel and Training.

[Ministry of Home Affairs OM No. F.20/1/62-CS(B) dated 27-6-1962 as amended by OM No. 14/1/68-CS.II, dated 24-7-1969 and OM No. 19/15/69-CS.II, dated 21-3-1970 and DOP&T OM No. 8/5/85-CS.II, dt. 2-4-85].

Statement showing the revised scales of pay prescribed for various posts on the personal staff of Ministers in the Cabinet, Ministers of State and Deputy Ministers and Parliamentary Secretaries.

Category of Staff	No.	Scale of pay	Remarks.
1	2	3	4
1. MINISTER IN CABINET			
Private Secretary	1	Rs. 1500-60-1800-100-2000	
Addl. Private Secretary	2	Rs. 1100-50-1600	
Asstt. Private Secretary	2	Rs. 650-30-740-35-880-EB-40-1040.	Grade 'B' of CSSS.
First P.A.	1	Rs. 650-30-740-35-810-EB-880-40-1000-EB-40-1200.	Grade 'A' of CSSS.
Second P.A.	1	Rs. 425-15-500-EB-15-560-20-700-EB-25-800.	Grade 'C' of CSSS.
Hindi Stenographer	1	do.	If required by the Minister CSCS LD Grade.
Clerk	1	Rs. 260-6-290-EB-6-326-8-366-EB-8-390-10-400.	
Driver	1	do.	
Jamadar	1	Rs. 200-3-206-4-234-4-250.	
Peon	4	Rs. 196-3-220-EB-3-232.	
2. MINISTER OF STATE			
Private Secretary	1	Rs. 1500-2000	Only for Ministers of State holding charge of more than one independent Department.
Special Private Secretary	1	Rs. 1500-1800	
Addl. Private Secretary	1	Rs. 1100-1600	Grade 'B' of CSSS.
Asstt. Private Secretary	1	Rs. 650-1040	Minister of State holding independent charge of a Ministry/Department be given one extra Asstt. P.S. if required by the Minister concerned.
First P.A.	1	Rs. 650-1200	Grade 'A' of CSSS.
Second P.A.	2	Rs. 425-800	Grade 'C' of CSSS.
Hindi Stenographer	1	do.	If required by the Minister.
Clerk	1	Rs. 260-400	CS CS LD Grade.
Driver	1	do.	
Jamadar	1	Rs. 200-250	
Peon	3	Rs. 196-232	
3. DEPUTY MINISTER			
Private Secretary	1	Rs. 1100-1600	
First P.A.	1	Rs. 650-1200	Grade 'A' of CSSS.
Second P.A.	1	Rs. 425-800	Grade 'C' of CSSS.
Clerk	1	Rs. 260-400	CSCS LD Grade.
		do.	

1	2	3	4
Driver	1	Rs. 260-400	
Jamaadar	1	Rs. 200-250	
Peon	1	Rs. 196-232	
4. PARLIAMENTARY SECRETARY			
Private Secretary	1	Rs. 1100-1600	
First P.A.	1	Rs. 650-1200	Grade 'A' of CSSS.
Second P.A.	1	Rs. 425-800	Grade 'C' of CSSS.
Driver	1	Rs. 260-400	
Peon	1	Rs. 196-232	

Note.—The pay scales given above are those accepted by the Government on the recommendations of the Third Pay Commission.

8. Personal Staff of Officers

8.1 The entitlement of officers for stenographic assistance is laid down in Ministry of Home Affairs OM No. 10/17/69-CS(II), dated the 20th January, 1970 as amended from time to time. The statement below gives the categories of staff laid down and scales of pay prescribed for various posts. If in any Ministry/Department, staff has already been sanctioned in excess of the standard scale laid down in the statement below on account of work-load, there is no objection to the continuance of the additional stenographic assistance, provided the work-load has not decreased. In case, however, the work-load has decreased or been transferred elsewhere or distributed among more officers, there is no point in continuing the additional stenographers with the officers concerned. The position should be reviewed in relation to the actual requirement of the stenographic assistance vis-a-vis the existing work-load and the distribution of work among the officers concerned, if necessary, in consultation with the Associate Finance.

8.2 Additional stenographer assistance in excess of the standard scale mentioned above, if and when needed in view of work-load in certain Ministries/Departments, should be provided by making internal adjustments without creating additional posts. In exceptional cases, however, where the work-load is such that the requirement of additional stenographic assistance cannot be met by internal adjustment, additional posts of stenographers in the appropriate grades may be created only with the prior approval of the Associate Finance under intimation to the Department of Personnel and Administrative Reforms.

