



दक्षिण रेलवे/SOUTHERN RAILWAY

सं No.P(R)524/P/Fixation/Vol.VIII

प्रधानकार्यालय/Headquarters Office  
कार्मिक शाखा/Personnel Branch  
चेन्नै/Chennai - 600 003  
दि./ Dated: 02-12-2019

आर बी ई सं/RBE No. 203 / 2018

पी बी सी सं/ PBC No.282 / 2019

All PHODs / DRMs / CWMs / CEWE / CAO / CPM / Dy.CPOs / Sr.DPOs /  
DPOs / SPOs / WPOs / APOs of HQ / Divisions / Workshops.

(As per mailing list-'A')

विषय/Sub: Consolidation of existing instruction on NBR strict  
compliance – regarding.

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A copy of Railway Board letter No. F(E)II/2018/3(4)/1 dated  
28-12-2018 alongwith its enclosures on the above subject is enclosed for  
information, guidance and necessary action.

  
(S.JANAKIRAMAN)

वरिष्ठ कार्मिक अधिकारी/नियम

Senior Personnel Officer/Rules

For Principal Chief Personnel Officer

संलग्न/Encl: as above

प्रतिलिपि/Copy to : The Genl Secy / SRMU  
The Genl Secy / AISCSTREA  
The Genl Secy / AIOBCREA  
The Genl Secy / NFIR

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

RBE No. 203/2018

New Delhi, dt.29.12.2018

F.No.F(E)II/2018/3(4)/1

The General Managers/Pr. Financial Advisors,  
All Indian Railways & Production Units incl. RDSO,  
(As per Standard Mailing list).

Sub:- Consolidation of existing instructions on NBR for strict compliance - regarding.

The issue of delay in grant of NBR to the officials who are away from the cadre at the time of promotion of their juniors in the cadre has been examined by Board and it has been observed by Board that extant instructions of DOP&T on NBR are clear that only such number of officers can be granted NBR as number of vacancies available in the cadre. NBR can be granted to officers subject to available vacancy in the cadre for want of juniors for promotion. In cases where 'immediate junior' has been passed over by reason of inefficiency or unsuitability or because he is on leave or serving outside the ordinary line or forgoes officiating promotion of his own volition to that scale, the officer next junior to him not so passed over would be considered for NBR to senior officer. Accordingly, it has been decided not to link NBR with 'immediate junior' if that junior has been passed over by one of the aforesaid reasons, while considering the cases of NBR.

2. Accordingly, to make the administrative process of grant of NBR, quick and hassle free a copy of each of the following orders is sent herewith for guidance and strict compliance:

- (i) Railway Board's letter No. F(E)II/71/PA/7/1 dated 21.10.1971,
- (ii) Railway Board's letter No. F(E)II/85/PA/3/1 dated 10.11.1985,
- (iii) Railway Board's letter No. F(E)II/2005/NBR dated 23.11.2005 adopting DOP&T's OM No. 2/13/93-Estt.(Pay-II) dated 26.10.1993, No. 2/2/2004-Estt.(Pay-II) dated 01.06.2005,
- (iv) Railway Board's letter No. 2010/F(E)II/I(1)/I dated 28.06.2013 adopting DOP&T's OM No. 6/5/2012-Estt.(Pay-II) dated 30.11.2012,
- (v) M/o Finance's letter No. F.2(25)-Estt.III/46 dated 02.04.1947,
- (vi) M/o Finance's letter No. F.2(10)-E.III/60 dated 17.10.1960,
- (vii) M/o Finance's letter No. 1(7)-E.IV(A)/62 dated 18.06.1962,
- (viii) M/o Finance's letter No. F.1(7)-E.III(A)/78 dated 14.03.1978,
- (ix) DOP&T's OM No. 22038/1/88-Estt.(D) dated 22.11.1990.

3. Further, in case of any clarification required on the issue, Government of India's order on Next Below Rule under FR-22 may also be referred.

4. Please acknowledge receipt.

  
(Sonali Chaturvedi)

Dy. Director Finance(Estt.)  
Railway Board.

New Delhi, dt.29.12.2018

F.No.F(E)II/2018/3(4)/1

Copy forwarded to the Dy. Comptroller & Auditor General of India (Railways), Room No.224, Rail Bhawan.

