



GOVERNMENT OF MAHARASHTRA
FINANCE DEPARTMENT

MAHARASHTRA CIVIL SERVICES
(PAY)
RULES, 1981

FINANCIAL PUBLICATION OF THE
GOVERNMENT OF MAHARASHTRA No. III

SECOND EDITION (Re-print)



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PREFACE

The First Edition of the Bombay Civil Services Rules, 1959, in Volumes I and II, was printed in 1959 after the reorganisation of States in 1956. Various developments have taken place since then i.e., the Reorganisation of the Bilingual Bombay State into the two States of Maharashtra and Gujarat as also changes have been made in the Rules through numerous amendments issued from time to time, during the last several years. As a result, a good deal of difficulty was being experienced in practice in understanding and applying these rules properly. The need to have revised and simplified Service Rules was being acutely felt. Government, therefore, has decided to publish the following self-contained subjectwise sets of Services Rules:—

- (1) Maharashtra Civil Services (General Conditions of Services) Rules.
- (2) Maharashtra Civil Services (Pay) Rules.
- (3) Maharashtra Civil Services (Joining Time, Foreign service and Payments during Suspension, Dismissal and Removal) Rules.
- (4) Maharashtra Civil Services (Leave) Rules.
- (5) Maharashtra Civil Services (Pension) Rules.
- (6) Maharashtra Civil Services (Honoraria, Fees, Compensatory Local and House Rent Allowances) Rules.
- (7) Maharashtra Civil Services (Occupation of Government Residences) Rules.
- (8) Maharashtra Civil Services (Travelling Allowances) Rules.

These sets of rules seek to codify the provisions of existing rules in the Bombay Civil Services Rules subjectwise and the various orders issued by Government with such rewording as have become necessary to put them in the form of statutory rules.

2. The first four sets of rules [S. Nos. (1) to (4)] have been framed by the Governor of Maharashtra under proviso to article 309 of the Constitution of India. These rules which have been issued under Government Notification, Finance Department, No. MSC-1081/2/MCSR-Cell, dated the 23rd July 1981, come into force with effect from the 15th August 1981. The remaining sets of rules will be issued later on.

(2)

3. To make each set of rules as self-contained as possible, the relevant delegation of powers, Appendices and the relevant forms pertaining to a particular subject, have also been included therein.

4. This set of rules pertains to Pay admissible to employees of the Maharashtra Government. The Marathi version will be published separately.

5. For facility of reference a comparative table has been appended to this set of rules at the end indicating the numbers of these rules and the corresponding provisions of the Bombay Civil Services Rules, 1959. The table also indicates the provisions of the Bombay Civil Services Rules, 1959, which have been deleted from this set of rules.

6. Omissions or inaccuracies, if any, in this set of rules, may please be brought to the notice of the Finance Department.

Dated 23rd July 1981.
Finance Department,
Mantralaya, Bombay 400 032.

V. PRABHAKAR
Special Secretary to Government,
Finance Department.

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GOVERNMENT OF MAHARASHTRA

FINANCE DEPARTMENT

Mantralaya, Bombay 400 032, dated 23rd July 1981

NOTIFICATION

CONSTITUTION OF INDIA

No. MSC 1081/2/MCSR-Cell.—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Maharashtra is hereby pleased to make the following Rules, namely:—

CHAPTER I—GENERAL

1. Short title and commencement

(1) These Rules may be called the Maharashtra Civil Services (Pay) Rules, 1981.

(2) They shall come into force on the 15th day of August 1981.

2. Extent of application

Except where it is otherwise expressed or implied, these rules apply to all members of services and holders of posts whose conditions of service the Government of Maharashtra are competent to prescribe. They shall also apply to—

(a) any person for whose appointment and conditions of employment special provision is made by or under any law for the time being in force,

(b) any person in respect of whose service, special provision regarding pay and allowances has been made by an agreement made with him, in respect of any matter not covered by the provisions of such law or agreement, and

(c) Government servants paid from Local Funds administered by Government, except rules relating to the foreign service.

Note.—Persons transferred to Government service from a Local Fund which is not administered by Government will be treated as joining a first post under Government and their previous service shall not count as service performed under Government. Government may, however, allow previous-service in such cases to count as service performed on such terms as it thinks fit.

3. Right to interpret

Government reserve to themselves the right of interpreting these rules.

4. Power of relaxation

Where Government is satisfied that the operation of any of these rules causes or is likely to cause undue hardship in the case of any Government servant or class of Government servants, it may, by an order in writing, exempt any such Government servant or class of Government servants from any provisions of these rules or may direct that such provisions shall apply to such Government servants or class of Government servants with such modifications not affecting the substance thereof as may be specified in such order.

5. Validity of terms of contract

The terms of a specific contract enforceable at law necessarily override the provisions of these rules.

6. Regulation of claims to pay and allowances

A Government servant's claim to pay and allowances is regulated by the rules in force at the time in respect of which the pay and allowances are earned.

7. Exercise and delegation of powers under these rules

No powers may be exercised or delegated under these rules except after consultation with the Finance Department. It shall be open to that Department to prescribe, by general or special order, cases in which its consent may be presumed to have been given.

Note.—For powers delegated under these rules, see Appendix I.

8. Reasons for concessions to be communicated to Audit Officer

When a competent authority, other than Government, communicates to the Audit Officer an order granting any concessions under these rules to any Government servant in cases in which it is prescribed that the reasons therefor should be recorded, he should at the same time forward to him a copy of his reasons.

CHAPTER II—DEFINITIONS

[The definitions given below are reproduced from Chapter II of Maharashtra Civil Services (General Conditions of Services) Rules, 1981 and are only those definitions which are relevant for the purpose of the subject-matter contained in this set of rules.]

9. Unless the context otherwise requires, the terms defined in this Chapter are used in the various sets of Maharashtra Civil Services Rules, in the sense here explained.

(4) **Audit Officer** means an Audit Officer, appointed by the Comptroller and Auditor General of India whatever his official designation, in whose circle of audit a public servant is serving, or (in respect to verification of service) has served.

(5) **Cadre** means the strength of a service or a part of a service sanctioned as a separate unit.

(8) **Compensatory allowance** means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes different types of travelling allowances.

(9) **Competent authority**, in relation to the exercise of any power, means Government, or any authority to which the power is delegated by or under these rules.

(12) **Date of first appointment** means the date the Government servant assumes the duties of his first post in Government service, or, if this be earlier, the date of his assumption of any duty which is treated, as service counting for pension.

(13) **Day** means the period beginning from one midnight and ending with the next midnight.

(14) **Duty**—Duty includes—

(a) service as a probationer;

(b) joining time;

(c) a course of instructions or training authorised by or under the orders of Government;

(d) a course of instruction or training authorised by—

(i) Director of Social Welfare in the case of the members of the staff of the Social Welfare Officer deputed to undergo a course of training in making estimates and plan drawing before their confirmation,

(ii) Director of Education in the case of teachers of the educational staff who undergo a course of training or instructions at training colleges or schools, and

Rule 9]

(iii) Director of Agriculture in respect of staff who undergo a course in agriculture or any other training preparatory to appearing for the Sub-service Department Examination.

Note 1.—The time reasonably required for the journeys between the place of training and the station from which a Government servant proceeds in order to undergo training, is part of the period of training.

Note 2.—The period spent by candidates (other than candidates not already in Government service admitted after the 15th August, 1939) at the Central Police Training College, Nashik, for training and the interval between the satisfactory completion of the course and their assumption of duty should be regarded as duty for the purpose of this rule.

In the case of military officers and other ranks, who join the Police Force as Sub-Inspectors and whose period of probation is treated as Vocational Training under section 40 of Army Vocational Training (India), 1933, their services in the Police shall count from the dates they formally leave the Army, since, until that date, the time spent on vocational training is included in the period of their military service and they are borne on the military establishment.

Note 3.—The period spent by candidates (other than candidates not already in Government service admitted on or after the 22nd April 1962) in the Prohibition and Excise Department for training and interval between the completion of the course and their assumption of duty, should be regarded as duty for the purpose of this rule.

Note 4.—The period spent by the Sales Tax Inspectors in the Sales Tax Department for the training and the interval between the completion of training and their assumption of duty as Sales Tax Inspector in the regular time scale of pay should be regarded as duty for the purpose of this rule.

Note 5.—When one or more holidays follow the period of training, the training period may be deemed to have been extended to cover such holidays.

(e) the period occupied—

(i) in appearing for a language examination prescribed by Government at which a Government servant has been granted permission to appear,

(ii) in attending an obligatory departmental examination,

(iii) in attending an examination which a Government servant must pass to become eligible for a higher post in any branch of the Public Service,

including the time reasonably necessary for going to and from the place of examination.

This concession should not be allowed more than twice for each obligatory examination.

Note 1.—If an examination is taken immediately before leave, the leave shall be held to have commenced from the date following that of the completion of the examination. In cases where an examination is taken in interruption of leave or immediately after leave, the time occupied in appearing for the examination, including the time necessary for going to and from the place of examination, shall be treated not as duty but as leave.

Note 2.—The period occupied in appearing for the Maharashtra Accounts Clerks' Examination including the time reasonably necessary for going to and from the place of examination on voluntary basis should be treated as duty. This concession should not be allowed more than twice.

(f) the period for which a Government servant is required to wait compulsorily until receipt of his posting orders in the cases mentioned below:—

(i) whose orders of transfer are held in abeyance, cancelled or modified while in transit, or

(ii) who, on return from leave or deputation or on abolition of the post held by him, has to await receipt of posting orders, or

(iii) who, on arrival at the headquarters of the post to which he is posted is not in a position to take charge of the post from the Government servant to be relieved.

The period availed of to resume duties after the receipt of posting orders shall not exceed the joining time admissible under the rules and shall be treated as a continuation of the period of compulsory waiting.

(g) the period intervening between the date on which a Government servant is engaged temporarily for special or other duty and the date on which he takes over charge, provided the period does not exceed the joining time that would be permissible to a Government servant entitled to joining time;

(h) the period spent by Government servant on training mentioned below:—

(i) training in accordance with the Regulations of the Army in India Reserve of Officers,

Note.—In the case of civil officers granted Commissions in the Army in India Reserve of Officers the period of training will not include the time spent in journey to and from the station at which the training is carried out. The time spent by these officers in journeying to and from the place of training should be treated as duty and acting arrangements may be made during that time.

