

GOVERNMENT OF NWFP
FINANCE DEPARTMENT,

NO. SOSR-III/FD/1-20/2006
Dated Peshawar the, 24th January, 2007

From:-

Zia-ur-Rehman,
Secretary to Government of NWFP,
Finance Department, Peshawar.

To

1. All the Administrative Secretaries to Government of NWFP, Peshawar.
2. The Senior Member Board of Revenue, NWFP, Peshawar.
3. The Secretary to Governor NWFP, Peshawar.
4. All Heads of Attached Departments in NWFP, Peshawar.
5. All District Coordination Officers NWFP.
6. The Registrar, Peshawar High Court, Peshawar.
7. The Chairman, Public Service Commission, NWFP, Peshawar.
8. The Chairman, Service Tribunal, NWFP, Peshawar.

Subject:-

TERMS & CONDITIONS OF CIVIL SERVANTS DEPUTED TO FOREIGN SERVICE.

Dear Sir,

I am directed to refer to the above-captioned subject and to state that in order to obviate inordinate delays in the settlement of terms and conditions of deputationists and in furtherance of the principles of good governance and decentralization of powers, the competent authority has decided that in supersession of all previous instructions on the subject, the terms & conditions of civil servants, who are deputed to foreign service, may henceforth be determined by the Administrative Departments concerned.

2. *The following* terms and conditions of deputation are *delegated to* the administrative authorities/departments which shall invariably be followed accordingly:-

i) Pay:-

A civil servant on deputation shall be entitled to the graded pay as is admissible to him in his parent department from time to time.

- 2 14 11
- ii) Deputation Allowance:-
- a) In case the post in the Autonomous, Semi-Autonomous or Local Body or other Provincial Government or Federal Government concerned carries a pay scale equivalent to that of the post held by a civil servant in his parent department immediately before deputation on which he had actually assumed charge under Government, the deputation allowance will be allowed at the rate of 20% of the basic pay subject to maximum of Rs.6000/- P.M.
 - b) In case the post under Autonomous, Semi-Autonomous or Local Body concerned carries a pay scale higher than that of the post held by a civil servant in his parent department immediately before deputation, on which he has actually assumed charge under Government, the deputation allowance will be allowed at the rate of 20% of the basic pay in his parent department provided the total/inclusive of deputation allowance does not exceed the maximum of the pay scale of the next higher Pay scale/Post in the civil servant's ordinary line of promotion under Government.
 - c) If a special pay is attached to the deputation post and is incidental to the scale of such post, the deputationist will be allowed either such special pay or the deputation allowance whichever be more beneficial to him.
 - d) The 20% deputation allowance of the basic pay subject to maximum of Rs.6,000/- P.M will be allowed to a Civil Servant. In the case of officers belonging to the Federal unified grades deputed on Foreign Service under NWFP Government, the terms and conditions of deputation shall be decided in consultation with the Establishment Division.

Note:- This Policy will not be applicable on project posts.

iii) Special Pay:-

A Government Servant on deputation shall be entitled to the special pay permanently attached to the scale of the post/grade in his parent department in addition to the deputation allowance referred to above, provided he enjoyed that special pay for a period exceeding full one year under Govt. For example, the protection can be claimed in respect of the special pay of Rs.300/- attached with the post of PS to Secretary but not for the special pay allowed to a Tehsildars doing settlement work or that to a cashier for his specific job.

iv) Traveling Allowance:-

T.A will be allowed in accordance with the ordinary T.A Rules of the Provincial Government or Autonomous, Semi-

Autonomous Body or Local Body whichever are more beneficial to him.

v) Conveyance Allowance:-

This allowance will be restricted to the scale as admissible under the Government Rules subject to the relevant conditions.

vi) Compensatory Allowance:-

Compensatory Allowance as admissible to a civil servant at the same place of posting will continue to be admissible during deputation as per scale laid down by the Government; hence, it will not be inter-changeable with the compensatory allowances sanctioned by the Autonomous, Semi-autonomous or Local Body concerned. However, the foreign employer will bear the whole expenditure in respect of any compensatory allowance for periods of leave granted to the civil servant in or at the end of Foreign Service.