GOVERNMENT OF INDIA (BHARAT SARKAR)  
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)  
(RAILWAY BOARD)

No. F(E) II71PA4/1

New Delhi dt, ~~19/10/71~~

21-10-71

29 Ashvina, 1943

The General Managers,  
All Indian Railways, CLW/DLW & ICF.

The Director General, RDSO, Lucknow (with 5 spares)

The Principal, Railway Staff College, Baroda.

The Dy. Director, Rail Movements, Calcutta/ Mughalsarai.

The Railway Liaison Officer, New Delhi.

The Chairman, Railway Service Commission, Allahabad/Bombay/Calcutta/Madra

Indian Railway Institute of Sign, Engg & Telecom, Secunderabad.

Indian Railway Institute of Advanced Track Technology, Poona.

Sub : Grant of benefit under 'N.B.R.'

In Railway Board's letter No. F(E) II68AP4/1 dated 7/9/68, it has been laid down that the benefit of officiating promotion under 'N.B.R.' should be allowed, subject to the fulfilment of the conditions laid down thereunder, only against promotions in a cadre in vacancies of more than 120 days' duration. This has been reviewed and the President is pleased to decide that the benefit of officiating promotion under these orders, subject to the fulfilment of the conditions laid down under the 'Next Below Rule', can in future be allowed against promotions in vacancies each of more than 90 days' duration, as against the existing limit of 120 days'. This benefit should not be allowed in respect of promotions against a chain of vacancies which taken together extend beyond 90 days.

*N. V. Jayaraman*

(N.V. Jayaraman)

Assistant Director, Finance(E).,  
Railway Board.

DA: Spares.

GOVERNMENT OF INDIA (BHARAT SARKAR)  
MINISTRY OF TRANSPORT (PARIVAHAN MANTRALAYA)  
DEPARTMENT OF RAILWAYS (RAIL VIBHAG)  
(RAILWAY BOARD)

No. F(E)II/85/PA/3/1.

New Delhi, date 10.1.1986.

Sub : Guiding principles for the working of the  
'Next Below Rule' - modification - regarding.

In accordance with the instructions governing the 'Next Below Rule' envisaged in the second proviso to Rule 2026(1)/FR.30(1)-RII, this benefit can be accorded to an officer working outside his regular line, subject to fulfilment of several conditions. One of the basic principles underlined in this regard is that all the seniors and at least one junior officer should have been regularly promoted in the cadre besides satisfaction of the 'one for one' condition. It has now come to notice that cases may arise where all the seniors of the officer outside the line are promoted and there is no junior officer eligible for promotion within the cadre despite clear regular vacancies available for making promotions. In such cases, the benefit of 'Next Below Rule' is not admissible as per the relevant instructions and this causes undue financial hardship to the concerned Railway servants.

2. The matter has been carefully considered in consultation with the Ministry of Personnel & Training, Administrative Reforms and Public Grievances and Pension and Ministry of Finance. It has now been decided that to obviate the hardship caused in such type of cases, benefits envisaged under 'Next Below Rule' may henceforth be allowed to the officers working outside their regular line in dispensation of the requirements of 'one for one' and 'promotion of at least one junior' subject to the fulfilment of the following further conditions:

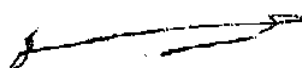
- (a) that a post within the cadre remains unfilled for want of an approved person junior to the officer; and
- (b) the vacancy caused in the cadre is not filled up by making promotion on ad-hoc basis till the release of the next panel when some juniors become eligible for promotion.

3. It is clarified that the relaxation mentioned in para 2 above will not be applicable in situations where no suitable person is available for even ad-hoc promotion and

Contd.....2/-

because, in such a situation, the post can no longer be treated as unfilled.

Hindi version is enclosed.

  
(Ajmer Singh)  
Deputy Director, Finance (Estt)  
Railway Board.


Addressed to:

The General Managers and FA & CAO's, All Indian Railways, etc. as per standard list.

No.F(E)II/85/PA/3/1.

New Delhi, date 10.11.1985.