(ii) training in the Indian Naval Fleet Reserve and on the journey to and from the place of training,

(iii) annual training courses of instruction or military service in accordance with the Regulations for the Territorial Army, 1948,

(iv) on Home Guard training or Home Guard duties with the permission of the Head of his office,

(v) in training or in the Camp in accordance with the rules of the National Cadet Corps and also such period of the vacations as are spent by National Cadet Corps Officers (Senior Division) who are Government servants holding officiating charge of units during the absence of regular Commanding Officers,

(vi) training and active service in the Army and Air Force Reserves and the Indian Fleet Reserve/Air Defence Reserve and/ on journey to and from the place of training, in case leave in respect of their civil appointment is not availed of during training and transit period,

(vii) training at a Boy Scouts' Camp.

Note.—No travelling or halting allowance is admissible in respect of this duty.

(i) additional leave on full pay not exceeding three weeks granted to a Government servant undergoing anti-rabic treatment, admissible under Appendix 15 of Bombay Financial Rules, 1959;

(j) the period spent by a Government servant in connection with work on the various University bodies in the Maharashtra State—

(a) as representatives of Government or *ex-officio*.

(b) by virtue of this Official position such as Principal of a College,

and

(c) for attending the meeting of a Board of Studies.

(18) First appointment means the appointment of a person who is not holding any appointment under Government, even though he may have previously held such an appointment.

(19) Foreign service means service in which a Government servant receives his pay with the sanction of Government from any source other than the Consolidated Fund of India or of a State, or of a Union Territory.

(20) A Gazetted Government servant is one who is a member of an All India or State Service or a person appointed in accordance with the terms of a contract or agreement and whose appointment is gazetted by Government. Members of the Subordinate Civil Services, whose appointments are gazetted by Heads of Departments are Non-gazetted Government servants. Notifications investing Government servants with powers under different Acts, in order that the Courts may take judicial cognizance of them, do not constitute the persons invested with such powers as Gazetted Government servants within the meaning of this sub-rule.

Exception.—Officers whose appointments to Class II Services or posts are made by the Heads of Departments or Heads of Offices subordinate to them and are not published in the Gazette should be treated as Gazetted Government servants.

(21) Government unless there is anything repugnant in the subject or context, as respects anything done or to be done after the commencement of the Constitution, shall mean the Governor of Maharashtra.

(26) Class IV service means service performed by a Government servant in a post specifically classified as Class IV and such other unclassified Non-gazetted posts the maximum of the scale of which is equal to or less than Rs. 435.

(27) **Joining time** means the time allowed to a Government servant to join a new post or to travel to or from a station to which he is posted.

(30) **Lien** means the title of a Government servant to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.

(34) **Month** means a calendar month. In calculating a period expressed in terms of months and days complete calendar months, irrespective of the number of days in each, should first be calculated and the odd number of days calculated subsequently.

Instruction.—Calculations of period expressed in terms of months and days should be made as under :—

(a) To calculate 3 months and 20 days on and from the 25th January, the following method should be adopted :—

	Y.	m.	d.
25th January to 31st January	0	0	7
February to April	0	3	0
1st May to 13th May	0	0	13
	0	3	20

(b) The period commencing on 30th January, and ending with 2nd March should be deemed as 1 month and 4 days, as indicated below :—

	Y.	m.	d.
30th January to 31st January	0	0	2
February	0	1	0
1st March to 2nd March	0	0	2
	0	1	4

(35) **Officiate.**—A Government servant officiates in a post when he performs the duties of a post on which another person holds a lien. A competent authority may, if it thinks fit, appoint a Government servant to officiate in a vacant post on which no other Government servant holds a lien.

(36) **Pay** means the amount drawn monthly by a Government servant as—

(i) the pay (including special dearness pay) which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre; and

(ii) personal pay, and special pay; and

(iii) any other emoluments which may be specially classed as pay by Government.

(40) **Permanent post** means a post carrying a definite rate of pay sanctioned without limit of time.

(41) **Personal pay** means additional pay granted to a Government servant—

(a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or due to any reduction of such substantive pay otherwise than as a disciplinary measure; or

(b) in exceptional circumstances, on other personal considerations.

(42) **Presumptive pay** of a post, when used with reference to any particular Government servant, means the pay to which he would be entitled if he held the said post and were performing its duties; but it does not include special pay unless the Government servant performs or discharges the work or responsibility, in consideration of which special pay was sanctioned.

(43) **Probationer** means a Government servant employed on probation in or against a substantive or temporary vacancy in the cadre of a department.

Note 1.—No person appointed substantively to a permanent post in a cadre is a probationer, unless definite conditions of probation have been attached to his appointment, such as the condition that he must remain on probation pending the passing of certain examination.

Note 2.—A Government servant (other than one who holds substantively a permanent post) appointed on promotion to a temporary post will be treated for all purposes as a temporary Government servant.

Note 3.—The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribe otherwise.

(47) **Selection Grade** means a scale of pay which has been sanctioned specifically as a selection grade by an order of Government.

(48) **Special pay** means an addition, of the nature of pay, to the emoluments of a post or of a Government servant granted in consideration of—

(a) the specially arduous nature of the duties.

(b) a specific addition to the work or responsibility.

(51) **Substantive pay** means the pay other than special pay, personal pay or emoluments classed as pay by Government under sub-rule 36(iii) to which a Government servant is entitled on account of a post to which he has been appointed substantively or by reasons of his substantive position in a cadre.

(53) **Temporary post** means a post carrying a definite rate of pay sanctioned for a limited time.

Note.—Substantive appointments to temporary posts should be made in a limited number of cases only, as for example, when posts are, to all intents and purposes, quasi-permanent or when they have been sanctioned for a period of not less than, or there is reason to believe that they will not terminate within a period of three years. In all other cases, appointments in temporary posts should be made in an officiating capacity only.

Instruction.—The benefit of substantive appointments to temporary posts contemplated in the above note should not be allowed to be enjoyed by more than one person simultaneously. Therefore, where a Government servant has already been appointed substantively to a temporary post and there is a temporary interruption in his tenure of the post, it would not be proper to appoint another Government servant substantively to the post during such temporary interruption. For this purpose, interruptions which are likely to last for less than 3 years may be treated as temporary. It follows therefore, that where a Government servant is already appointed substantively to a temporary post, a second Government servant should not be appointed substantively to it unless the previous holder of the post has been transferred from it permanently or unless he has been transferred temporarily and there is reason to believe that he will remain absent from the post for a period of not less than three years.

(54) **Tenure post** means a permanent post which an individual Government servant may not hold, for more than a limited period without reappointment.

Note.—The following posts in State and Class I services have been declared by Government to be tenure posts:—

	Period of tenure (Years)
(1) Under Secretary to Government (When held by persons other than those promoted from the subordinate Secretariat Service).	3
(2) Deputy Secretary (Criminal Law) in the Law and Judiciary Department.	5
(3) Solicitor (Mofussil Litigation)	5
(4) Three posts of Assistant Directors of Social Welfare	3

(55) (a) **Time-scale pay** means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum.

(b) Time-scales are said to be identical if the minimum, the maximum, the period of increment and the rate of increment of the time-scales are identical.

(c) A post is said to be on the same time-scale as another post on a time-scale if the two time-scales are identical and the posts fall within a cadre, or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility in a service or establishment or group of establishments; so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post.

(56) **Transfer** means the movement of a Government servant from one headquarter station in which he is employed to another such station, either—

- to take up the duties of a new post; or
- in consequence of a change of his headquarters.

(57) **Transit time** means the actual time required to reach the destination of tour from the headquarters or from one outstation to another outstation by the ordinary mode of travel.

CHAPTER III—PAY

10. Pay on first appointment to Government service

On first appointment to Government service, a person shall draw the minimum of the time-scale attached to the post to which he is appointed, unless a higher starting pay is sanctioned under the authority of rule 40.

11. Fixation of pay on appointment to another post

Save as provided in rules 12, 13, 14, 17 and 20 where a Government servant holding a post in a substantive, temporary or officiating capacity, is promoted or appointed in a substantive, temporary or officiating capacity, to another post including an ex-cadre post, his initial pay shall be regulated as follows:—

(1) When appointment to the new post involves assumption of duties or responsibilities of greater importance than those attaching to the old post and—

(a) if he is holding a post not higher than a Class II post, his initial pay in the time-scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued and in the case of a Government servant drawing pay at the maximum of the pay-scale by an amount equivalent to the last increment; and

(b) if he is holding a post higher than a Class II post, he will draw as initial pay the stage of the time-scale next above his pay in respect of the old (lower) post.

(2) If the appointment to the new post does not involve such assumption:—

(a) if there is a stage in the time-scale of the new post which is equal to his pay in the old post, he shall draw pay at that stage;

(b) if there is no such stage, he will draw pay at the stage next below his pay in the old post plus personal pay equal to the difference;

(c) in either of these two cases he will continue to draw that pay until such time as he would have received an increment in the time-scale of the old post, or till he would earn an increment in the time-scale of the new post, whichever is earlier;

(d) if the minimum of the time-scale of the new post is higher than his pay in the old post, he will draw that minimum as initial pay.

(3) When appointment to the new post is made:—

(a) on his own request under rule 27(1) of Maharashtra Civil Services (General Conditions of Services) Rules, 1981, or

(b) on account of discharge of a Government servant owing to the abolition of his permanent post or owing to change in the nature of the duties of that post, and if he opts for acceptance of another appointment or transfer to another establishment even on a lower pay, if offered;

and if the maximum of the time-scale of that post (to which he is appointed or transferred) is less than his pay in respect of the old post, he will draw that maximum as initial pay.

(4) Notwithstanding anything contained in the above sub-rules where a Government servant is appointed to a selection grade, his pay shall be fixed at a stage next above the pay drawn by him immediately before such appointment. If his pay is less than the minimum of the selection grade, he shall draw that minimum as initial pay.

