

CHAPTER : 13 – DEPUTATION

(13.1)

**Government of Nagaland
Home Department: Administrative Reforms
(O&M) Branch**

NO.AR-2/10/71

Dated, Kohima, the 12th August, 1975

OFFICE MEMORANDUM

Sub:- Seniority of the Employees who are sent on deputation to another Department of the State Government and are subsequently confirmed there.

The undersigned is directed to refer to this Department's Office Memorandum NO.11/APA/2/65 dated the 27th January, 1967 and to say that a question has been raised whether an employee of the State Government who is appointed on deputation to another post/service in a different Department under the State Government and is subsequently confirmed in the deputation post will count his service for seniority from the date of confirmation in the deputation post or from the date of joining the post on deputation. It has been decided that in such cases services for seniority shall be counted from the date on which decision is taken to absorb the deputationists in the deputation post.

Sd/- I. LONGKUMER
Secretary to the Government of Nagaland.

(13.2)

**Government of Nagaland
Department of Personnel and Administrative Reforms
(Administrative Reforms Branch)**

NO.AR-7/8/86

Dated Kohima, the 17th September, 1986.

OFFICE MEMORANDUM.

Sub:- Filling up of vacancies on deputation-regular absorption of Deputationists.

Instances have been brought to the notice of the Government that, often appointments on deputation basis to various posts are being made by the concerned appointing authorities without proper advertisement/circulation of the vacancy and following the laid down procedure for selection of candidates. It has also been brought to the notice of the Government that, while absorbing the deputationists in the Department on a regular basis, the Departments do not consult/ obtain clearance of the NPSC/D.P.C. as is required. This in effect amounts to, circumventing/contravening the provisions of the rules and orders in force.

After careful consideration of the matter and with a view to enforce uniform procedure in the matter, it has now been decided that henceforth, appointment on deputation basis, when considered necessary and justified, shall be made only after due advertisement/circulation of the vacancy falling for applications, and selection of the candidate by Selection Board.

After careful consideration of the matter and with a view to enforce uniform procedure in the matter, it has now been decided that henceforth, appointment on deputation basis, when considered necessary and justified, shall be made only after due advertisement/circulation of the vacancy falling for applications, and selection of the candidate by Selection Board.

Similarly in case of regular absorption of deputationists in the Departments, the concerned appointing authority should obtain the prior clearance of the NPSC. In case of the posts coming under the purview of NPSC under the NPSC (LF) regulation, and the prior clearance of the D.P.C, in other cases which do not come within the purview of NPSC.

These instructions may be strictly be adhered to.

Sd/- T.P.IMCHEN
Additional Secretary to the Govt. of Nagaland

(13.3)

F.NO.20011/1/2000-Estt.(D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training.

New Delhi 110001
March 27, 2001.

OFFICE MEMORANDUM

Sub:- Seniority of persons absorbed after being on deputation.

The undersigned is directed to say that according our O.M.No.20020/7/80-Estt(D) dated May 29, 1986 in the case of a person who is initially taken on deputation and absorbed later (i.e. where the relevant recruitment rules provide for “transfer on deputation/ transfer”) his seniority in the grade in which he is absorbed will normally be counted from the date of absorption. If he has, however, been holding already (on the date of absorption) the same or equivalent grade on regular basis in the his parent department, such regular service in the grade shall also be taken into account in fixing his seniority, subject to the condition that he will be given seniority from the date he has been holding the post on deputation.

or

The date from which he has been appointed on a regular basis to same

or

equivalent grade in his parent department, whichever is later.

2. The Supreme Court has in its judgement dated December 14, 1999 in the case of Shri S.I.Roopla & other vs. Lt. Governor through Chief Secretary Delhi, Dt. 1999 (9) SC 597 has held that the words “whichever is later” occurring in the Office Memorandum dated May 29, 1986 and mentioned above are violation of Articles 14 and 16 of the Constitution and hence, those words have been quashed from that Memorandum. The implications of the above ruling of the Supreme Court have been examined and it has been decided to substitute the term “whichever is later” occurring in the Office Memorandum dated May 29, 1986 by the term “whichever is earlier”

3. It is also clarified that for the purpose of determining the equivalent grade in the parent department mentioned in the Office Memorandum dated May 29, 1986, the criteria contained in this Department Office Memorandum No.14017/27/75-Estt-D) (pt) dated March 7, 1984 (copy enclosed,) which lays down the criteria for determining analogous posts, may be followed.