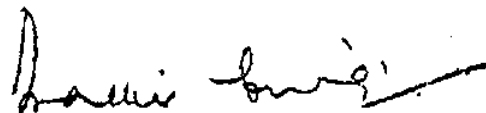
Copy to A.D.A.I.(Railways) with 40 spares.

  
for Financial Commissioner(Rlys.)

No.F(E)II/85/PA/3/1.

New Delhi, date 10.11.1985.

- (i) The General Secretary, NFIR, 3, Chelmsford Road, New Delhi. (with 25 spares)
- (ii) The General Secretary, AIRF, 4, State Entry Road, New Delhi. (with 25 spares)
- (iii) All Members, National Council/Department Council and Secretary, Staff Side, 13-C, Ferozeshah Road, New Delhi.

  
for Secretary/Railway Board.

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
RAILWAY BOARD

No.F(E)II/2005/NBR

RBE No.160/05  
New Delhi, dt: 23-11-2005

The General Managers,  
All Indian Railways including  
New Zones and Production Units.

Sub: Review of Policy of NBR to officers appointed under  
Central Staffing Scheme.

A copy each of O.M. No.2/13/93 -Estt.(Pay-II) dated 26.10.93,  
No.2/8/97—Estt.(Pay-II) dated 9.4.2001 and No.2/2/004— Estt.(Pay-II) dated  
01.06.2005 received from the Ministry of Personnel, Public Grievances &  
Pensions, Deptt. Of Personnel & Training is sent herewith for information and  
guidance. The instructions contained therein will apply mutis mutandis to Railway  
employees also.

Please acknowledge receipt.

  
(Sukhender Kaur)  
Dy. Director Finance (Estt.)  
Railway Board.

DA/As above.

No.F(E)II/2005/NBR.

New Delhi, dt: 23-11-2005.

Copy (with 40 spares) forwarded to the Dy. Comptroller & Auditor General of  
India (Railways), Room No.224, Railway Board, New Delhi..

  
For Financial Commissioner/Railways

No.2/13/93-Estt. (Pay-II)  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training  
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New Delhi, the 26 October, 1993

OFFICE MEMORANDUM

Sub:- Review of policy of NER to officers appointed  
under Central Staffing Scheme - reg.  
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The undersigned is directed to say that members of Group 'A' services as well as Members of All India Services at the level of SAG (Rs.5900-6700) and above are not entitled to Central Deputation (Tenure) Allowance while on deputation under Central Staffing Scheme in the Central Secretariat. In case of Members of All India Services, the rules regulating fixation of pay in the parent cadre in the event of proforma promotion being granted to them, are so framed that they can complete the Central Deputation Tenure without affecting their entitlement to pay in the parent cadre. However, Group 'A' officers belonging to organised Group 'A' services at the level of Selection Grade of JAG and above are obliged to revert to the parent cadre on completion of 6 months from the date of proforma promotion even if they have not completed their tenure at the Centre. During the period of 6 months, however, they are allowed to draw pay in the higher scale to which they have been promoted on proforma basis.

2. The matter has now been considered and the President is pleased to decide that Group 'A' Officers who are on deputation to the Central Secretariat under the Central Staffing Scheme and are approved for promotion to SAG and above in their parent cadre may be permitted to complete their Central Deputation Tenure without affecting their entitlement of pay in their parent cadre. It has further been decided that the pay of such officers while on deputation on Central Tenure and on reversion to the parent cadre may be regulated in the following manner:-

- (a) In the event of grant of proforma promotion the officers will exercise option either to revert to parent cadre or to continue on Central Deputation;
- (b) If the officer opts for immediate reversion to the parent cadre, he will become entitled to pay of the promotional post from the date of assumption of duties of that post;
- (c) if the officer opts to continue on deputation till the completion of Central Deputation Tenure and he has also been approved for proforma promotion in his parent cadre, during the period of Deputation

tenure he will continue to draw the pay of the lower post held on deputation and he will have no claim to the pay of the higher post. However, the period of service covered by proforma promotion shall, on subsequent reversion to the parent cadre and assumption of duties of higher post, count towards initial fixation of pay and increments (without any arrears being paid).