Statement showing the Entitlement of Officers for Stenographic Assistance

Sl. No.	Category of Officers	Category of Staff	No.	Remarks
1	2	3	4	5
1.	Secretary/Special Secretary, Additional Secretary to Govt. of India and officers of equivalent rank.	Private Secy. (Rs. 650-1200-Selection Grade of CSSS)	1	Officers drawing fixed pay of Rs. 3000/- irrespective of status.
		Personnel Asstt. (Grade-II CSSS of Rs. 425-800)	1	F. No. 15/3/76-CS.II

1	2	3	4	5
2.	Joint Secretary to the Govt. of India and officers of equivalent rank (Rs. 2500-2750)	Senior Personal Assistant (Rs. 650-1040) Gr. I CSSS	1	
3.	Officers of the level intermediate between Director (Rs. 2000-2250) and Joint Secretary (Rs. 2500-2750) (vide OM No. 7/22/73-CS. II, dt. 12-11-1975)	do.	1	
4.	Dy. Secy/Director and officers of equivalent rank (Rs. 1500-2000/Rs. 2000-2250)	Personal Assistant (Rs. 425-800 Gr. II of CSSS.)	1	
5.	Under Secretary (Rs. 1200-1600)	Personal Asstt. (Rs. 425-800) (Grade II of CSSS) OR Stenographer Gr. III CSSS (Rs. 330-650)	1	for two officers. for each officer.
6.	Section Officer in Ministries/Departments only (Rs. 650-1200)	Stenographer	1	Subject to the conditions mentioned in OM* No. 14/1/66-CS.II, dt. 23-4-66.

NOTE—(1) For staff excess in the scale prescribed C.F. OM No. 10/15/70-CS.II, dt. 2-6-1970.

(2) The scale of pay revised w.e.f. 1-1-73 on the recommendations of third Pay Commission.

- *(i) The need for stenographic assistance of Section Officers should be related to the nature of work done in the section.
- (ii) Stenographic assistance to Section Officers may be allowed in individual cases up to a limit of 20% of the total number of Section Officers in a Ministry/Department other than those engaged in internal house-keeping activities and those already working on an officer-oriented pattern.
- (iii) In sections where stenographers are posted to assist Section Officers, a post of dealing hand i.e. an Assistant or an Upper Division Clerk should be surrendered.
- (iv) For the purpose of creating posts of stenographers for Section Officers, a list of Sections where the nature of work would justify the stenographic assistance should be prepared and it should be checked whether the officer holding charge of one of these Sections, on the basis of his personal ability or experience, will be able to use stenographic assistance advantageously. The decision for creation of the posts of stenographers in Sections in an individual case should be taken at a level not lower than the Joint Secretary having charge over "administration" in consultation with the Joint Secretary of the division concerned.

[Ministry of Home Affairs OM No. 14/1/66-CS.II dated 23-4-1966 & OM No. 19/17/69-CS.II, dated 20-1-1970].

9. Group D Establishment

9.1 Scale of Group D Establishment :

		Jamadars/Peons
Cabinet Minister		1 2
Minister of State		1 2
Deputy Minister		1 1
Secretary		1 Jamadar/Peon
Special Secretary		1 do.
Additional Secretary		1 do.
Joint Secretary or officer of equivalent rank		1 do.
Deputy Secretary or Officer of equivalent rank		1 Peon for two Deputy Secretaries, occupying same or adjacent rooms.
Under Secretary or Officer of equivalent rank		1 Peon for two Under Secretaries, occupying same or adjacent rooms
Section (other than Special Sections like Cash, Central Registry, etc.)		1 Peon and 1 daftry for two sections located in same or adjacent rooms.

1	2	3	4	5
	Special Section (like Cash, Central Registry, etc.)		Strength of Peon and Daftry to be fixed on ad-hoc basis in consultation with SIU of Finance Ministry.	

NOTE : No separate Group D staff will be admissible for Private Secretary, Special Assistant to Minister. Group D Staff provided to Ministers is meant to meet the requirements of the Minister, as well as his PS/SA etc.

[Min. OF Fin. OM No. F.1(94)-E(Coord)/75, dt. 25-10-75]

(ii) Leave Reserve :

(a) 10% of the total strength.

(b) 7½% for Special Section.

[Min. of Fin. OM No. F1(30)-E (Coord)/64 dt. 19-5-1964]

9.2 Record Sorters :

All posts of record sorters should be treated as selection grade for Daftry. The strength of selection grade posts should be fixed at 15% of the total number of permanent posts of Daftry.