vii) Residential Accommodation/Housing Subsidy:-

Accommodation will be provided to the deputationist by the Autonomous, Semi autonomous or Local Body concerned of the same standard as is normally provided to a civil servant in his parent department subject to the recovery of rent @ 5% of his emoluments as defined in F.R. 45(c). Where such accommodation is not available and the Autonomous, Semi-Autonomous or Local Body concerned pays the house rent requisition or housing subsidy to its employees, the subsidy will be paid to the deputationist either at the rate admissible to such civil servant in his parent department from time to time or at the rate admissible to the employees of the foreign employer whichever is more beneficial to the deputationist. If the deputationist continues to reside in Government allotted accommodation under special permission of Government for certain specified periods, the difference between the standard rent recoverable by Government under F.R-45 (B) and that admissible to the deputationist in the deputation post, will be payable by the deputationist concerned to the Government over and above the 5% rent recovery or as may be agreed upon mutually between the Departments concerned.

Note: Housing subsidy and two rooms accommodation are exempted from 5% deduction.

viii) **Medical Facilities:-**

Medical facilities will be allowed in accordance with the relevant rules of the Autonomous, Semi-Autonomous or Local Body concerned provided these facilities are not inferior to those admissible to the deputationist under Government.

ix) **Leave Salary and Pension Contributions:-**

These will be payable by the foreign employer on the scale laid down by the Government from time to time.

x) **Joining Time Pay and T.A. on Transfer:-**

This will also be payable by the foreign employer on transfer to and reversion from Foreign Service.

xi) **Contributions:-**

The Civil Servants shall continue to subscribe to the G.P. Fund, C.P. Fund, Benevolent Fund and the Group Insurance Fund as under Government Rules and will also repay all the advances from G.P. Fund or for house building etc. by cash deposit into Government treasury.

xii) **Other Benefits:-**

All Fringe benefits attached to a deputation post other than the benefits specifically mentioned above will also be admissible to a deputationist. However, as a rule, no promotion or improved prospects of service shall be allowed to the deputationist without the prior consent of the Government.

xiii) **Deputation Period:-**

The period of deputation shall ordinarily not exceed three years. Its extension beyond the period of three years shall be decided by the Finance Department in advance on the merit of each case. Cases involving deputation period of more than five years, where special circumstances exist and the extension in deputation period of a civil servant is considered to be absolutely essential and in the public interest shall be referred to Establishment Department at least three months in advance of the expiry of the maximum period of deputation.

3. More-over while determining the Terms and Conditions of deputationist by the Administrative Departments the provision of Chapter XII (FR 109 to 127) of the Compilation of the Fundamental Rules and Supplementary Rules (Volumes I & II) read with FR-9 (7) and the Appendix No.11 of the FR (as reproduced at Annexure-A) shall be kept in

view in-so-far as they are not in conflict with the above-stated standard Terms & Conditions. A specimen proforma to be signed by lending department as well as borrowing organization is also enclosed at Annexure-B for guidance.

4. The receipt of this Communication may please be acknowledged.

Yours faithfully,

(ZAFAR IQBAL)
ADDITIONAL SECRETARY
(REGULATION)
FINANCE DEPARTMENT

Endorsement No. SOSR-III/FD/1-20/2006

Dated 24th January, 2007

Copy is forwarded to the:

1. Accountant General NWFP. He may ensure that the cases of the Terms & Conditions of deputationist, settled by administrative Departments/authorities concerned are strictly in accordance with and fully conforming to the instructions of Finance Department, Government of NWFP as contained in this circular letter.
2. All Heads of Autonomous/Semi Autonomous Bodies in NWFP.


DEPUTY SECRETARY
(REGULATION-I)

Endorsement No. SOSR-III/FD/1-20/2006

Dated 24th January, 2007

Copy is forwarded to the:-

1. PS to Finance Secretary, Government of NWFP.
2. PAs to All Additional Secretaries/Deputy Secretaries in Finance Depatt.
3. All Section Officers/Budget Officers in Finance Department.


(RAEES KHAN AFRIDI)
SECTION OFFICER (SOSR:III)

CHAPTER XII OF F.R.