3. There will be no change in the principles and scope for grant of proforma promotion (benefit of NBR) to the officers in the parent cadre viz. (i) proforma promotion is approved by the appropriate authority from a specific date; (ii) all seniors (excluding those considered unfit) have started drawing pay of the higher post on or before the date from which the proforma promotion is granted; (iii) the junior next below the officer should have also started drawing pay of the higher post from that date and his appointment thereto not being fortuitous; and (iv) the benefit should be allowed on 'one for one' basis.

4. These orders would be applicable in cases where the proforma promotion is granted after the date of issue of this O.M.

*Revathy Iyer*  
(Smt. Revathy Iyer)  
Deputy Secretary to the Govt. of India.

To

All Ministries/Departments under the  
Govt. of India.



No.2/2/2004-Estt.(Pay-II)  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

New Delhi, Dated 1st June, 2005

**OFFICE MEMORANDUM**

Subject : Review of policy of NBR to officers appointed under Central Staffing Scheme.

The undersigned is directed to refer to O.M.No.2/13/93-Estt.(PayII) dated 26.10.93 on the above mentioned subject.

1. In Para 3 of the said O.M., the following conditions are prescribed:

(i) Proforma promotion is approved by the appropriate authority from a specific date;

(ii) All seniors (excluding those considered unfit) have started drawing pay of the higher post on or before the date from which the proforma promotion is granted;

(iii) The junior next below the officer should have also started drawing pay of the higher post from that date and his appointment thereto not being fortuitous; and

(iv) The benefit should be allowed on 'one for one' basis.

3. Instances have been brought to the notice of this Department where the officer who is outside his cadre and has been given proforma promotion under NBR in his parent cadre is not allowed to draw pay in the higher pay scale of the post to which he has been promoted proforma, because his senior or junior has not joined the post and has not started drawing pay in the higher pay scale. In order that the officer who has been granted pro-forma promotion does not suffer on this account, it has been decided to substitute the conditions (ii) and (iii) contained in O.M.No. 2/13/93-Estt.(Pay.II) dated 26.10.93 as under :

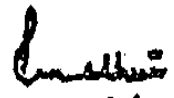
(ii) all seniors (excluding those considered unfit) should have been promoted on regular basis in that scale on or before the date from which the proforma promotion is granted.

(iii) the junior next below the officer should also have been promoted on regular basis to the higher post from that date and his appointment thereto not being fortuitous.

All other conditions prescribed in the O.M.No.2/13/93-Estt.(PayII) dated 26.10.93 shall remain unchanged.

4. This issues with the approval of Ministry of Finance vide their I.D.No. 7(10)-E-III(A)/2004 dated 27.12.2004.

5. In so far as the persons serving in the Indian Audit & Accounts Department are concerned, these orders are being issued after consultation with the Comptroller & Auditor General of India.



(Rita Mathur)

Deputy Secretary to the Government of India

To  
All Ministries/Departments of the Government of India.

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

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RBE No. 59/2013

F.No.2010/F(E)II/I(D)/1

New Delhi, dt. 28/06/2013

The General Managers/CAOs  
All Indian Railways &  
Production Units incl. RDSO,  
(As per Standard Mailing List)

Sub: Transfer on deputation/foreign service of Central Government Employees to ex-cadre posts - Regulation of payment of employer's share of contribution to the CPF during reverse deputation, proforma promotion, 'cooling off' period and proper monitoring of deputation- regarding.

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Consolidated deputation guidelines issued by DOP&T vide their OM No. 6/8/2009-Estt.(Pay-II) dt. 17/06/2010, which have been circulated on the Railways vide Board's letter of even number dated 28/07/2010, have further been revised as per the instructions issued by DOP&T vide their OMs No. 6/8/2009-Estt.(Pay-II) dt. 15/02/2012, (ii) 6/5/2012-Estt.(Pay-II) dt. 30/11/2012, (iii) 2/1/2012-Estt.(Pay-II) dt. 04/01/2013 and (iv) 6/8/2009-Estt.(Pay-II) dt. 16/05/2013. A copy each of the instructions is sent herewith for information and guidance. The orders contained therein will apply mutatis-mutandis to Railway employees also.

Please acknowledge receipt.



(Mrs. Sukhender Kaur)  
Joint Director, Finance (Establishment)  
Railway Board.

