

CHAPTER VI

Combination of Appointments

F.R. 49. The Central Government may appoint a Government servant already holding a post in a substantive or officiating capacity to officiate, as a temporary measure, in one or more of other independent posts at one time under the Government. In such cases, his pay is regulated as follows:—

(i) where a Government servant is formally appointed to hold full charge of the duties of a higher post in the same office as his own and in the same cadre/line of promotion, in addition to his ordinary duties, he shall be allowed the pay admissible to him, if he is appointed to officiate in the higher post, unless the Competent Authority reduces his officiating pay under Rule 35; but no additional pay shall, however, be allowed for performing the duties of a lower post;

(ii) where a Government servant is formally appointed to hold dual charges of two posts in the same cadre in the same office carrying identical scales of pay, no additional pay shall be admissible irrespective of the period of dual charge:

Provided that, if the Government servant is appointed to an additional post which carries a special pay, he shall be allowed such special pay;

(iii) where a Government servant is formally appointed to hold charge of another post or posts which is or are not in the same office, or which, though in the same office, is or are not in the same cadre/line of promotion, he shall be allowed the pay of the higher post, or of the highest post, if he holds charge of more than two posts, in addition to ten per cent of the presumptive pay of the additional post or posts, if the additional charge is held for a period exceeding 1[45] days but not exceeding 3 months:

Provided that if in any particular case, it is considered necessary that the Government servant should hold charge of another post or posts for a period exceeding 3 months, the concurrence of the 1[Department of Personnel and Training] shall be obtained for the payment of the additional pay beyond the period of 3 months;

1. Substituted by G.I., Dept. of Per. & Trg., Notification No. 4/3/97-Estt. (Pay-II), dated the 12th March, 1999, published as G.S.R. 208 (E) in the Gazette of India, dated the 15th March, 1999 and takes effect from that date.

- (iv) where an officer is formally appointed to hold full additional charge of another post, the aggregate of pay and additional pay shall in no case exceed ¹[₹ 80,000];
- (v) no additional pay shall be admissible to a Government servant who is appointed to hold current charge of the routine duties of another post or posts irrespective of the duration of the additional charge;
- (vi) if compensatory or sumptuary allowances are attached to one or more of the posts, the Government servant shall draw such compensatory or sumptuary allowances as the Central Government may fix:

Provided that such allowances shall not exceed the total of the compensatory and sumptuary allowances attached to all the posts.

GOVERNMENT OF INDIA'S ORDERS

(1) Additional charge of *ex cadre* posts treated as combination of appointments.— Recently a case came to the notice of Public Accounts Committee in which an officer of a regularly constituted service held charge of two posts for more than two years, one of which was an *ex cadre* post. At one stage, the officer held full charge of the regular post and additional charge of the *ex cadre* post, but subsequently, the arrangement was reversed and the officer was shown as holding the full charge of the *ex cadre* post and additional charge of the regular post. He was allowed to draw Deputation Allowances at 20 per cent of his grade pay.

2. The Public Accounts Committee has adversely commented on the above arrangement, and pointed out the impropriety of the same officer holding two appointments for long periods. The Committee has also suggested that the following issues should be determined for future guidance:—

- (a) whether it was justifiable to grant Deputation Allowance when the officer held only the additional charge of the *ex cadre* post;
- (b) whether it was not unusual that an officer of the regularly constituted service should hold the full charge of another *ex cadre* post but hold the additional charge of his regular post.

3. It is hereby clarified with reference to Clause (a) above that it is not correct to grant Deputation Allowance when an officer holds only the additional charge of an *ex cadre* post. Deputation Allowance, if otherwise admissible, can be granted only when an officer is appointed, on a full time basis, to an *ex cadre* post.

4. With reference to Paragraph 2 (b) above, it would be an unusual arrangement for an officer to be appointed to hold full charge of an *ex cadre*

¹ Substituted by G.I., Dept. of Per. & Trg., Notification No. F. No. 4/1/2009-Estt. (Pay-II), dated the 21st January, 2010, published as G.S.R. 23 in the Gazette of India, dated the 30th January, 2010 and takes effect from 1st January, 2006.

post and to hold additional charge of his regular post. The appropriate arrangement in such cases should be that, the officer holds full charge of his regular post and additional charge of the *ex cadre* post. Such cases should be treated as combination of appointments and grant of additional remuneration should be regulated in the light of the orders issued by this Ministry in that regard.