F. R. 9(7).

Foreign service means service in which Government servant receives his substantive pay with the sanction of the Government from any source other than the revenues of the Governor-General or of a Province or the Railway Fund (when established).

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.

F. R. 110.

- a) No Government servant may be transferred to Foreign Service against his will.
- b) A transfer to Foreign Service outside Pakistan may be sanctioned by the Governor-General.

F. R. 111

A transfer to Foreign Service is not admissible unless

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

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.

F. R. 113.

(1) 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 such substantive or officiating promotion in those cadres as the authority competent to order promotion may decide. In giving promotion, such authority shall take into account—

- (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.
- (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.

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 Service. Subject to any restrictions which the Governor-General 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.

F. R. 115.

- a) (While a Government servant is in Foreign Service contribution towards the cost of his pension must be paid to general revenues on his behalf:
- b) If the Foreign Service is in Pakistan contributions must be paid on account of the cost of leave-salary also.
- c) Contributions due under clauses (a) and (b) above shall be paid by the foreign employers.
- d) They shall not be payable during leave taken while in Foreign Service.
- e) By special arrangement made under rule 123 (b), contributions on account of leave-salary may be required in the case of Foreign Service out of Pakistan also, the contributions being paid by the foreign employer.

F. R. 116.

The rate of contributions payable on account of pension and leave-salary shall be such as the Government-General may by general order prescribe. *(The rates to contributions prescribed by the Governor-General with reference to Fundamental Rules 116 and 117, are given in Appendix II-A in volume II of this Compilation.)*

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 had not been transferred to Foreign Service.
- 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, less 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 rule 9 (2).

(The rates of contributions prescribed by the Governor-General with reference to Fundamental Rules 116 and 117, are given in Appendix II-A in Volume II of this Compilation.)

F. R. 118. Deleted.

F. R. 119.

Subject to any general orders of the Governor-General a local Government sanctioning a transfer to Foreign Service may—

- (a) remit the contributions 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.

[For rule made under Fundamental Rule 119 (b), see Supplementary Rule 307.]

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 the service of which he is a member. Neither he nor the foreign employer has any right of property in contribution paid and no claim for refund can be entertained.

F. R. 121.

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

F. R. 122.

A Government servant in foreign service in Pakistan 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.

[For Administrative Instructions issued by the Governor-General regarding LEAVE AND THE GRANT OF LEAVE TO GOVERNMENT SERVANT IN FOREIGN SERVICE IN PAKISTAN see Part VI (2) of Appendix 3 in Volume II of this Compilation].

F. R. 123

(a) A Government servant in Foreign Service out of Pakistan may be granted leave by his employer on such conditions as the employer may determine. In any individual case the authority sanctioning the transfer may determine beforehand, in consultation with the employer, the conditions on which leave will be granted by the employer. The leave-salary in respect of leave granted by the employer will be paid by the employer and the leave will not be debited against the Government servant's leave account.

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 lien or would hold a lien had his lien not been suspended and that of the post in which he officiates. His pay in Foreign Service will not be taken into account in fixing his pay.

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.

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.

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 contribution at such rates as may be laid down under rule 116, and the contributions shall be calculated on the sanctioned rates of pay of the members of the establishment.
- (c) Local Government may reduce the amount of recoveries or may entirely forego them.

APPENDIX NO.11

Orders issued by the President under Fundamental Rule 114.

The President is pleased to issue, under Fundamental Rule 114, the following orders regulating the amount of remuneration which may be sanctioned for a Government Servant transferred to foreign service in Pakistan:-

- I. When the transfer of a Government Servant to foreign service in Pakistan is sanctioned, the period for which he is so transferred, the post which he shall hold in foreign service and the pay which he shall receive in such service must be precisely specified in the order sanctioning the transfer. If it is intended that he shall receive any remuneration, or enjoy any concession of pecuniary value, in addition to his pay proper, the exact nature of such remuneration or concession must be similarly specified. No Government servant will be permitted to receive any remuneration or enjoy any concession, which is not so specified, and if the order is silent as to any particular remuneration or concession, it must be assumed that the intention is that it shall not be enjoyed.

2. Save as hereinafter provided a government servant transferred to foreign service in Pakistan shall be allowed the pay sanctioned for the post to which he is transferred or the pay he would have received, from time to time, in government service but for his transfer which is more.