No. 6/5/2012-Estt (Pay-II)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training

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North Block,  
30<sup>th</sup> Nov., 2012

OFFICE MEMORANDUM

Subject: Provisions relating to proforma promotion

Undersigned is directed to refer to this Department's OM No. 6/8/2009-Estt (Pay-II) dated the 17<sup>th</sup> June, 2010 regarding consolidated instructions on deputations. References are being received from Ministries/Departments seeking clarifications/relaxations in respect of provisions which pertain to proforma promotion in these orders or otherwise. The issues have been considered in consultation with the Department of Expenditure, and it has been decided to provide as under:

(i) Proforma promotion in the case of candidates promoted on passing a Limited Departmental Examination

The candidates passing the Limited Departmental Examination may be allowed proforma promotion as under:

In the case of candidates who have passed the LDCE and their names have been recommended for promotion, proforma promotions may be allowed from the date their juniors in the cadre in the order of merit in the LDCE have been so promoted. This may also be allowed in case there is no junior on account of such candidate being the last in the order of ranks/merit from the date he would have received such promotion if he had been in his cadre.

Provided it will be ensured that the conditions laid down in the Department of Personnel OM No.8/4/84-Estt-(Pay-I) dated the 15<sup>th</sup> July, 1985 are strictly fulfilled and the principle of NBR based on overall seniority list of cadres is followed.

(ii) Extension after the employee receives a proforma promotion:


The para 8.6 of the OM No. 6/8/2009-Estt (Pay-II) dated the 17<sup>th</sup> June, 2010 relating to regulation of pay after an officer has got proforma

promotion and extension of deputation thereafter, which reads as under:

"If the Grade pay of the officer in the parent cadre becomes higher than that of the deputation post after getting proforma promotion, he may be allowed the pay in the pay band + Grade Pay of the post to which he is promoted till the time he completes the normal/ extended period of deputation (if he gets proforma promotion in the extended period) already sanctioned, if he so opts. No extension in the period of deputation shall be allowed to him after completing the sanctioned period of deputation."

is modified as follows:

8.6 (a) If the Grade pay of the officer in the parent cadre becomes higher than that of the deputation post after getting proforma promotion, he may be allowed the pay in the pay band + Grade Pay of the post to which he is promoted, if he so opts. In such cases, extensions in deputation after an employee has received the proforma promotion may be considered as per the instructions contained in paras 8.1 to 8.3.2.



(Vibha G. Mishra)  
Director

(As per attached list)

No.1(7)-EIV(A)/62  
Government of India  
Ministry of Finance  
(Department of Expenditure)

New Delhi-2, the 18th June, 1962.

OFFICE MEMORANDUM

Subject:- Adoption of 'One for one' principle in the case of promotions, in the parent cadres given to Government servants sent on foreign service - Amendment of FR 113.

The undersigned is directed to invite a reference to para 2 of the late Finance Department letter No.F.2(25)-Est. III/46 dated the 2nd April 1947 (copy enclosed) relating to the grant of proforma of officiating promotion to Government servants in their parent department.

It has been provided inter-alia in the afore-said Office Memorandum that not more than one officer may be authorised to draw the pay of the higher scale or grade in respect of any one officiating vacancy within the cadre filled by a Junior.

2. The above principle of 'one for One' is applicable in cases of deputation under the Government outside the regular line of service. However, FR 113, which regulates cases of deputation on foreign service, does not specifically stipulate any such condition. In the absence of a specific provision as above in FR 113, it has been held that when a Government servant junior to one or more of Government servants deputed on foreign service is promoted in the ordinary line, all senior Government servants in foreign service can be given proforma officiating promotion in their parent cadre, subject, of course, to their being considered fit by the competent authority,

The resultant position, therefore, is that Government servants deputed on foreign service are placed in a more advantageous position in the matter of proforma promotion vis-a-vis Government servants deputed to a State Government or another Department of the Central Government.

3. To remove the above anomaly, the President is pleased to decide that proforma promotion given to Government servants deputed on foreign service should, in future, be regulated in the same manner as in the case of Government servants deputed to hold another post under the Government vide late Finance Department letter, dated the 2nd April, 1947, referred to in para 1 above.

4. An advance copy of the notification amending FR 113 is enclosed.

5. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders are issued in consultation with the Comptroller and Auditor General of India.