5. Under the orders on the subject of combination of appointments and entitlement to additional remuneration, when an officer holds additional charge of a sanctioned post, the Administrative Ministries may grant additional remuneration, as prescribed, for a maximum period of three months, as otherwise it would lead to the justifiable inference that the need for the second post in respect of which additional pay is drawn does not exist. These orders further require that if, in any particular case, it is desired that the additional pay should be continued for a longer period, the prior concurrence of the Finance Ministry should be obtained. The Ministry of Home Affairs, etc., are requested to ensure that system of making one officer discharge the duties of more than one post is not resorted to for long periods as it is not conducive to efficiency and that the provisions of the orders issued by this Ministry in regard to the grant of additional remuneration in such cases are strictly adhered to.

[G.I., M.F., O.M. No. F. 6 (5)-E. III (B)/65, dated the 12th September, 1966.]

(2) Prior concurrence of Ministry of Home Affairs should be obtained for allowing combination of appointments beyond three months.— A number of references seeking relaxation of the provisions of FR 49 as well as the Orders above in the matter of admissibility of additional monetary benefits in the case of combination of appointments have been received. It has been observed that the proposals not only relate to belated references for granting *ex post facto* approval for relaxation of the time-limit for continuance of dual charge arrangements with additional remuneration beyond the prescribed period, but also relate to payment of remuneration even in those cases where officers are appointed to hold current duties of another post or for holding dual charges of two posts in the same cadre in the same office carrying an identical scale of pay.

2. Such proposals which are not in accordance with the provisions of FR 49 as also the Orders above, are patently not admissible. In the circumstances all the Ministries/Departments, etc., may examine proposals in consultation with their Integrated Finance, for additional remuneration in cases of combination of appointments strictly whether the provisions of FR 49 and Orders above are fully satisfied. In this connection, it may be specifically pointed out that in case it is considered necessary that the Government servant should hold charge of another post or posts and he is to be remunerated under FR 49, it is necessary that he should be formally appointed with the orders of the competent authority to hold charge of that post or those posts. In case the period exceeds three months and if it is desired that payment of additional pay beyond that period is to be allowed to the Government servant, then prior

concurrence of the Department of Personnel and A.R., should invariably be obtained after giving full justification with specific recommendations of the Integrated Finance of the concerned Ministry.

3. It has also been observed that in many cases the Integrated Finance of the Ministry concerned have passed on the proposals to this Department for consideration, without examining the proposals with reference to the rules/instructions on the subject. The Integrated Finance may examine all proposals having financial bearing in the light of the relevant rules/instructions and make specific recommendations for consideration by this Department giving full justification for relaxation of such rules/instructions. Cases which are referred to this Department without proper examination by the Integrated Finance have to be returned for such scrutiny and specific recommendations, thus causing undue delay in their final disposal.

[G.I., M.H.A., Dept. of Per. & A.R., O.M. No. 6 (26)-Ests. (Pay-II)/81, dated the 30th December, 1981.]

(3) Guidelines on additional charge of the current duties of another post under FR 49.—As per FR 49 (iv), no additional pay is admissible to a Government servant who is appointed to hold current charge of the routine duties of another post irrespective of the duration of the additional charge. In practice it is observed that in a number of cases, officers are appointed to hold additional charge of current duties of another post but the duties are not defined in the order and therefore, the officer performs all the functions of the other post including even some statutory function. However, no additional remuneration is paid to him in view of the specific language of the order of his appointment. In certain other cases, an officer is asked to hold additional charge of another post (which implies full charge of the other post), but he is not formally appointed to that post and, therefore, no additional remuneration is paid to him under FR 49. These have led to representations and litigations.

2. With a view to avoiding recurrence of such situations, the following guidelines may be followed while considering the question of entrusting additional charge of another post to an officer:—

(i) When an officer is required to discharge all the duties of the other post including the statutory functions, e.g., exercise of power derived from Acts of Parliament such as Income Tax Act or the Rules, Regulations, By-Laws made under various Articles of Constitution such as FRs, CCS (CCA) Rules, CSRs, DFPRs, etc., then steps should be taken to process the case for getting the approval of the Competent Authority and formal orders appointing the officer to the additional post should be issued. On appointment, the officer should be allowed the additional remuneration as indicated in FR 49.