[Ministry of Finance OM No. 20(1)-Estt.III/54, dated 25-4-1954].

9.3 Sweepers :

One Sweeper to 8000 sq. ft. of office rooms per day consisting of 7 hours of duty.

[Ministry of Finance OM No. F.(1)53-E(Coord)/64, dated 9-12-1964].

10. Conversion of temporary posts into permanent ones :—

A. PERMANENT DEPARTMENTS :

- (i) In all permanent Departments, other than the Posts and Telegraphs Department, the administrative Ministries/Departments may, if they are satisfied that the temporary posts are required for work of a permanent nature, convert with the approval of the respective Internal Financial Advisers, 90% of such posts upto the level of Deputy Secretaries, including Class IV posts, into permanent ones provided they have been in existence for a continuous period of not less than 3 years.
- (ii) The conversion of temporary posts into permanent ones in the Posts and Telegraphs departments will continue to be regulated by special orders issued by that Department if they are more favourable than the orders mentioned in para (i) above.
- (iii) In Government workshops and Industrial Establishments the conversion of temporary posts into permanent ones will continue to be regulated in accordance with the existing practice or orders which are applicable to the respective units until such time as the Administrative Ministry/Department concerned is in a definite position to assess its permanent requirements of industrial staff. Such existing orders will also apply to temporary non-industrial posts which have been created in connection with the functioning of the workshops or industrial installations concerned.
- (iv) In Government Colleges, Schools and Teachers Training Institutions where enrolment has stabilized 100% of the temporary teaching posts may be made permanent by the Administrative Ministry/Department concerned provided that the temporary posts have been in existence for a continuous period of not less than three years and are required for work of a permanent nature.

B. DELEGATION OF POWERS :

The Administrators of Union Territories, and the Heads of Departments have also been delegated powers to convert those temporary posts which they are competent to create perman-

nently subject to the conditions that such posts should have been in existence for a continuous period of not less than 3 years and are required for work of a permanent nature.

C. TEMPORARY DEPARTMENT :

- (i) In temporary Departments such as the Department of Rehabilitation, etc. which have existed for not less than 10 years and are not proposed to be wound up in the foreseeable future, 50% of the temporary posts may be converted into permanent ones with the approval of Internal Financial Advisers provided the posts have been in continuous existence for a period of 5 years or more and are required indefinitely.
- (ii) It is clarified that the above orders do not guarantee that the temporary organisations would not be wound up or reduced in size in future. In the event of such an organisation not being continued in the existing form or strength the retrenched employees would, however, be entitled to retrenchment benefits as provided under the relevant rules and orders.

The temporary posts above the level of Deputy Secretary in the Secretariat of the Government of India, for the present are not made permanent as such posts are generally held either on tenure basis by officers of the organised services who hold liens on substantive posts in their parent cadres or by officers of the Central Secretariat Service and the temporary nature of such posts will not affect any body adversely. However, to obviate the necessity of having to extend such posts from year to year it has been decided in consultation with the Comptroller and Auditor General of India, that after the posts, above the level of Deputy Secretary, have been in existence initially for three years on year to year basis, such posts may be categorised as "Continuing posts" and their continuance sanctioned for a block period of five years.

D. CLASSIFICATION OF WORK-CHARGED STAFF AS INDUSTRIAL AND NON-INDUSTRIAL :

- (I) Work-charged staff who are not engaged on a casual or daily rates basis are classified into industrial and non-industrial categories depending on the nature of their duties. For the purposes of such classification, the following types of categories may be considered to be non-industrial :—
 - (i) Supervisory staff the minimum of scale of pay is not less than Rs. 380/- p.m.
 - (ii) Clerical Staff.
 - (iii) Watch and Ward Staff.
 - (iv) Conservancy Staff.
 - (v) Fire-fighting staff.
 - (vi) Messengerial Staff.
 - (vii) Medical Staff.
- (II) Work-charged staff in non-industrial categories brought on the regular Establishment entitle them to all the concessions admissible to regular non-industrial staff.
- (III) As regards industrial categories, permanent posts are created to the extent of 50% of posts which have been in existence for more than 3 years and which are likely to continue on a long-term basis, enabling confirmation of work-charged staff whose services are likely to be required on a permanent basis.

E.—GROUPING OF POSTS :

In cases where there are posts of similar duties and responsibilities but under different designations the number of such posts may be taken as a whole, wherever necessary or possible. This is particularly helpful in cases where there are single posts with different designations but similar duties.

F. DATE OF EFFECT :

The conversion of temporary posts into permanent ones should take effect, as usual, from the date of issue of the orders conveying the specific sanction to audit for such conversion of posts or group of posts.