*N.K. Bhojwani*

(N.K. Bhojwani)

Deputy Secretary to the Government of India.

Copy forwarded to all State Governments, Chief Commissioners, National Book Trust, Delhi, etc.

(Bhupinder Singh)

Under Secretary to the Government of India.

Copy of letter No.F.2(25)-Est.III/46 dated the 2nd 1947 from the Government of India, Ministry of Finance, to All Provincial Governments etc. etc.

Subject:- Clarification of the Secretary of State's rulings relating to the "next below rule".

I am directed to state that doubts have frequently been expressed by Provincial Governments and Audit Officers regarding the exact scope of the various rulings issued by the Secretary of State in connection with the operation of the "next below rule". For avoidance of doubt, the extent of decisions on this subject has been summarised below.

2. The working rule subjoined to this paragraph may be taken to express the convention which is commonly known as the "next below rule" as originally approved, and its provisos, the modifications made from time to time by the Secretary of State. The intention underlying the "rule" is that an officer out of the regular line should not suffer by forfeiting the officiating promotion which he would otherwise have received had he remained in his original line. The so-called "rule" is not a rule of an independent application. It sets out only the guiding principle for application in any case in which the Governor-General in Council, or the Governor exercising his individual judgment in virtue of the powers conferred on him by the Secretary of State by rule of the 14th April 1942 (published with Home Department Notification No. 195/40-Ests., dated the 9th June 1942), proposes to regulate officiating pay by special orders under the second proviso to Fundamental Rule 30(1). The conditions precedent to application of the "next below rule" must therefore be fulfilled in each individual case before action may be taken under this proviso. It also follows that the benefit of officiating promotion is to be given only in respect of the period or periods during which the conditions of the "next below rule" are satisfied. If when an officer in a post (whether within the cadre of his service or not) is for any reason prevented from officiating in his turn in a post on a higher scale or grade borne on the cadre of the Service to which he belongs, he may be authorised by special order of the appropriate authority to promote him into such scale or grade and thereupon he is to be granted the pay of that scale or grade, if that be more advantageous to him on each occasion on which the officer immediately junior to him in the cadre of his Service (or if that officer has been passed over by reason of inefficiency or unsuitability or because he is on or serving outside the ordinary line or forgoes officiating promotion of his own volition to that scale or grade than the officer next junior to him not so passed over) draws officiating pay in that scale or grade.

Provided that all officers senior to the officer to whom the benefit under this substantive rule is allowed are also drawing, unless they have been passed over for one or other of the reasons aforesaid, officiating pay in the said or some higher scale or grade within the cadre.

Provided further that, except in cases covered by any special orders of the Secretary of State, not more than one officer (either the seniormost fit officer in a series of adjacent officers outside the ordinary line, or, if such an officer either foregoes the benefit of his own volition or does not require the benefit in virtue of his holding a post outside the ordinary line which secures him at least equivalent benefits in respect of pay and pension then the next below in the series) may be authorised to draw the pay of the higher scale or grade in respect of any one officiating vacancy within the cadre filled by his junior under this rule".

3. The "next below rule" set out in the preceding paragraph should be applied with due regard to the rulings or decisions mentioned hereunder:-

(i) A purely fortuitous officiating promotion given to an officer who is junior to an officer outside the regular line does not in itself give rise to a claim under the "next below rule".

(ii) The expression "outside the ordinary line" occurring in Fundamental Rule 20 (1) is not intended to be rigidly interpreted as necessarily involving a post either "outside the cadre of a Service" or "outside the ordinary time-scale."

(iii) Although certain special posts in a cadre may be considered to be posts outside the ordinary line of a service for the purpose of applying the "next below rule" (vide the Secretary of State's orders in India Office letter No. S & G 5079/44, dated the 2nd January 1945, copy forwarded with Home Department letter No. 143/44-Ests., dated the 26th April 1945), there are no orders to cover the converse type, viz., the treating as cadre posts of those posts created by Governments in India which are declared to be equivalent in status and responsibility to permanent posts included in Secretary of State's cadre. Now that the powers of Governments in India to appoint temporary posts to the cadre of a Secretary of State's Service have been withdrawn under the constitution Act of 1955, the benefit under the next below rule may not be allowed. Without the sanction of the Secretary of State, to an officer outside the ordinary line if an officer junior to him is appointed to a post created and declared by a Government in India to be so equivalent.