Provided that in cases covered by both sub-rules (1) and (2) if the Government servant had previously held the same post or another post on the same or identical time-scale then save as provided in rule 14 his initial pay shall not be less than the pay other than the special pay, personal pay, or emoluments classed as pay by Government under rule 9 (36) (iii) which he drew, on the last such occasion, and he shall count the period during which he drew that pay on such last and any previous occasion for increments in the stage of the time-scale equivalent to that pay:

Provided further that where the Government servant has reverted from an ex-cadre post to a post in the parent cadre, the initial pay shall not be higher than the pay to which he would have been entitled on the date of reversion had he not been appointed to the ex-cadre post.

(5) When a Government servant is appointed or transferred from one ex-cadre post to another ex-cadre post, his pay shall be first fixed as if he is reverted to his parent cadre and then transferred to the ex-cadre post.

Explanation.—For the purpose of sub-rule (1) above, a post carrying a scale of pay of which maximum does not exceed Rs. 1,150 should be considered as a post not higher than a Class II post.

Note 1.—For the purposes of this rule a declaration as to the relative degrees of responsibility of the two posts in the same department should be obtained from the administrative head of the department. In regard to posts in different departments, such a declaration should be obtained from Government. A declaration is, however, necessary only when the relative degrees of responsibility are not obvious beyond doubt.

Note 2.—The appointment of a reservist on a fixed rate of pay to a post on a time-scale of pay of the cadre or, which he is a reservist does not involve the assumption of duties and responsibilities of greater importance. But notwithstanding anything contained in this rule, when a reservist is appointed to officiate in such a post, his initial officiating pay should be fixed at the minimum of the time-scale and his officiating service should be allowed to count for increments.

Rule 11]

Note 3.—A time-scale may be of recent introduction, whereas the cadre or class to which it is attached may have been in existence on a different time-scale. If a Government servant has held a post in the cadre or class prior to the introduction of a new scale, and has drawn during the period pay equal to a stage or intermediate between two stages, in the new scale, then such period may be counted for increment in the same stage, or if the pay was intermediate between two stages, in the lower stage of that scale.

Note 4.—For the purposes of this rule and rule 15 a temporary post on a certain rate of pay (fixed or time-scale) which is converted into a permanent post on a different rate of pay is not the "same post", as the permanent post even though the duties remain the same. In other words in view of rule 9(53), the temporary Post is to be regarded as having ceased to exist and to have been replaced by the permanent post. The incumbent of the temporary post is thus entitled only to the pay of the permanent post if it is on a fixed rate of pay or to a minimum of the time-scale of the permanent post if it is on a time-scale unless his case is covered by proviso to this rule.

Note 5.—In applying this rule as well as rule 17 in respect of a Government servant appointed to a post to which a fixed probationary pay below the minimum of the time-scale is prescribed, such probationary pay should be deemed to be the first stage of the time-scale of the post and the minimum as the second stage. This note will not apply in case of appointment by promotion from a lower post where the Government servant is not on probation.

Instruction 1.—By the strict application of the above rule it may happen that Government servant promoted and appointed to a higher post prior to 1st April 1971 may draw a lower rate of pay in that post than another Government servant junior to him in the lower grade but promoted and appointed subsequently to another identical post on or after 1st April 1971. In such cases the pay of the senior Government servant in the higher post should be stepped up to a figure equal to the pay as fixed for the junior Government servant in that higher post under rule 40 with effect from the date of promotion of the junior Government servant and it should be subject to following conditions viz:—

- (i) both, the junior and senior Government servants should belong to one and the same cadre and the posts in which they have been promoted or appointed, should be identical and in the same cadre and in the same line of promotion;
- (ii) the scales of pay of the lower and higher post in which they are entitled to draw pay should be identical;
- (iii) the anomaly should be directly as a result of the application of rule 11. For example, if even in the lower post the junior Government servant draws from time to time a higher rate of pay than the senior by virtue of fixation of pay under the normal rules or by grant of advance increment(s) for any other reason, these provisions shall not be invoked to step up the pay of the senior Government servant;
- (iv) the next increment of the senior person whose pay has been stepped up should be drawn on completion of the requisite service with effect from the date of re-fixation of pay.

Instruction 2.—In case, a senior Government servant promoted on or after 1st April 1971 but drawing less pay than his junior promoted subsequently to another identical post, the pay of the senior Government servant should be stepped up to a figure equal to the pay of his junior in that higher post under rule 40 with effect from the date of promotion of his junior subject to the fulfilment of the conditions mentioned at (i) to (iv) of Instruction 1 above.

Note.—In respect of Gazetted Government servants the powers to order the re-fixation of pay of the senior Government servant under rule 40 should rest with the Administrative Department of the Mantralaya. In respect of Non-Gazetted Government servants, the Heads of Department should exercise such powers.

12. Fixation of pay on reversion from higher to lower post

The provisions of rule 11 do not apply in the case of a Government servant appointed from a higher post to a lower post due to reduction of establishment or reverting to a lower post on termination of his officiating promotion to a higher post. Where the Government servant reverts to a lower post after a spell of promotion in a higher post, his pay in the lower post should be fixed at the stage in the time-scale of the lower post at which the Government servant would have drawn pay but for his appointment to the higher post(s) as admissible under rule 39.

13. Fixation of pay of a Government servant retaining city scale

The provisions of rule 11 do not also apply in the case of a Government servant who has elected to retain a city scale under the Maharashtra Civil Services (Revision of Pay) Rules, 1969. His pay on appointment to a post carrying the revised scale (Mofussil scale) shall be fixed as provided in rule 14 of those rules i.e., on the basis of the "present pay" as defined in rule 5 (6) of the said rules.

14. Pay on re-appointment after a break

The provisions of rule 11 do not apply in the case of a Government servant who is re-appointed after a physical break exceeding twenty-four hours following resignation, removal, dismissal or discharge on reduction of establishment or after invalidation out of service. Such an appointment amounts to a fresh appointment for the purpose of rule 11 and the Government servant will, therefore, draw the minimum of the time-scale. If in any case it is considered that a higher rate of pay should be given, the case can be dealt with under rule 40.

Note 1.—If the new appointment is in the same station, for the purpose of computing "Physical break of more than 24 hours", Sunday and/or a Gazetted Public Holiday(s) shall be excluded.

Note 2.—If the new appointment involves movement from one station to another, for the purpose of computing "Physical break of more than 24 hours" the maximum period to cover actual journey [inclusive of Sunday and/or a Gazetted Public Holiday(s)] shall be excluded.

15. When pay of a post is changed

The holder of a post, the pay of which is changed, shall be treated as if he were transferred to a new post on the new pay:

Provided that, except in cases where the pay-scale of the post has been changed as a result of change in its duties or responsibilities, he may at his option, retain his old pay until the date on which he has earned his next or any subsequent increment, on the old scale or until he vacates his post or ceases to draw pay in that time-scale. The option once exercised is final.

Note 1.—(1) The option to retain the old scale under this rule is also available to a Government servant not actually holding the post at the time of revision of the scale provided that—

- (i) he holds a lien or suspended lien on that post, or that
- (ii) it is certified by the authority competent to make appointment to the lower post that he would have held that post, but for holding a higher post.

Note 2.—The option exercised under this rule should be an option between clear alternatives so that if an option is exercised when the alternatives are not clear or the alternatives with reference to which option was exercised are subsequently altered by orders having retrospective effect or otherwise, the option becomes vitiated and as such must be held to be null and void from the beginning.

Note 3.—A Government servant under suspension should be allowed to exercise the option under the above rule when the pay-scale attached to his post is changed, even while he is under suspension. The result of such option will be that when the revised scale of pay takes effect from a date prior to the date of suspension, he will be entitled to the benefit of the increase in pay, if any, in respect of the duty period before suspension, and also in the subsistence allowance for the period of suspension. If, however, the revised scale of pay takes effect from the date falling within the period of suspension the benefit of option will accrue to him in respect of the period of suspension only after his reinstatement, depending on the fact whether the period of suspension is treated as duty or not.

Note 4.—The option referred to in the above rule should be exercised and communicated to the Head of Office/Department in the case of Non-gazetted Government servants and to the Audit Officer in the case of Gazetted Officers within a period of two months from the date of issue of orders sanctioning the revised scale. Failure to do so will mean that the incumbent has automatically come over to the revised scale from the date from which the revision is effective.

16. Pay on reversion to lower post as a penalty

The authority, which orders the transfer of a Government servant as a penalty from higher to a lower grade or post, may allow him to draw any pay, not exceeding the maximum of the lower grade or post, which it may think proper :

Provided that the pay allowed to be drawn by a Government servant under this rule shall not exceed the pay which he would have drawn by the operation of rule 11 read with sub-rule (1) or (2), as the case may be, of rule 39.

17. Relation of officiating pay to substantive pay

(1) Except in the cases covered by sub-rule (3) of rule 11, if the pay of a Government servant, officiating in a post is at any time, less than his substantive pay, he shall draw his substantive pay.

(2) If a Government servant is officiating in a post carrying duties and responsibilities of greater importance than those attaching to the post held by him in a substantive capacity and if there is an enhancement in his substantive pay as a result of increment or otherwise,

his pay in the pay scale of the higher post shall be refixed at the stage next above his substantive pay, if such refixation is to his advantage.

Note.—The provisions contained in this rule will not be applicable in the following cases:—

- (a) A Government servant whose increment in the officiating post is withheld for failure to pass within the prescribed period a regional language examination or the Hindi examination or other prescribed departmental examination;
- (b) A Government servant whose increment is withheld with or without permanent effect, as a measure of punishment;
- (c) A Government servant who is on probation.

18. Pay when promotion or appointment found to be erroneous

Notwithstanding the provisions contained in these rules, the pay of a Government servant whose promotion or appointment to a post is found to be or to have been erroneous, shall be regulated in accordance with any general or special orders issued by Government in this behalf.

19. Officiating pay in a post the pay of which is fixed at a rate personal to another Government servant

When a Government servant officiates in a post the pay of which has been fixed at a rate personal to another Government servant, Government may permit him to draw pay at any rate not exceeding the rate so fixed or, if the rate so fixed be a time-scale, may grant him initial pay not exceeding the lowest stage of that time-scale and future increments not exceeding those of the sanctioned scale.

