

TO BE PUBLISHED IN GAZETTE OF INDIA, PART II SECTION 3,  
SUB-SECTION (i).

No. F. 2(17)-Est. III/59  
Government of India  
Ministry of Finance  
(Department of Expenditure)

New Delhi-2, the 8th August, 1960.

NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, the President, after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, hereby directs that the following further amendments shall be made in the Fundamental Rules, namely:-

1. These rules may be called the Fundamental (Amendment) Rules, 1960
2. For rule 26, the following shall be substituted, namely,-

"F.R. 26. The following provisions prescribe the conditions on which service counts for increments in a time-scale:-

(a) All duty in a post on a time-scale counts for increments in that time-scale.

(b) Service in another post, other than a post carrying less pay referred to in clause (a) of rule 15, whether in substantive or officiating capacity, service on deputation and leave other than extraordinary leave count for increments in the time-scale applicable to the post on which the Government servant holds a lien, as well as in the time-scale applicable to the post or posts, if any, on which he would hold a lien had his lien not been suspended. In the case of a Government servant who holds a lien on a permanent post or would hold a lien on such post had his lien not been suspended and who has been continuously officiating in another post for more than three years at the time he proceeded on leave and would have continued to officiate in that post but for his proceeding on leave, leave other than extraordinary leave counts for increments in the time-scale applicable to such other post. For the purpose of reckoning the three years' limit, service in the other post will include periods of leave during which the Government servant would have officiated in the other post and officiating service in a higher post that counts for increment in the other post under clause (c).

Provided that the President may, in any case in which he is satisfied that the leave was taken on account of illness or for any other cause beyond the Government servant's control, or for prosecuting higher scientific and technical studies, direct, subject to such conditions as he may impose, that extraordinary leave shall be counted for increments under this clause.

(bb)(i) The period of leave on average pay upto a maximum of four months taken at a time counts for increments in the time-scale applicable to a post in which a Government servant was officiating at the time he proceeded on leave and would have continued to officiate but for his proceeding on leave. The period which counts for increments under this clause is, however, restricted to the period during which the Government servant would have actually officiated in the post.

P.T.O.

(ii) The period of deputation out of India on full pay, and study leave or special leave granted under the rules or orders issued under Rule 84 below, shall count for increment in the post in which the Government servant was officiating at the time of proceeding on deputation out of India, study leave or special leave subject to the condition that the Government servant would have so officiated in that post or a post on the same time-scale but for his proceeding on deputation, study leave or special leave.

(iii) The period of extraordinary leave without pay granted for prosecuting higher scientific and technical studies may be allowed by the President to count for increment in the post in which the Government servant was officiating at the time of proceeding on extraordinary leave subject to the condition that the Government servant would have so officiated in that post or a post on the same time-scale but for proceeding on extraordinary leave.

Provided that the study leave, special leave, or extraordinary leave shall count for increment under sub-clause (ii) or (iii) only if the Government servant had put in at least three years service under the Government of India at the time of proceeding on such leave.

(c) If a Government servant, while officiating in a post or holding a temporary post on a time-scale of pay, is appointed to officiate in a higher post or to hold a higher temporary post, his officiating or temporary service in the higher post shall, if he is reappointed to the lower post, or is appointed or reappointed to a post on the same time-scale of pay, count for increments in the time-scale applicable to such lower post. The period of officiating service in the higher post which counts for increment in the lower post is however, restricted to the period during which the Government servant would have officiated in the lower post but for his appointment to the higher post. This clause applies also to a Government servant who is not actually officiating in the lower post at the time of his appointment to the higher post, but who would have so officiated in such lower post/ in a post on the same time-scale of pay had he not been appointed to the higher post.

For

(d) Foreign service counts for increments in the time-scale applicable to-

(i) the post in Government service on which the Government servant concerned holds a lien as well as the post or posts, if any, on which he would hold a lien had his lien not been suspended

(ii) the post in Government service in which the Government servant was officiating immediately before his transfer to foreign service, for so long as he would have continued to officiate in that post or a post on the same time-scale but for his going on foreign service, and

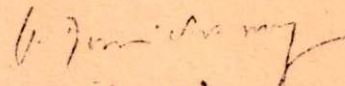
(iii) any post to which he may receive officiating promotion under Rule 113 below, for the duration of such promotion.

(e) Joining time counts for increment-

(i) if it is under clause (a) or clause (d) of Rule 105, in the time-scale applicable to the post on which a Government servant holds a lien or would hold a lien had his lien not been suspended as well as in the time-scale applicable to the post, the pay of which is received by a Government servant during the period; and

(ii) if it is under clause (b) or clause (c) of Rule 105, in the time-scale applicable to the post/posts on which the last day of leave before commencement of the joining time counts for increments.

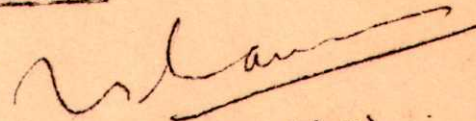
Explanation:- For the purposes of this rule, the period treated as duty under sub-clause (b) of clause (6) of Rule 9 shall be deemed to be duty in a post if the Government servant draws pay of that post during such period.

  
(V. Doraiswamy)  
Deputy Secretary to the Govt. of India.

To  
The Publisher,  
Gazette of India,  
New Delhi.

No. F. 2(17)-Est. III/59

Copy to All Ministries etc. etc.

  
(V.K. Subramanian)  
Under Secretary to the Govt. of India.

C.S.  
4/8/60