(iv) If Government have approved in any department a list of officers in order of merit for promotion to administrative rank or a selection grade, then that order will prevail as the order of seniority for the purpose of the "next below rule" over the order of seniority of the officers in the ordinary gradation list of their cadre.

4. The Secretary of State has held that holders of special (e.g. tenure) posts such as Secretaryships to a Governor or a Provincial Government should be ready to accept loss of officiating promotion for short periods to posts on a higher scale or grade in the ordinary line in consequence of their incumbency and that, when the stage is reached at which their retention involves loss of substantive or lengthy officiating promotion, the proper course is to make arrangements to release them from the special posts rather



as meaning periods not exceeding three months.

If in such a case the conditions of the "next below rule" are not satisfied and an officer is deprived of officiating promotion owing to its being impracticable for the time being to release him from the special post, he may be granted with the approval of the Governor-General in Council or of the Governor acting in his individual judgment, according as the officer concerned is serving at the Centre or in the Province, such compensation for loss of officiating promotion as would have been admissible under the next below rule for the period in excess of the first three months of his retention in the special post in the public interest. No specification or declaration in terms of the second proviso to Fundamental Rule 30(1) by the Governor-General in Council or the Governor will be necessary in those cases and it will suffice if those authorities issue the requisite orders granting the officers concerned the compensation on that basis. As in the case of "next below rule", the periods for which compensation equivalent to the "next below rule" benefit is allowed will count for increment in the higher scale or grade in which the officer would have officiated, had he not been holding the special post in the public interest.

If, however, in such a case the conditions of the "next below rule" are satisfied, the officer concerned may be granted under the second proviso to Fundamental Rule 30(1) the concession admissible under the "next below rule", but, save in exceptional circumstances, such an officer should not be retained in the special post if the pay attached thereto is lower than that admissible to him under the "next below rule" for more than 6 months beyond the date from which the "next below rule" begins to operate. The sanction of the Secretary of State is however unnecessary for exceeding this time limit in individual cases in exceptional circumstances.

This letter issues with the approval of the Secretary of State.

Sd/- X X X

Deputy Secretary to the Government of India.

C.B. 10  
5/6/62.

No. F.1(7)-E.II(1)/78.  
Government of India  
Ministry of Finance  
(Department of Expenditure)

New Delhi, the 14th March, 1978.

OFFICE MEMORANDUM

Subject:- Promotion of Government servants during training or instruction in India when such periods are treated as on duty under F.R. 9(6)(b) and regulation of pay in such cases.

The undersigned is directed to refer to F.R. 20 which provides that in respect of any period treated as duty under FR 9(6)(b), a Government servant may be granted such pay as Government may consider equitable but in no case exceeding the pay which the Government servant would have drawn had he been on duty other than duty under FR 9(6)(b).

2. A question, in this connection, has been raised as to whether a Government servant who, while undergoing training or instruction in India, is treated as on duty under FR 9(6)(b) can be promoted to the next higher grade during such training or instruction, if he is otherwise entitled to such promotion and if so, how to regulate his pay on such promotion. The President is pleased to decide that in such cases, there should be no objection to the promotion of the employee to the next higher grade with effect from the date he would have been so promoted had he not proceeded on training, if the conditions indicated below are fulfilled:

- (a) he has been approved for promotion to the next higher Grade; and
- (b) all his seniors, except those regarded as unfit for promotion to the particular higher Grade, available have been promoted to that Grade.

He may also be allowed to draw such officiating pay in the next higher grade which he would have drawn from time to time had he been on duty other than duty under FR 9(6)(b).

3. The provisions of para 2 of this OM will also apply mutatis-mutandis to cases of officers deputed abroad for training under FR 51.

4. These orders will take effect from the date of issue.

5. In so far as persons serving in the Indian Audit and Accounts Departments are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

  
(R. O. PURI)

UNDER SECRETARY TO THE GOVT. OF INDIA

To  
All Ministries/Departments of the Government of India  
etc. etc.

Copy to:-

Government of India  
Ministry of Personnel, P.G. & Pensions  
Department of Personnel & Training

New Delhi, the 22nd November, 1990.