20. Power to fix officiating pay at a lower rate

A competent authority may fix the pay of an officiating Government servant at an amount less than that admissible under these rules.

Note 1.—When the pay of a Government servant who is appointed to officiate in a post on a time-scale of pay is fixed below the minimum of the time-scale under this rule, he must not be treated as having effectually officiated in that post within the meaning of rule 11 or having rendered duty in it, within the meaning of rule 39.

Note 2.—In cases in which a vacancy is expected to last less than sixteen days a Government servant may be placed in charge of the current duties of the post but no formal appointment to officiate should be made unless a formal appointment is essential in order to provide for the exercise of statutory powers.

Instruction.—Reading this rule with the rules substantively regulating the rate of officiating pay, and in particular with rule 17, it is clear that the power conferred by this rule, is not exercisable save by a special order passed in an individual case and on the consideration of the facts of that case. A general order purporting to oust universally the operation of rule 17 would be *ultra vires* of this rule. Although the practice of obtaining special orders on every individual case would not be *ultra vires* of this rule, it would cause the greatest possible fraud thereon.

21. Personal pay to decrease in proportion to increase in basic pay

Except when the authority sanctioning it orders otherwise, personal pay shall be reduced by any amount by which the recipient's pay may be increased and shall cease altogether as soon as his pay is increased by an amount equal to his personal pay.

22. Pay during course of instruction or training

When a Government servant is treated as on duty under rule 9(14)(c), (d), (e) and (h)(vii), the authority competent to depute him for a course of instruction or training under rule 9(14)(c) (d) or (h)(vii) or to permit him to appear for an examination under rule 9(14) (e), may allow during such period of duty, pay (including special pay) equal to the amount he was drawing before joining the training or appearing for the examination provided he has reason to believe that the Government servant is likely to continue to hold the post from which he is deputed during the full period of the course of instruction or training and records a certificate to that effect.

Note.—This rule is not applicable to Government servants covered by rule 24 or to cases regulated under Chapter IV.

23. Pay during period treated as duty under rule 9(14) (f) or (g)

A person treated as on duty under clause (f) or (g) of rule 9(14), will draw the pay of the post or service to which he is appointed.

24. Stipend admissible during training in the Police Training College, Nashik

Government servants serving in any department except the Police and members of the clerical establishment of the Police Department and Head Constables and Constables selected as direct nominees, when sent to the Police Training College, Nashik, will be paid stipend only and not their substantive pay.

25. Pay to Civilian Government servants belonging to the defence services reserves

(1) Civilian Government servants who belong to the Indian Army Reserve of Officers, or the Indian Naval Volunteer Reserve or the Indian Naval Reserve, will, when called up for training, draw the following rates of civil pay, in addition to their military or naval pay:—

(a) when proceeding to carry out their training from their duty appointments, the pay and allowances they would have drawn in their civil appointment but for the training;

(b) while on leave in India the civil leave pay and allowances which they would have drawn but for the training;

The time spent by civil servants undergoing training or when called to army or naval service shall count for civil leave and for increments of civil pay.

Note.—The civil pay shall be charged to the civil and the Military or naval pay to the Defence Services Estimates. Defence Services Estimates shall not be required to bear any share of the leave and pension charges accruing in respect of the period that the civil servant is undergoing training.

(2) Civilian Government servants who join the Army in India Reserve of Officers when employed on part-time military duty in peace time, will get their civil pay only which will be charged to civil estimates.

26. Pay during joining time and training taken on expiry of leave out of India and before rejoining civil appointment

A Government servant, who, as an officer of the Army in India Reserve or of the Indian Naval Volunteer Reserve or the Indian Naval Reserve, carries out his Military or Naval training on the expiry of leave out of India taken from his civil appointment and before rejoining his civil appointment for duty, should receive pay as follows:—

(a) Joining time civil pay from the date of disembarkation in India to the date preceding that on which his military training commenced.

(b) Full civil pay during the period of training.

27. Pay admissible to Government servants who are members of Defence Reserves

Government servants who are members of the Army and Air Force Reserves, and the Indian Fleet Reserve/Air Defence Reserve, will draw the following rates of civil pay:—

(1) When called up for training:

(a) the difference between the civil pay and allowances and the Army/Air Force Reserve/The Indian Fleet Reserve/Air Defence Reserve pay and allowances during the period of their training, in cases where the former is greater than the latter, if the members do not avail themselves of leave due in respect of their civil appointment;

(b) civil leave salary and allowances in addition to service pay and allowances where the members choose to avail themselves of leave at their credit.

(2) During active service the difference between the civil pay and allowances and Army/Air Force Reserves/The Indian Fleet Reserve/Air Defence Reserve pay and allowances, in cases where the former is greater than the latter.

(3) The civil pay and allowances of civil leave salary if leave is availed of during the period of their transit to and from the place of training and active service.

Note.—For purpose of this rule, the term "Civil Pay" should be interpreted to mean "Pay" as defined in rule 9(36) (i).

28. Pay and allowances to reservist of the Indian Fleet Reserve in civil employ, when called out for duty

The reservist of the Indian Fleet Reserve in Civil Government employ will, when called up for periodical training, receive naval pay and allowances and the excess, if any, of his civil pay over his naval pay provided this excess is specifically sanctioned by Government. The extra expenditure involved shall constitute a charge against the ordinary head of expenditure to which his civil pay is debitable.

29. Pay and allowances to Government servants who are members of Territorial Army, when called out for duty

(1) Government servants who are members of the Territorial Army are entitled, when called out or embodied under section 7(3) of the Territorial Army Act, to pay and allowances at civil rates or military pay and allowances, whichever is greater, provided that, for the purpose of computing civil allowances, only those allowances, other than permanent travelling allowance and conveyance allowance, are taken into account as or attached and admissible in respect of the post from which the Government servant is called out and to which the Government servant is appointed on return from the Territorial Army.

In cases where the civil pay and allowances mentioned above are higher than military pay and allowances, the difference between (i) the civil pay and allowances and (ii) the military pay and allowances shall constitute a charge against the ordinary head of expenditure to which the civil pay of the Government servant concerned is debitable.

(2) Government servants who are members of the urban units of the Territorial Army are liable, during their recruit or annual training, to be embodied only for short periods during a year for attending camps, and for undergoing (i) the musketry course (ii) the prescribed trade test or (iii) the prescribed Hindi Test. For such periods of embodiment they should be granted special casual leave and should be considered as continuing to hold their civil posts. The remainder of their training is taken outside office hours without being embodied for the purpose. Both during the periods of embodiment treated as special casual leave and during the remainder of the training, the Government servants shall be entitled to receive the full pay and allowances of their civil post in addition to the military pay and allowances which they may receive from the Defence Service Estimates.

30. Pay and allowances to members of teaching staff who are officers of National Corps etc. when called out to attend Annual Cadre Corp, etc.

The members of the teaching staff, Government colleges or schools, who are officers of the National Corps (Senior Division/Junior Division/Girls Division) should be entitled when called out to attend

Annual Cadre Camps, Combined Cadre and Social Service Camps; Refresher Courses; Authorised Courses of instructions in Armed Forces Schools and with Armed Forces Units including intervening Sundays and Holidays to receive their pay of rank and allowances during that period in addition to their civil pay and allowances. The expenditure in question shall constitute a charge against the ordinary heads of expenditure to which expenditure of respective Camp etc., is debitable.

31. Officiating promotions in place of Government servants undergoing training

No extra cost should be imposed on Government by way of officiating appointments in places of Government servants who are treated as on duty under clauses (c) to (g) and (h)(vii) of rule 9(14). A competent authority may, however, allow officiating promotions in the place Government servants undergoing training in cases in which it has been authorised by Government to do so.

Note.—When an officiating arrangement is made under this rule creation of a supernumerary post is not necessary.

32. Officiating promotions in place of civilians joining Army

Officiating promotions may be given in place of civilian Government servants who have joined the Army in India Reserve of Officers when they are sent for training and who, under rule 9(14)(h)(i) are treated during the period of training as on duty. The additional cost involved will be a charge on the civil estimates.

33. Officiating promotions in place of civilians joining Territorial Army

Officiating promotions may be given in place of Civilian Government servants who have joined the Territorial Army and who are treated as on duty under rule 9(14)(h)(iii) during the period of embodiment when they are attending a course of instruction or called up for Military duty. The additional cost involved will be a charge on the civil estimates.

34. Pay and allowances not admissible without proper authority for time spent beyond limits of charge

No Government servant (other than Chief Secretary, Additional Chief Secretary, Special Secretary, Secretary to the Chief Minister or Secretary to Government or a Police Officer acting within his legal powers or an Excise Officer acting under the orders of the Commissioner of Prohibition and Excise) is entitled to pay or allowances for any time he may spend beyond the limits of his charge without proper authority. With the sanction of a competent authority a Government servant may proceed on duty to any part of India,

whether within or beyond the limits of the State of Maharashtra and may draw pay and allowances for such duty.

35. Authorised absence of Government servants from jurisdiction while accompanying the Governor or a Minister

In respect of Government servants accompanying the Governor or a Minister for any period during which they were absent from their jurisdiction, the signature of the Deputy Secretary, Under/Assistant Secretary of the Department concerned or of the Controlling Officer should be considered sufficient to pass their pay and travelling allowance bills.

36. Increment to be drawn as a matter of course

An increment shall ordinarily be drawn as a matter of course unless it is withheld as a penalty under the relevant provisions of the Maharashtra Civil Services (Discipline and Appeals) Rules, 1979. In ordering the withholding of increment the withholding authority shall state—

- (i) the period for which it is withheld,
- (ii) whether the postponement shall have the effect of postponing future increments and
- (iii) whether the period for which the increment has been withheld will be exclusive of any interval spent on leave before the period is completed.

37. Sanction to cross efficiency bar

(1) Where an efficiency bar is prescribed in a time-scale, the increment next above the bar shall not be allowed to a Government servant without the specific sanction of the authority empowered to withhold increment under rule 36 or the relevant disciplinary rules applicable to the Government servant or any other authority whom the Government may by general or special order, authorise in this behalf.