(ii) Where an officer is required only to attend to the usual routine day-to-day work of non-statutory nature attached to the post, an office order may be issued clearly stating that the officer will be performing only the routine day-to-day duties of non-statutory nature and that he would not be entitled to

any additional remuneration. The office order should also specify what duties he would be discharging or what duties he would not be discharging.

[G.I., Dept. of Per. & Trg., O.M. No. 4/2/89-Estt. (Pay-II), dated the 11th August, 1989.]

The Law Ministry has advised that an officer appointed to perform the current duties of an appointment can exercise administrative or financial powers vested in the full-fledged incumbent of the post but he cannot exercise statutory powers, whether those powers are derived direct from an Act of Parliament, e.g., Income Tax Act or Rules, Regulations and By-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.

[G.I., M.H.A., O.M. No. 7/14/Estt. (A), dated the 24th January, 1963.]

(4) No additional pay under FR-49 for holding additional charge of PSUs/Autonomous Bodies, etc.— FR-49 empowers the Central Government to appoint a Government servant already holding a post in a substantive or officiating capacity to officiate, as a temporary measure, in one or more of other independent posts at one time "under the Government." The Rule also stipulates the circumstances and the extent to which the Government servant shall be entitled to additional pay on formal appointment to hold full additional charge of another post under Government.

2. Instances have come to notice of this department when the Government servants have been given full charge of the post outside the Government, viz., Public Sector Undertakings, Autonomous Bodies, Registered Societies, etc. The question of entitlement to additional pay under FR-49 to the Government servants formally appointed with the approval of Competent Authority to hold the full additional charge of the posts in the PSUs, Autonomous Bodies, etc., has been considered in this Department in consultation with the Ministry of Finance and it is clarified that neither such appointments nor the additional pay for holding additional charge in such cases is permissible under FR-49.

3. It is, therefore, advised that the posts in PSUs, Autonomous Bodies be filled up only by regular incumbents and the occasions for appointing Government servants to hold additional charge of such posts should be resorted to in rare and exceptional circumstances as a stopgap arrangement for a short period only.

4. The Ministry of Agriculture and Co-operation, etc., are requested to bring the above decision to the notice of all concerned for strict compliance.

[G.I., Dept. of Per. & Trg., O.M. No. 4/4/99-Estt. (Pay-II), dated the 28th January, 2000.]

(5) Officers holding additional charge of PSUs, etc., are entitled only to the same facilities as are admissible to them in the Government and not at rates applicable to their counterparts in the concerned PSUs.— All Ministries/Departments of the Government of India were issued instructions vide this Ministry's OM of even number, dated 12-2-1993 (not printed) on the

above-mentioned subject with a view to ensure that the Central Government officers, holding additional charge of PSUs, will be given facilities strictly as per their entitlements under the Central Government rules in respect of cash allowance, accommodation and class of travel by air, etc.

2. It has been observed that the officers who are holding additional charge of some posts in Public Sector Undertakings in addition to their substantive posts in the Government, sometimes draw excess money to meet their functional obligations at rates as are admissible to their counterparts in the concerned PSUs, which is against the spirit of this Department's above referred OM.

3. It is once again brought to the notice of all Ministries/Departments/PSUs that the Central Government Officers holding additional charge of PSUs, etc., will be entitled to the same facilities like TA/DA/Cash Allowances, etc., as are admissible to them in the Central Government and the expenditure on this account will be met from the budget of the concerned Government Department/Agency.

[G.I., M.F., O.M. No. 19045/1/93-E. IV, dated the 12th January, 1999.]

AUDIT INSTRUCTIONS

(1) Presumptive pay for the purposes of FR 49 should, according to FR 9 (24), be taken to be what the Government servant who is placed in additional charge, will draw as initial pay in the time-scale of the additional post under FR 22, where he formally transferred to it. In cases, however, in which the maximum pay of the lower posts, is less than the pay of the Government servant in his substantive post, the application of FR 22 is not clear, and accordingly it has been decided under FR 8 that in such a case the maximum of the pay of the lower post should be taken as the presumptive pay for the purposes of FR 49.

[Para. 1 (ii), Chapt. VI, Sec. I of Manual of Audit Instructions (*Reprint*).]

(2) See Audit Instructions below FR 40.