OFFICE MEMORANDUM


Subject:- Selection Grade in Group 'A' Services- Grant of  
NER for NFSG appointments.

The undersigned is directed to refer to this Department's OM of even number dated the 9th October, 1989 laying down the procedure and criteria to be followed for appointment to Non-Functional Selection Grade (NFSG) in organised Group 'A' Central Services. In this connection, it has now been decided to follow the procedure indicated below in respect of extending the benefit of NER for NFSG appointments and also the sealed cover cases:-

- (a) In the case of promotion to NFSG, there is no need to extend the select list beyond the actual number of Selection Grade vacancies even when any of the officers included in the select list remains on deputation, since there is no functional need to fill the vacancy created by someone being away on deputation. Though the junior is not thus promoted to fill the NFSG vacancy, there should, however, be no objection to allow proforma promotion, as a special case, to an officer included in the select list while he is on deputation in public interest, without insisting on the normal conditions of NER.
- (b) As regards sealed cover cases, if the recommendations in respect of a person for appointment to NFSG are kept in the sealed cover, the NFSG vacancy should be kept

unfilled till the disciplinary proceedings are completed. In such cases, it is not permissible for a junior person to officiate in the vacancy. In the meantime, the post will only be operated at JAG level. If, on finalisation of the disciplinary proceedings, the officer is fully exonerated, he will be entitled for appointment to the NPSG from the date from which it was due and also for arrears of pay on that account.

2. These instructions may please be brought to the notice of all concerned for guidance and compliance.



(M.V. Kesavan)  
Director

To

All Ministries/Departments of the Government of India.

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GOVERNMENT OF INDIA  
Ministry of Finance  
(Department of Expenditure)

New Delhi-2, the 17th October, 1960.

OFFICE MEMORANDUM

Subject:- Restriction in the matter of grant of benefit under 'Next Below Rule' to Government servants deputed abroad.

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The undersigned is directed to invite attention to the provisions of Fundamental Rule 51-A according to which when a Government servant is, with proper sanction, deputed for duty out of India to hold a regularly constituted permanent or quasi-permanent post, other than a post borne on the cadre of the service to which he belongs, his pay shall be regulated by the orders of the Central Government.

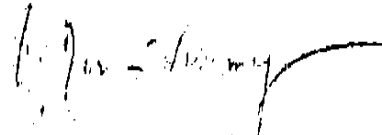
2. The Government of India have had under consideration the question as to what extent the benefit under the second proviso to F.R. 30(1) (i.e. 'Next Below Rule') as clarified in the late Finance Department letter No. F. 2(25)-Estt. III/46 dated the 2nd April, 1947, could be given to Government servants deputed abroad.

After a careful examination of this question the President has been pleased to decide that the benefits under the 'Next Below Rule' shall not be admissible to Government servants deputed to hold regularly constituted ex-cadre posts abroad. In such cases, however, on the reversion of the officer to the post whether in or out of India in the parent cadre which he would have held but for his deputation to an ex-cadre post abroad, that portion of the period of deputation during which the conditions precedent to the grant of benefit under the 'next below rule' are satisfied shall be taken into account in fixing the pay of the Government servant. For this purpose, the deemed date of promotion in the post which may fall during the tenure of deputation shall be arrived at by applying all the conditions of 'next below rule' and the pay on the date of actual appointment to that post immediately on reversion from deputation to an ex-cadre post abroad shall be fixed under F.R. 27 by assuming that the officer had been promoted from the deemed date of promotion.

3. In order to ensure that the benefit of promotion to a higher post, is not unduly denied to the Government servants, it has been decided that the Administrative Ministries, etc., should screen the officers to be deputed abroad so that only such officers are sent abroad, as are not likely to be promoted to any higher grade or post in their parent department during the period of deputation.

4. These orders shall be applicable in respect of all cases of deputations abroad commencing on or after the date of issue of this Office Memorandum.

5. In so far as Government servants serving in the Indian Audit and Accounts Departments are concerned these orders have been issued after consultation with the Comptroller & Auditor General of India.



( V. DORAISWAMY )

DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA.

To

All Ministries of the Government of India etc., etc.,

" JUNEJA "