(Amendment effected vide Finance Division Government of Pakistan order No.F.3(22)R.3/97 dated 13.9.1997 circulated vide Finance Department, Government of NWFP letter No.FD(SR-V)2-151/93 dated 25.10.1997.

3. If the duties of a Government Servant in Foreign Service involve a decided increase in work or responsibility in comparison with the duties of his post in Government service he may be granted a suitable increase in pay, with the prior concurrence of the competent authority.
4. If, by reason of his transfer to foreign service, a Government servant loses any privilege or concession of pecuniary value which he would have enjoyed in Government service or is constrained to incur extra expenditure due to the nature of his duties in foreign service or to the circumstances in which those duties are performed, he may be allowed to compensatory allowance or other suitable concession with the prior concurrence of the competent authority.
5. In all cases of transfer to foreign service in Pakistan, the foreign employer should be required—
- (a) to pay contributions towards the leave salary and pension of the Government servant according to the ordinary rules regulation such contributions;
 - (b) to pay the Government servant his pay for the joining time granted to him on transfer to and reversion from foreign service at the rates prescribed in F.R.107;
 - (c) to pay travelling allowance to the Government servant for journeys if any, performed by him on transfer to and reversion from foreign service (and for journeys performed on duty while in foreign service), according to the ordinary T.A. rules of the Government;
 - (d) to provide medical facilities to the Government servant while in foreign service similarly to those which he would have enjoyed in Government service but for his transfer.
6. In addition to the Leave salary contribution provided for in paragraph 5 (a) above, the foreign employer shall bear the whole expenditure in respect of any compensatory allowance for periods

PROFORMA.TERMS AND CONDITIONS OF CIVIL SERVANTS DEPUTED ON FOREIGN SERVICE UNDER AUTONOMOUS, SEMI-AUTONOMOUS OR LOCAL BODIES.

Department _____
 Attached Department/Subordinate Office (if any) _____

1. Name: _____

2. Service to which belongs, if Applicable _____

3. Date of joining foreign service: _____

4. Position immediately before deputation on foreign service _____

a) Nomenclature of post held under Government & date of posting (Whether adhoc or regular) _____

b) Grade _____

c) Emoluments:-

i) Pay _____

ii) Special Pay (rate and purpose for which allowed) _____

iii) Other Allowance _____ (Details)

N.B: Indicate date from which each element drawn.

5. Position immediately after deputation on foreign service:-
 d) Substantive post (detail) the scale and the Presumptive pay admissible in that post _____

a) Post held immediately after deputation and scale of pay and special pay attached to the post.

of leave granted to the Government servant in or at the end of Foreign Service.

7. The foreign employer shall also be liable for leave salary in respect of disability leave granted to the Government servant on account of a disability incurred in and through foreign service, even though such disability manifests itself after the termination of foreign service. The leave salary charges for such leave shall be recovered by the Government servant direct from the foreign employer.

- b) Other emoluments and fringe benefits if any, with detail of each item. _____
- c) Are the responsibilities in the deputation post higher than those attached to the post under Government (Brief comparative account of responsibilities may be given in an Annexure).
- d) House concession or subsidy normally admissible to employees of the same status in the deputation post. _____
- e) Whether Govt: accommodation has been retained, if so, particulars of that accommodation and the rent paid to landlord if any. _____

6. Present position in foreign service:- (NB: Applicable in the cases of extension of deputation terms only).

- a) Present post in foreign service. _____
- b) Scale of Pay _____
- c) Present emoluments with broader details _____
- d) Are the responsibilities in this post higher than those in that post mentioned against 5 (a) above?
- e) Brief justification for extending the deputation period.

Date _____

Signature _____

1. Head of Lending Deptt:
Or his nominee.
2. Head of borrowing Organization
or his nominee.

Note:- For details of emoluments please indicate pay, Personal Pay, Special Pay or any other emoluments classed as pay, Dearness Allowance, Compensatory Allowances, House Rent Allowance or subsidy, Rent Free House, Entertainment Allowance, Sumptuary Allowance, Uniform Allowance or any other such allowances.