In cases the calculation of posts at 90% or 50% results in fraction of post the formula to be applied is that one half or more than half should be taken as one and less than half should be ignored.

The Ministries and Departments are required to ensure that prompt action is taken for conversion of temporary posts into permanent ones and the confirmation of eligible employees in such posts should be done as expeditiously as possible.

G. SUCCESSIVE REVIEWS :

- (I) If two main conditions, namely (i) that the posts should be required for work of a permanent nature, and (ii) that the posts should have been in existence for a continuous period of not less than three years in the date of the review are fulfilled, there is no objection to the same temporary posts being considered for conversion into permanent ones at successive reviews in permanent Departments. Similarly such reviews can also be conducted in temporary Departments provided all the conditions mentioned in para C(i) above are fulfilled. Such reviews should not, however, be conducted at intervals of less than one year.
- (II) In order that the annual reviews are not delayed, the Departments may lay down an adequate drill for monitoring purposes.

H. These orders will also apply to subordinate and attached offices.

[Min. of Finance OM No. A-11019/6/75-BGI, dated 24-3-1976].

11. Creation of leave reserve posts :

11.1 A revised leave reserve scheme was sanctioned by Government in 1955. It applies to all Ministries and their attached and sub-ordinate offices and covers (i) all ministerial establishments, (ii) other non-ministerial Class III cadres, and (iii) Class IV establishments.

11.2 The leave reserve is to be calculated separately for permanent posts and temporary posts on the basis of 10% of the posts in each category so far as ministerial and non-ministerial Class III posts are concerned. In calculating the total leave reserve strength, only those temporary posts which are sanctioned for a minimum period of one year should be taken into account.

11.3 In regard to Class IV staff, the leave reserve in Class IV cadres should be calculated at the rate of 10% of the total strength as determined by the application of revised scales of allotment of peons mentioned at paragraph 9.1. The strength of peons and daftries for special sections like Central Registry and Cash would be fixed ad hoc with reference to actual requirements which should be determined in consultation with the S.I.U. of the Ministry of Finance. In such special sections, the leave reserve will continue to be calculated at 7½%. The leave reserve for ministerial posts will ordinarily be in the lowest grade of these posts except in the offices participating in the various Secretariat Service Schemes and the Indian Audit Department which are dealt with in subsequent paragraphs. Even in regard to posts other than ministerial and Class IV posts suitable groupings of posts should be adopted so that the 10% Leave Reserve may be provided in the lowest appropriate cadre. Leave Reserve for Stenographers will be provided in the cadre of Stenographers itself. In calculating the leave reserve, fractions of less than half should be omitted and fractions of half or more should be rounded to the next higher integer.

11.4 The leave reserve in respect of ministerial posts in offices participating in the various Secretariat Service Schemes will be provided separately in each Ministry and office as follows :—

- (a) In the Central Secretariat Service, there will be no leave reserve in respect of posts higher than Assistant and the leave reserve in the Assistant grade will be calculated on the basis of sanctioned posts of Assistants, leaving out those deemed to have been converted into Upper Division Clerical posts under the MHA OM No. 30/41/54-CS(D), dated 30-11-1954. The number of posts so left out, will be added to the Upper Division of the Central Secretariat Clerical Service.
- (b) In the Central Secretariat Stenographers Service there will be no leave reserve in respect of Selection Grade and Grade I Stenographers. The leave reserve for Grade II and III will be provided in the lowest grade of the Service, i.e. in Grade III of the CSSS. As Grade III of the CSSS was introduced on 1-7-1969 and as necessary leave reserve in that Service was being provided earlier in Grade II of the Service, the existing leave reserve posts in Grade II will be continued for the time being and will be abolished in a phased manner, say within 5 years, by way of wastage of few vacancies in Grade II of the Service caused by creation of additional posts, superannuation/resignation of official(s) or their promotion to higher grades. As the existing leave reserve posts in Grade II will continue for some time, leave reserve in Grade III will be calculated on the strength of Grade III along at 10% of the total number of permanent and temporary posts in that Grade. The strength of leave reserve posts in Grade III will be increased simultaneously equal to the number of leave reserve posts.
- (c) In the Central Secretariat Clerical Service, leave reserve for both Upper Division and Lower Division will be provided in the Lower Division.