(2) On being permitted to cross an efficiency bar previously enforced against him, a Government servant should come on to the time-scale at such stage as the authority competent to declare the bar removed may fix for him. The pay to be allowed in such cases shall not exceed the rate of pay that would have been admissible had he not been held up at the efficiency bar.

Note.—The cases of all Government servants held up at an efficiency bar should be reviewed annually, in or about the month of July with reference to their annual confidential reports with a view to determining whether the quality of their work has improved and, generally whether the defects for which they were stopped at the bar have been remedied to an extent sufficient to warrant the removal of the bar.

38. Overstayal of leave and joining time not to count for increments

A period of overstayal of leave and joining time does not count towards increments under rule 39.

39. Service which counts for increment

The following provisions prescribe the conditions on which service counts for increments in a time-scale:—

(1) Subject to the provisions of rules 11, 14, 20 and 44, all duty in a post on a time-scale counts for increments in that time-scale.

For the purpose of arriving at the date of next increment in that time-scale, the total of all such periods as do not count for increment in that time-scale shall be added to the normal date of increment:

Provided that the increment shall be admissible from the 1st of the month in which it accrues.

Note.—The above proviso shall not apply to the persons on probation.

Exception 1.—(a) The increment(s) of a Government servant appointed directly to a post on probation during the period of probation should be regulated as follows:—

(i) The first increment should be released on completion of one year of his probationary period and the subsequent increment should be released on his completing the probationary period satisfactorily.

(ii) A probationer whose probationary period is extended on account of failure to pass a departmental examination within the prescribed time limit or on account of leave taken by him during the probationary period, should be allowed to draw, on his appointment to that post on long term basis after completion of the probationary period satisfactorily, such pay as he would have drawn had he not been on probation and consequential arrears.

(iii) A probationer whose probationary period is extended on account of unsatisfactory performance, should be allowed to draw second increment only with effect from the date of satisfactory completion of the probationary period and shall not be eligible for arrears.

(b) The expression "A Government servant appointed directly to a post" appearing in sub-clause (a) above, includes—

(i) a Government servant who, while holding substantively, a permanent post in the cadre, is appointed by selection in open competition to another post on probation; and

(ii) a Government servant who is so appointed but is granted higher starting pay in the time-scale attached to the post.

Exception 2.—In the case of eight monthly peons employed in the Land Records Department, the period during which the establishment is not employed shall be treated as duty counting for increments in the time-scale of pay sanctioned for such establishment only if the peon is actually on duty immediately prior to and immediately subsequent to such period, viz.—

- (i) on the date on which the establishment is discharged and
- (ii) on the date on which it is re-employed.

(2) (a) Service in another post other than a post carrying less pay referred to in sub-rule (1) of rule 27 of Maharashtra Civil Services (General Conditions of Services) Rules, 1981, whether in a substantive or officiating capacity, service on deputation in or out of India whether for training or otherwise and leave except extraordinary leave taken otherwise than on medical certificate, 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.

(b) Subject to the restriction mentioned herein, the following periods shall count for increment in the time-scale applicable to a post in which a Government servant was officiating:—

- (i) all leave, except extraordinary leave;
- (ii) extraordinary leave on medical grounds;
- (iii) deputation within or outside India, or temporary transfer to another department;
- (iv) period spent on training.

The period to be counted is restricted to that during which he would have continued to officiate in that or in a higher post in the parent Department but for such interruption.

Provided that Government may, in any case in which they are satisfied that the extraordinary leave was taken for any cause beyond the Government servant's control or for prosecuting higher scientific and/or technical studies, direct that the extraordinary leave shall be counted for increments under clause (a) or (b).

Note 1.—In the case of a Government servant who, while officiating in a post, proceeds to attend a course of training or instructions and who is treated as on duty while undergoing such course, the period of such duty will count for increment in the post in which he was officiating prior to his being sent for training or instructions, if he is allowed the pay of the officiating post during such period.

Note 2.—The period of leave allowed to count for increment should be restricted to the period during which the Government servant would have officiated in the post if he had not proceeded on leave. For this purpose, the authority

competent to make appointment to the post should furnish the following certificate while preferring the claim for increment:—

Certified that Shri/Smt./Kum. would have continued to officiate in the post of if he/she had not proceeded on leave for the period from to

Instruction 1.—Note 2 does not apply to staff paid from contingencies and work charged staff.

Instruction 2.—A certificate referred to in Note 2 above will not be necessary in respect of probationers.

Instruction 3.—In the case of a Government servant proceeding on leave, where no officiating arrangement is made in the leave vacancy and the Government servant concerned returns to the same post after the expiry of leave, the above certificate may be issued by the authority sanctioning the leave.

Instruction 4.—For the purpose of the above certificate the Heads of Departments should be considered as competent authority in respect of Class II Officers under their control irrespective of whether the vacancy is filled or not.

Exception.—In the case of an Assistant or District Judge proceeding on leave where officiating arrangement is made in a leave vacancy, the Registrar, High Court of Judicature at Bombay, may issue such certificate provided that, at least one officer junior to the officer so proceeding on leave, should be officiating as an Assistant or District Judge, as the case may be, during such leave period in respect of which the certificate is granted.

(3) 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 re-appointed to the lower post or is appointed or re-appointed 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 increments 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 sub-rule 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 or in a post on the same time-scale of pay had he not been appointed to the higher post.

Note.—The intention of this sub-rule is to allow the concession, irrespective of whether the higher post is within or outside the Department to which the Government servant belongs.

(4) If a Government servant on reversion from an ex-cadre post to the parent cadre is appointed to a post on a scale lower than that of the ex-cadre post but not on the same time-scale as the post held at the time of his transfer to the ex-cadre post, the service rendered on the higher scale in the ex-cadre post shall count for increments in the time scale applicable to the cadre post.

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

(a) 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, and

(b) any post in which he is officiating when transferred to foreign service for so long as he would have continued to officiate in that post or a post in the same time-scale but for his going on foreign service or to which he may be so promoted subsequently under rule 62 of the Maharashtra Civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal) Rules, 1981 for duration of such officiating promotion while on foreign service,

(c) any post in the parent cadre on a lower scale of pay to which the Government servant is appointed on reversion from the ex-cadre post.

(6) Joining time counts for increment—

(i) if it is under sub-rule (1) of rule 10 of the Maharashtra Civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal) Rules, 1981 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 drawn by a Government servant during the period; and

(ii) if it is under sub-rule (2) of rule 10 referred to in (i) above in the time-scale applicable to the post/posts held on the last day of leave before commencement of the joining time.

40. Premature increment

An authority may grant a premature increment to a Government servant on a time-scale of pay if it has the power to create a post in the same cadre on the same scale of pay.

Note.—In the absence of a clear declaration to the effect that the normal date of increment is not to be affected (that is to say that the next increment after the premature increment is to be given on the usual date of increment regardless of the fact that the Government servant concerned will have been at one stage of the time-scale for less than the normal period) an order authorising the grant of a premature increment shall be deemed to imply that the recipient is to remain on the enhanced rate of pay for the full interval prescribed between successive stages of the time-scale before becoming eligible to draw the next increment after the premature increment.

Instruction.—A proposal to grant an increment to a Government servant on a time-scale of pay in advance of the due date should be scrutinised with special jealousy. Such a grant of advance increment should not, therefore, be recommended or allowed except under circumstances which would justify the grant of personal pay to a Government servant that is to say, on first appointment to Government service, or for outstanding work or some other special reasons.

41. Pay admissible to non-qualified clerks and surveyors on passing qualifying examination

(1) A non-qualified clerk who passes the necessary qualifying examination while in service, should be given the starting pay admissible to qualified clerks from the date of his passing the qualifying examination and if he is already drawing that pay or more, he should be given one advance increment. The clerk should count the period of his next increment from the date of his usual increment.

(2) The concession admissible under the sub-rule (1) should also be extended to non-qualified surveyors in the Land Records Department *mutatis mutandis*.

42. Reduction of pay as a measure of penalty

(1) If a Government servant is reduced as a measure of penalty to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective and whether, on restoration, the period of reduction shall operate to postpone future increments and, if so, to what extent.

(2) If a Government servant is reduced as a measure of penalty to a lower service, grade or post, or to a lower time-scale, the authority ordering the reduction may or may not specify the period for which the reduction shall be effective; but where the period is specified, that authority shall also state whether, on restoration, the period of reduction shall operate to postpone future increments and, if so, to what extent.

Note.—An authority ordering the reduction should expressly state in the order that the period for which the reduction is to be effective will be exclusive of any interval spent on leave before the period is completed.

43. When an order of withholding increment or reduction is set aside or modified

Where an order of penalty of withholding of increment of a Government servant on his reduction to a lower service, grade or post, or to a lower time-scale, or to a lower stage in a time-scale is set aside or modified by a competent authority on appeal or review, the pay of the Government servant shall, notwithstanding anything contained in these rules, be regulated in the following manner:—

(a) if the said order is set aside, he shall be given for the period for which such order has been in force, the difference between the pay to which he would have been entitled had that order not been made and the pay he had actually drawn;

(b) if the said order is modified, the pay shall be regulated as if the order as so modified had been made in the first instance.

Explanation.—If the pay drawn by a Government servant in respect of any period prior to the issue of the orders of the competent authority under this rule is revised, the leave salary and allowances (other than travelling allowance), if any, admissible to him during that period shall be revised on the basis of the revised pay.

44. Extent to which past non-continuous officiating or temporary service counts for increments

If a person holding no substantive appointment under Government is appointed to officiate in a permanent post or to hold a temporary post on a time-scale of pay, he shall not be allowed to count for purposes of increment in the time-scale, past non-continuous officiating service in such permanent post or non-continuous service in such temporary post except to the extent indicated below :—

Period of past continuous service	Number of increments which should be allowed in the time-scale of the post to which he is appointed
Less than 5 years	Nil.
5 years and more but less than $7\frac{1}{2}$ years ..	1 increment.
$7\frac{1}{2}$ years and more but less than 10 years ..	2 increments.
10 years and more	3 increments.