4. These instructions shall be take effect from the December 14, 1999, which the date of the judgement of the Supreme Court referred to above.

5. In so far as personnel serving in Indian Audit and Accounts Departments are concerned, these instructions are issued in consultation with the Comptroller and Auditor General of India. However, these orders (in keeping with paragraph 4 of the Office Memorandum dated May 29 1986 as referred to above) will not be applicable to transfers within the Indian Audit and Accounts Department which are governed by orders issued by the C&AG from time to time,

6. The above instructions may be brought to the notice of all concerned for information, guidance and necessary action.

Sd/- K.K.JHA
Director (Establishment)

(13.4)

Government of Nagaland
Personnel and Administrative Reforms Department
(Administrative Reforms Branch)

OFFICE MEMORANDUM

NO. AR-7/8/86

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Dated, Kohima, the 21st August, 2004.

Sub: - Procedure for filling up of vacancies on Deputation regular absorption of Deputationists.

The undersigned is directed to refer to the subject cited above and to state that inspite of laid down rules on deputation, many departments appoints person on deputation without following the existing Government orders and later absorbed them. The Government after examining this issue has decided to issue the following instructions to be followed while filling up any vacancies on deputation.

1. Before deciding to fill up the post on deputation, prior consultation with the NPSC (in case the post comes within the purview of the NPSC) shall be necessary before appointing a person on deputation basis.
2. Normally, a Department should fill up a vacancy on deputation only if there is provision for this in the relevant Service Rules or if the Department requires a specialized job or personnel with required qualification and seniority within the Department are not available for specific reasons.
3. Such a vacancy will be invariably circulated through Newspapers and official orders indicating qualification, experience, other eligibility conditions, last date of receipt of application, etc.
4. The candidates will be selected by a Screening Board which will be chaired by the Secretary of the Department with representative of the P&AR Department and representative of the concerned Directorate or expert in the relevant discipline.
5. A person should be eligible to apply for a deputation post only if he is in the same or equivalent grade or if the candidate is in the next lower grade and has fulfilled the qualifying years and other criteria for promotion to the next higher grade. Department must also certify that no suitable candidate from the feeder service is available or going to be available in the future promotion.
6. The period of deputation shall be subject to maximum of 2(two) years in all cases except for those where a longer period of tenure is prescribed in the Service Rules. If the post falls within the direct recruitment quota as per the recruitment rules, such deputation shall not exceed a period of 2 years or the recruitment by the NPSC, whichever is earlier. The extension beyond the period laid down may be granted with the prior approval of the lending Department and P&AR Department and the NPSC (for the post under their purview).

7. An officer on deputation will not be normally granted promotion while on deputation. The officer will revert to the parent cadre to avail promotion and another officer will be deputed to that post if the seniority continues to exist. In exceptional situation, an officer can be promoted by the borrowing Department after obtaining the approval of the cadre controlling authority, NPSC and the P&AR Department.
8. On completion of the deputation period, an officer shall get reverted automatically to their parent Department even if no release order has been issued unless an order extending his/her deputation has been issued before the expiry of the deputation period.
9. Any proposal to absorb a candidate must have the prior clearance of the NPSC and P&AR and the Cabinet stating that no suitable candidate are available from the feeding cadre for promotion to that post. The consent of the person concerned and the lending Department will be mandatory before considering for permanent absorption.
10. The seniority of a person so absorbed in the deputation post, shall be counted from the date of such absorption only (i.e. from the date of Cabinet approval).

Sd/- V.N.GAUR

Principal Secretary to the Government of Nagaland