11.5 In the case of the Indian Audit Department, as the Upper Division Clerks cadre is the main level of direct recruitment and in view of the special tests prescribed for promotion of Lower Division Clerks to the Upper Division, the leave reserve for Assistant Accounts Officer, S.A.S. Accountants and Upper Division Clerks will be in the cadre of Upper Division Clerks and the leave reserve for Lower Division Clerks will be in the Lower Division Cadre. In the case of Posts and Telegraphs Audit Offices, there will be a separate leave reserve in the grade of Sorters.

11.6 Leave reserve for excluded posts should be provided separately in the lowest appropriate grade.

11.7 The leave reserve covers all leave vacancies including those caused by granting of leave preparatory to retirement. But in the case of small offices where the leave reserve posts are only a few in number, the grant of leave preparatory to retirement to a few individuals for a long period may be inconvenient to the office concerned, when further applications for leave may have to be considered. In such cases specific sanction of the Ministry of Finance should be obtained to the filling of each of the vacancies caused by the grant of leave preparatory to retirement, beyond the first period of six months, if the stage of work in the office would justify such a special relaxation.

11.8 When the leave reserve is created in a lower grade, promotions are permissible to vacancies in the higher grade as and when they arise.

[Min. of Finance OM No. F.8(8)-E.II/55, dated 24-8-1955, F.1(3)-E(Coord)/64, dt. 19-5-64 and F.10(1)-EGI/70, dated 25-4-1970 and A-11019/1/82-EGI, dt. 3-2-1983].

12. Casual Labour

12.1 Except where there are statutory rules or provisions in support of the existing practice, the policy relating to the employment of casual labour and regulations of the terms and conditions of their employment will be as follows :—

- (a) Casual employment shall be restricted to work of a truly casual nature;
- (b) Casual labour should be remunerated at market rates subject to the condition that where the market rates lower than the minimum wages fixed by the respective

State Governments for comparable scheduled employments, the wages shall be the minimum wages fixed by the State Government;

- (c) All casual labour under the Central Government including those to whom the minimum wages law is not applicable should have the benefits and the safeguards provided by rules 23-25 of the Minimum Wages (Central) Rules, 1950 relating to weekly holidays, working hours, night shifts and payment for overtime;
- (d) The appointment of casual labourers to Class IV posts, borne on the regular establishment which are required to be filled by direct recruitment, will be made subject to the following conditions :—
- (i) No casual labourer not registered with the Employment Exchange should be appointed to posts borne on the regular establishment.
 - (ii) Casual labourers appointed through Employment Exchange and possessing experience of a minimum of two years' continuous service as casual labour in the office/establishment to which they are so appointed will be eligible for appointment to posts on the regular establishment in that office/establishment, without any further reference to the Employment Exchange.
 - (iii) Casual labourers recruited in an office/establishment direct, without reference to the Employment Exchange, should not be considered for appointment to regular establishment unless they get themselves registered with the Employment Exchange, render, from the date of such registration, a minimum of two years' continuous service as casual labour, and are subsequently sponsored by the Employment Exchange in accordance with their position in the register of the Exchange.

12.2 A casual labourer may be given the benefit of 2 years' continuous service as casual labourer if he has put in at least 240 days (206 days in the case of offices observing 5 days week) of service as a casual labourer (including broken periods of service) during each of the two years of service referred to above.

[Min. of Fin. No. F.8(2)-Est(Spl)/60, dated 24-1-1961 and Min. of Home Affairs OM No. 6/52/60-Estt(A), dt. 16-2-1961 No. 16/10/66-Estt(D), dated 2-12-1966, 14/1/68-Estt(C), dated 12-2-1969 and 49014/19/84-Estt(C) dated 26-10-1984].

13. Miscellaneous provisions :

- (1) Duration of temporary posts—To be stated definitely and not expressed vaguely, e.g. "until further orders".
- (2) Date of effect—To be specified in sanctions to temporary posts in addition to duration e.g. the date of issue of sanction, or date of entertainment or otherwise.
[Government of India's decision below rule 42 of G.F. Rules, 1963].
- (3) To avoid inconvenience that may be caused by the absence of "reservists" on training, Ministries/Head of Departments may employ substitutes by creating temporary posts under their own powers.
[Ministry of Home Affairs OM No. 71/116/54-CS(C), dated 7-5-1956 (Para 1)].
- (4) Creation of a post like Clerk-in-charge, Assistant-in-charge, steno-typist or Cashier which carries pay in a particular grade or post, plus special pay or allowance granted for some specific purpose, as a separate cadre, is irregular. The proper course would be to create a post on the appropriate grade or cadre and have a special pay or allowance sanctioned according to the normal rules.

[Ministry of Home Affairs OM No. 12/5/57-RPS, dt. 13-6-1957].