Note 1.—Service shall be deemed non-continuous only if it is interrupted by actual loss of employment.

Note 2.—The principle enunciated in sub-rule (3) of rule 39 should apply when such a person is appointed to officiate in a higher post, permanent or temporary.

Exception.—For selected posts or cadres notified with the approval of Government as posts where the special skill of a recruit is of importance, half the past non-continuous service should be allowed to be counted towards increments subject to the conditions mentioned below :—

(a) the grant of increment should not be allowed unless the employee is actually on duty on the date on which the establishment is discharged and on the date on which it is re-started;

(b) the grant of increment should not be automatic. Its grant should be at the discretion of the appointing authority, which should award such number of increments not exceeding the prescribed limits as may be justified, having regard to the recruit's efficiency in work;

(c) where the interval between the discharge of an employee and his re-appointment exceeds three years he will not be entitled to count his previous service for purposes of increment.

The following list contains the posts notified by Government as eligible for the concession of this Exception :—

Name of the Administrative Department	Designation of the post to which the above rules are applicable	Remarks
Urban Development and Public Health Department.	Malarial Havildar and Mazdoors.	Employed for 4½ to 6 months every year.
Public Works Department and Irrigation Department.	(i) Steam Road Roller Drivers. (ii) Diesel or Oil Road Roller Drivers. (iii) Boring Mechanics. (iv) Fitters. (v) Engine Drivers.	Sanction in the Mechanical Cultivation section for seven months in a year during the ploughing season (November to June).
Agriculture and Co-operation Department.	(i) Tractor Drivers (ii) Bulldozer Operators.	

CHAPTER IV—DEPUTATION OUT OF INDIA

45. Deputation out of India not permissible if purpose is served by grant of study leave

Under no circumstances should a Government servant be placed on deputation outside India when the requirements of the case would be met sufficiently by the grant of study leave.

46. Admissibility of pay and compensatory allowance during deputation out of India

Subject to the provisions of rule 55, no Government servant may be deputed on duty outside India without the specific sanction of Government. When, with proper sanction, a Government servant is temporarily deputed for duty out of India either in connection with the post held by him in India or in connection with any special duty on which he may temporarily be placed, he shall receive—

(a) from the date of embarkation to the date of disembarkation, the same pay which he would have drawn had he remained on duty in India;

(b) compensatory allowance in the foreign country in accordance with such special or general orders as Government may prescribe from time to time.

47. Persons placed on deputation while on leave abroad

A Government servant placed on deputation whilst on leave out of India may, at his option, elect one of the following alternatives :—

(a) he may continue to consume leave in which case he may be granted an honorarium equal to one-sixth of his Indian pay during the period of deputation, or

(b) he may interrupt his period of leave and take the remainder of the leave granted to him on the expiry of his period of deputation.

In both the cases he will be eligible for the daily allowance specified in rule 6 of Appendix II during the period of deputation if he can show that he is put to extra expenses in the matter of accommodation by reason of being placed on duty. He will also draw the incidental expenses admissible under rule 9 of Appendix II in respect of the necessary journeys on duty, but he will not be eligible for return passage to India under rule 4 of that Appendix.

48. Government servant proceeding on deputation out of India need not be required to relinquish his post

A Government servant proceeding on deputation out of India need not be required to relinquish his post and prepare a charge report unless officiating arrangements are contemplated. In such

cases an official intimation of the exact date of commencement of deputation and the date of its termination should be sent to Audit by the Department/Office concerned. In the case, however, of a Government servant proceeding out of India for study or training under deputation or deputation-cum-special leave terms, he should be required to relinquish his post and prepare a charge report, even if an officiating arrangement is not made in his place.

49. Computation of period of deputation out of India

The period of deputation runs from the date on which the Government servant makes over charge of his office in India to the date on which he resumes it. However, if the Government servant is on leave out of India at the time he is placed on deputation, the period of the deputation is the time actually occupied by the duty.

Note.—See rules 11 and 12 of Appendix II.

50. Foreign exchange equivalent of remuneration to be calculated as per the rates fixed by Government of India

The foreign exchange equivalent of the pay, honorarium or compensatory allowance admissible under clause (a) or clause (b) of rule 46, shall be calculated at such rate of exchange as the Government of India may have prescribed in the case of Government servants under its control.

51. Pay to be determined for leave salary and pensionable pay by the appropriate authority while on deputation out of India

In the expression "pay which he would have drawn if he had remained on duty in India" occurring in clause (a) of rule 46 and for calculation of 'leave salary' and 'pensionable pay' the term 'pay' should be interpreted literally with reference to rule 9 (36) and the pay which a Government servant would have drawn if he were on duty in India, should be determined for this purpose by the appropriate authority in India. In the case of Government servants who are not deputed out of India for special items of works but are placed on continuous service with commissions and committees whose function require work both in and out of India, the expression should be interpreted as having reference to the pay which they would have drawn in India had they continued on duty with the commission or committee there.

52. Terms and conditions of deputation when Government servants are sponsored for training abroad under various training schemes

When a Government servant is sponsored by the various Departments of Government for training abroad under the various training schemes of the United Nations, the Colombo Plan, the Point Four Programme etc., and the schemes operated through non-official channels (Rock Feller Foundation, Ford Foundation, etc.), the

sponsoring department should ensure fulfillment of the following conditions :—

Conditions to be satisfied in respect of Government servants to be sent for training

(i) The training of a Government servant abroad under financially-aided schemes should invariably be at the instance of the Department concerned. In no case should a Government servant himself approach or negotiate direct with the Foreign Governments or Organisations for scholarships.

(ii) The training should be in specialised fields, and irrespective of whether it leads to the award of an academic degree or diploma, or not, the training should be such as would benefit the employing department and not merely the individual personally.

(iii) The Government servant to be sent for training should have completed a minimum of five years' service and should also possess adequate background of the subject or field in which he would be receiving training. The five years' limit may, however, be relaxed in cases where the very nature of the training does not warrant such a restriction, e.g., cases where individuals are recruited on the condition that they should undergo training before they are posted to regular duties.

(iv) He should have at least three years to serve after the conclusion of training and be not expected to retire within that period.

(v) In the case of a Government servant on loan from other Government or a quasi-Government or a local body, the lending authority should agree to make him available to Government for a period of not less than three years after the conclusion of training.

(vi) In the case of a Government servant in the temporary employ of Government, there should be a reasonable chance of his remaining in service for a minimum period of three years after the conclusion of the training.

(vii) The Government servant to be deputed for training, whether he is in the temporary employ of the Government or permanent, should be required to give an undertaking in appropriate Form in Appendix III.

Terms to be allowed

(a) *Pay.*—(i) The entire period of the Government servant's absence, which should not ordinarily exceed 18 months at one time, shall be treated as period of deputation on full pay which he would have drawn had he remained on duty in India.

(ii) If the period is required to be extended later on, beyond the maximum of 18 months, the Government servant should, during the period of extension, draw half of the pay which he would have drawn but for his deputation.

(b) *Dearness allowance*.—During the first six months of his training, the Government servant concerned may be allowed to draw dearness allowance at the rate at which he would have drawn it, had he not proceeded on deputation abroad. No dearness allowance will be admissible during the period of training beyond six months.

(c) *Compensatory allowance*.—At the same rate as he would have drawn in Maharashtra but for his deputation abroad, during the first six months of absence from his post in Maharashtra subject to the conditions that—

(i) the authority sanctioning the deputation certifies that the Government servant is likely, on the expiry of the deputation period, to return to the station from which he is deputed;

(ii) the Government servant draws no allowance of the same kind while on deputation; and

(iii) the Government servant certifies that he kept his family, for the period for which the allowance is claimed, at the station from which he proceeded on deputation.

(d) *House-rent allowance*.—At the same rate as he would have drawn in Maharashtra but for his deputation abroad, during the entire period of training subject to the fulfilment of the conditions at (i) to (iii) in (c) above. If the Government servant concerned is allowed to retain Government accommodation during the period of deputation abroad, the rent therefor should continue to be charged at the same rate at which it would have been normally charged, had the Government servant not proceeded on deputation.

(e) *Travelling allowance*.—Under the terms of deputation a Government servant going abroad for training should be allowed a maximum of four days for completion of predeparture formalities e.g., medical examination, arrangements for passports, etc., and this period shall be treated as transit time. He shall be entitled to expenditure on travelling in India upto the port of embarkation and back to the place of duty on disembarkation. The term 'expenditure on travelling' for this purpose should be taken to mean travelling allowance as for a journey on tour. No daily allowance shall however be admissible during the transit time.

53. Drawal of portion of pay in foreign currency

The portion of the pay which a Government servant may be permitted to draw in foreign currency while on deputation abroad will be determined in accordance with the orders issued in this regard from time to time by Government.

54. Travelling allowance during deputation abroad

Rules regulating the grant of travelling allowance while on deputation abroad are given in Appendix II.

55. Deputation out of India by order of Inspector-General of Police or Commissioner of Police or Director of Health Services

(1) The Inspector-General of Police and the Commissioner of Police, may depute a police officer of and below the rank of Inspector to any country outside India to accompany or take charge of criminals or on any other business which is part of his duty as a police officer.

(2) The Director of Health Services may depute mental hospital overseers and attendants to take charge of or to accompany patients proceeding to any country outside India.

CHAPTER V—COMBINATION OF APPOINTMENTS

56. Pay during appointment to two or more posts

A Government servant already holding a post in a substantive or officiating capacity may be appointed to officiate as a temporary measure in one or more other independent posts at one time or may be given additional charge of one or more independent posts in addition to his own. In such cases his pay shall be regulated as follows:—

(a) In the former case, the highest pay to which he would be entitled if his appointment to one of the posts stood alone, may be drawn on account of his tenure of that post.

(b) For each other post, he may be permitted to draw additional pay/special pay at 20 per cent of the presumptive pay of the post limited to Rs. 250 per month irrespective of whether the Government servant is appointed to such a post(s) or is given additional charge, subject to the condition that such additional pay/special pay should in no case exceed 20 per cent of the presumptive pay of the highest post limited to Rs. 250 p.m. of which he held additional charge. Even if a Government servant is appointed to more than one independent post or is given full or current charge of more than one independent post, the additional pay/special pay should in no case exceed 20 per cent of the presumptive pay of the highest post limited to Rs. 250 p.m. of which he held additional charge. No additional pay/special pay shall, however, be granted if such charge is held for a period of less than sixteen days or if a regular appointment is made for a like period.

(c) No additional pay/special pay shall be admissible to a Government servant drawing pay in the scale or extended scale, the minimum of which is Rs. 2,000 and above, except in the case of officers of the Judicial Department holding posts in the Selection Grade of Rs. 2,000—125/2—2,250. However, no additional pay/special pay shall be admissible to Judicial officers drawing pay in the scales higher than the scale of Rs. 2,000—125/2—2,250 for holding additional charge of any comparable or higher post.

Note 1.—The following explains the distinction which should be drawn between additional pay for holding an additional post or posts and special pay for performing additional duties:—

(i) In cases in which a Government servant continues to perform the duties of his own post, and assumes, in addition, technically plenary, responsibility for the duties of one or more independent posts, the additional remuneration, if any, which may be sanctioned will be described as additional pay.

(ii) In cases in which a Government servant, over and above performing his own duties, is required to perform certain duties selected from the sum of duties associated with another post or posts, but the Government servant is not appointed to hold the additional post or posts, the additional remuneration, if any, which may be sanctioned, will be special pay.

Note 2.—Presumptive pay for the purposes of clause (b) of this rule should, according to rule 9 (42) 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 rule 11 were he formally transferred to it. In cases, however, in which the maximum pay of the other post is less than the pay of the Government servant in his substantive post, the maximum of the pay of the other post should be taken as the presumptive pay for the purposes of clause (b) of this rule.

Note 3.—In cases where a Government servant is appointed to hold substantively as a temporary measure, or to officiate in two or more independent posts at one time and if a compensatory allowance is attached to one or more of the posts, he draws such compensatory allowance as a competent authority may fix, provided that such allowance shall not exceed the total of the compensatory allowances attached to all the posts.

Note 4.—In cases where a Government servant is given additional charge of one or more independent posts in addition to his own, he shall not receive any compensatory allowance attached to the second post, unless it be permanent travelling allowance or conveyance allowance, in which case he may be granted such permanent travelling allowance (or ordinary travelling allowance) or conveyance allowance, as the competent authority may decide.

Note 5.—When a re-employed Government servant is appointed either to officiate in a second post or to hold charge of the current duties of a second post his presumptive pay for the purpose of clause (b) should be taken to be the total of pay plus pension (inclusive of pension equivalent of death-cum-retirement gratuity) which he would have drawn on re-employment had he been appointed exclusively to the second post.

Note 6.—Additional pay/special pay should be excluded for the purposes of grant of Dearness Allowance but the same should be taken into account for computing House Rent Allowance and Compensatory Local Allowance.

57. Remuneration when one post is subordinate to another

(1) A Government servant who is appointed to officiate as a temporary measure in two posts of which one is subordinate to the other is not entitled to any additional remuneration under rule 56 save in exceptional circumstances.

(2) A Government servant who, in addition to his own duties, is required to be in charge of the current duties of a second post may be allowed special pay under clause (b) of rule 56 when his own post is subordinate to the second post but not when the second post is subordinate to his own post.

CHAPTER VI—REPEAL AND SAVING

58. Repeal and Saving

The corresponding rules in the Bombay Civil Services Rules, 1959, as in force in the State of Maharashtra immediately before the commencement of these rules are hereby repealed in so far as they provide for any of the matters contained in these rules:

Provided that anything done or any action taken under the rules so repealed shall be deemed to have been done or taken under the corresponding provisions of these rules.

APPENDICES

to control the population of

... ..

APPENDIX I

(See rule 7)

Authorities to whom powers under Maharashtra Civil Services (Pay) Rules, 1981 have been delegated by Government

Serial No.	No. of rule	Nature of power	Authority to whom the power is delegated	Scope	Remarks
1	2	3	4	5	6
1	9(14)(f)	Power to regularise the period of compulsory waiting as 'duty'.	Administrative Department of Mantralaya.	Upto a period of fifteen days
2	9(35)	Power to appoint a Government servant to officiate in a vacant post on which no other Government servant holds a lien.	(i) Any authority which has power to make substantive appointment to the post. (ii) Regional Deputy Directors of Technical Education.	Full powers
3	9(35)	Power to— (a) make officiating appointments for four months of Class II Officers and General State Service Officers of equivalent rank; and (b) to transfer Officers of the above category; (c) power to notify such orders in the Maharashtra Government Gazette.	All Heads of Departments excluding Regional Heads of Departments.	Full powers	Subject to the observance of following conditions:— (i) appointments are made in accordance with the Select List approved by Government. (ii) transfers and appointments are intimated to Government within a fortnight of the issue of the orders, (iii) the transfers and appointments are approved by Government within a period of six months from the date of issue of orders.

(iv) If the appointments ordered by the Heads of Departments are not approved by Government within a period of six months from the date of issue of the orders, they would be automatically rendered invalid. The transfers would, however, continue to be effective, pending receipt of Government's approval,

(v) except in cases where the transfers do not involve change of headquarters, an officer who has put in less than two years service at the same station should not be transferred without obtaining the prior approval of Government, giving special reasons for such transfer,

(vi) the appointments, transfers are duly notified in the *Maharashtra Government Gazette* by the Heads of Departments.

1	2	3	4	5	6
4	9(35)	Power to promote permanent Junior Engineers/ Supervisors as officiating Deputy Engineers.	<p>(i) Chief Engineer, Koyana.</p> <p>(ii) Chief Engineer (Electrical), Koyana.</p> <p>(iii) Superintending Engineers, Koyana.</p> <p>(iv) Electrical Engineers to Government.</p> <p>(v) Chief Ports Officer, Maharashtra State.</p> <p>(vi) Director, Maharashtra Engineering Research Institute.</p> <p>(vii) Director of Minor Irrigation.</p>	For a period not exceeding three months.	

5 20 Power to fix the pay of a Government servant officiating in a post at a rate less than that admissible under rule 17.

(i) Any authority which has power to make an officiating appointment to the post concerned.

Full powers

.. Officers making officiating appointment should, in any case where the pay of the post involves an increase of more than 20 per cent over the permanent pay of the Government servant appointed to officiate, consider carefully whether the additional responsibility justifies the grant of the full presumptive pay of the post. If not, the officiating pay should be fixed at such lower figure as the additional responsibility demands.

(ii) Director of Health Services. In the case of Maharashtra Medical Service Officers, Class III, appointed to officiate in Maharashtra Medical Service, Class II post, if the Director of Health Services considers that in any individual case (Particularly when a junior Maharashtra Medical Services Officer, Class HI, is appointed to officiate in a Maharashtra Medical Service, Class II post), a lower rate of pay than that ordinarily admissible under rules, should be granted.

Subject to the condition that the officiating pay thus fixed should not exceed the pay drawn by the officer in the Maharashtra Medical Service, Class III *plus* Rs. 50.

6 22 Issue of a certificate under rule 22 for the period of deputation in respect of Government servants' continued officiating appointment.

Full powers

Authority competent to depute for training or course of instructions.

The authorities mentioned in column 4 may redelegate the power to Gazetted Officers under their administrative control, subject to maintenance of uniformity in the power so redelegated. They may also redelegate this power to their subordinate Gazetted Officer in charge of Establishment in their own offices.

1	2	3	4	5	6
7	31	Power to give officiating promotions in place of Government servants undergoing training.	(i) Settlement Commissioner and Director of Land Records.	In the case of Government servants appointed to officiate as District Inspectors of Land Records when the latter are undergoing training in the use of Theodolite and plans Table.	The officiating Government servants should receive special pay at Rs. 40 per mensem in addition to their pay.
			(ii) Collectors and District Judges.	In the case of Government servants appointed to officiate for Government servants under their control permitted to undergo training at the Police Training College, Nashik.	A statement in duplicate showing acting promotions made should be submitted to Government in the Administrative Department within a week after the close of the month in which the promotions are made.
			(iii) The Inspector General of Police, Director, Police Wireless, Principal, P.T.C., Nashik Range, D.I.G.s, C.P.s, S.P.s, and Commandants.	In the case of Government servants appointed to officiate for Clerks in the Police Department in the State selected for training to the Police Training College, Nashik, for the Sub-Inspector's course.	
			(iv) Superintendents of Police.	In the case of Government servants appointed to officiate for Head Constables deputed for training to the Police Training College, Nashik, for the Sub-Inspector's course.	Subject to the following conditions that (a) Head Constables (unarmed), shall not be eligible for officiating promotions to I Grade.

(b) Head Constables (unarmed), III and IV Grades shall be eligible for officiating promotion to I and II Grades subject to the restriction that they do not draw higher officiating pay than that of Head Constables, II Grade.

8 34 Power to allow a Government servant to proceed on duty outside the limits of his charge and to draw pay and allowances for such duty.

(i) All Departments of Mantralaya.

(ii) Heads of Departments.

(iii) Regional Heads.

(iv) Controlling Officers.

Full powers

Full powers

Full powers

Full powers in respect of Government servants subordinate to them

9 36 Power to withhold increments (if the conduct or work of Government servants has not been satisfactory).

(i) All Heads of Departments, Joint Director of Industries, Deputy Director of Industries.

Full powers in respect of (a) non-gazetted Government servants under their control and (b) Gazetted Government servants whom they have power to appoint.

Under article 235 of the Constitution of India, the High Court has full power to withhold increments in the case of persons belonging to State Judicial Service and holding any post inferior to the post of District Judge, as defined in clause (a) of article 236 of the Constitution.

1	2	3	4	5	6
			(ii) All Heads of Offices.	Full powers in respect of non-gazetted Government servants under their control whom they have power to appoint.	
			(iii) Deputy Collectors who exercise the power of appointing, promoting or dismissing Talatis.	Full powers in respect of Talatis under their control.	
			(iv) Educational Inspectors.	Full powers in respect of Teachers whose pay does not exceed Rs. 760 per mensem and in respect of Assistant Deputy Educational Inspectors in the ordinary time-scale of pay.	
			(v) Principals of Colleges.	Full powers in respect of the Class III staff of colleges the maximum of whose pay-scale does not exceed Rs. 900 per mensem, and excepting Assistant Lecturers, Part time Lecturers and Assistant Lecturers, Sanskrit Shastries, full time Physical Instructors, Librarians, Store-Keepers, Timekeepers and Shorthand Instructors, subject to the proviso that the Demonstrators continued to be on	

				a temporary basis and hold short time appointments for two or three years.	
	(vi) Heads of Offices under the Fisheries Department.	Forest Officers.	Full powers in respect of Foresters and Guards.	Divisional Forest Officers are empowered to withhold increment of Foresters and Clerks who are appointed by Conservators of Forests.	
	(vii) Assistant Director of Health Services.		Full powers in respect of non-ministerial Government servants under them such as Vaccinators, Sanitary Sub-Inspectors, Insect Collectors.		
10	36	Power to sign increment certificate.	(i) Heads of Departments.	Full powers	In respect of (a) Non-gazetted Government servants under their control and (b) Gazetted Officer whom they have power to appoint. They may re-delegate this power to their subordinate Gazetted Officers in charge of administration/accounts in their own offices.
			(ii) Regional Heads of Departments.	Full powers	
			(iii) Heads of Offices.	Full powers	In respect of Non-gazetted Government servants under their administrative control whom they have power to appoint.

1	2	3	4	5	6
11	39	Issue of certificate under this rule for counting the service in another post other than a post carrying less pay, service on deputation in or out of India for increment.	(i) Authority competent to make appointment to the post. (ii) Authority competent to sanction leave both to Gazetted and Non-gazetted Government servants. (iii) Authority competent to sanction deputation of a Government servant to foreign service.	Full powers. Full powers Full powers	.. In respect of certificate under sub-rule (2) of rule 39. .. In respect of certificate under sub-rule (5) of rule 39.
12	39	Power to allow extraordinary leave taken for any cause beyond the Government Servant's control or for prosecuting higher scientific or technical studies for counting for increments under sub-rule 2 (b) of rule 39.	Administrative Departments of Mantralaya.	Full powers	.. Provided the course of training has a direct relationship with the duties associated with the post in the cadre to which the Government servant belongs. This is further subject to the condition that the Government servant has signed a bond as required by general orders of Government.
13	40	Grant of higher initial pay on initial appointment.	Administrative Departments of Mantralaya.	Upto three advance increments.	(a) Stage of higher initial pay to be fixed having regard to the candidate's age, previous experience, qualifications, emoluments last drawn, etc.

- (b) Reasons for grant of higher initial pay to be recorded fully on the file at the time of the sanction.
- (c) Where initial appointment is to be made in consultation with the Maharashtra Public Service Commission grant of higher initial pay should be on a specific recommendation made by the Commission in this behalf.
- (d) The powers should not extend to cases of appointment's by transfer, promotion or re-employment of pensioners.

In regard to Government servants whom they can appoint subject to the following conditions:—

(a) period of additional charge held should not be less than sixteen days and not more than one year.

(b) no special pay or additional pay should be granted when the work can be distributed amongst two or more Government servants.

14 56 Power to sanction additional pay/special pay. (i) Administrative Departments of Mantralaya. Full powers

(ii) Commissioners of the Revenue Divisions.

In regard to Officers in Deputy Collector's cadre subject to the following conditions:—

(a) The power should be exercised in respect of officers holding posts other than those the minimum of the scale of which is Rs. 1,000 or more;

(b) The period of the additional charge held should not be less than sixteen days and not more than 120 days;

(c) In cases where the additional charge of the Deputy Collector's post is given to a Class II Officer, the additional pay/special pay for the additional charge shall be sanctioned subject to the further conditions that:

(i) the name of the officer in Class II service is included in the Select List of Officer fit for

promotion to the Deputy Collector's post. and

(ii) the Officer in Class II service is otherwise eligible for holding Deputy Collector's post.

(d) No special pay or additional pay should be granted when the work can be distributed amongst two or more officers.

(iii) Heads of Departments Full powers

In regard to Gazetted Officers in Class II service under their administrative control subject to the following conditions:—

(a) Period of additional charge held should not be less than sixteen days and not more than six months.

(b) In cases where the additional charge of a Class II post is given to a non gazetted member of the staff, the name of such member of the non-gazetted staff should be in the select list of

1	2	3	4	5	6
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Officers fit for promotion to a Class II post and the member is otherwise eligible for holding the Class II post.

(c) No special pay or additional pay should be granted when the work can be distributed amongst two or more officers.

(iv) Heads of Departments (Full powers)
/Regional Heads.

in regard to Non-gazetted Government servants to whom they can appoint subject to the following conditions:—

(a) Period of additional charge held should not be less than sixteen days and not more than six months.

(b) No Special pay or additional pay should be granted when the work can be distributed amongst two or more officers.

APPENDIX II

(See rules 47 and 54)

Rules regulating the grant of travelling allowances and passages during periods of deputation outside India

1. The following rules do not apply to cases governed by special rules such as the Study Leave Rules.

2. For the purposes of these rules, Government servants are divided into three grades as specified below:—

Gradation	Pay Group
(i) First Grade	Rs. 1,000 and above.
(ii) Second Grade	Rs. 425 to Rs. 999
(iii) Third Grade	Below Rs. 425.

3. Free return passages will be granted to Government servants deputed on duty outside India as follows:—

Pay range	Class of sea passage
(i) Rs. 2,250 and above ..	First class 'A' Grade.
(ii) Rs. 1,100 to 2,249 ..	First class 'B' Grade.
(iii) Rs. 901 to 1,099 ..	First class 'D' Grade
(iv) Other Class I Officers upto Rs. 900.	First class 'E' to 'D'
(v) All Class II (Gazetted) Officers.	Tourist 'J'
(vi) All Class II (Non-gazetted) and Class III Officers.	Tourist 'Q'
(vii) Class IV Government servants.	Lowest class berthed or bunked from Tourist 'T' to Tourist 'Q'.
(viii) Domestic servants whose passages are met by Government.	(a) When not accompanying the officer—lowest class berthed or bunked from Tourist (T) to Tourist (Q). (b) When accompanying the officer—monetary ceiling upto 10 per cent above (a).

4. A Government servant who has been authorised to travel by air and who actually performs the journey by air when deputed on duty outside India will be paid travelling allowance as follows:

(a) Travelling Allowance as on tour for the journey from his headquarters to the airport from where the passage has been sanctioned:

(b) Free air passage to the airport of debarkation according to the following classification of accommodation:

Class of Officers	Class of air travel
(i) Officers drawing pay of Rs. 2,250 per month and above.	Standard (First) Class.
(ii) Officers drawing pay below Rs. 2,250 per month.	Tourist (Economy) Class.

(c) Travelling allowance at the rates admissible under the rules made by the High Commissioner for India in England from the port of debarkation to destination in cases of deputation to Europe or America and the actual travelling expenses in the case of deputations to other countries;

(d) Similar terms for the return journey.

5. The grant of a return passage to India, on the conclusion of a deputation is conditional on a Government servant's return to duty forthwith on the conclusion of the period of deputation provided that this rule may be relaxed when leave is granted on medical certificate immediately on conclusion of a period of deputation.

6. Subject to the provisions of rule 7, a Government servant deputed on duty to any country out of India should be granted daily allowance at the rate prescribed by the Government of India for their officers of the corresponding grade on deputation to that country.

7. If a Government servant is permitted to take leave during his deputation, or to delay his embarkation at the conclusion of his deputation by taking leave, payment of daily allowance will cease during the period of leave.

8. A Government servant, unless otherwise instructed, is expected to take up his headquarters at his place of work and will not be refunded the cost of journeys, other than the first and last, between his home or place of residence and headquarters.

9. Necessary incidental expenses such as taxi and cab fares, motor hire, etc. may be passed by the High Commissioner, to whom powers are delegated to sanction them at his discretion. The extra cost of sleeping berths or seats in Pullman cars will not be admitted elsewhere than in America.

10. Nothing in the foregoing rules shall operate to prevent Government in such cases as it thinks fit to do so from reimbursing a Government servant on the basis of actual expenses incurred by him during a period of deputation. In case in which it is decided to follow this procedure the decision should be made known to the Government servant concerned before he leaves India and he should be instructed that he will be expected where possible to support his claims by the production of vouchers.

11. (1) Leave of any kind taken in India, whether immediately before the commencement of the period of deputation or immediately on return to India at the end of such deputation, will have effect on the deputed officer's title to passage and normal transit time pay in respect of the portions of journeys undertaken during the period of deputation as admissible to him. In such cases, if the leave is taken immediately before the commencement of the deputation, the period of deputation, subject to the provisions of sub-rule (2) below, will be deemed to commence from the date on which the officer embarks on his journey from the last sea/air port, in India. Similarly, if the leave is taken immediately at the end of the deputation the period of deputation, subject to the provisions of sub-rule (2) below, will be deemed to end on the date on which the officer disembarks at the first sea/air port on arrival in India.

(2) If the leave taken in India in conjunction with the period of deputation is of the nature of earned leave for a period not exceeding 120 days, the normal time taken by the officer on his journey from the place where he was spending his leave to the sea/air port of embarkation, limited to the normal time taken on the journey from his headquarters in India to the port of embarkation or the normal time taken on the journey from the port of his disembarkation to his headquarters may, under the orders of the authority competent to sanction the deputation, be treated as transit time and included in the period of his deputation. In cases of leave not exceeding 120 days, irrespective of the nature of leave, he may also be granted travelling allowance for his journeys in India if such journeys really arise out of and are incidental to his deputation abroad, travelling allowance being allowed from the place where the officer was spending his leave to the port of embarkation or from his normal headquarters to the port of embarkation, whichever is less, in the case of outward journeys and from the port of disembarkation in India to the normal headquarters in the case of return journeys.

Note.—The provisions of sub-rule (2) above will not be applicable in the cases of leave exceeding 120 days.

12. (1) In case leave is taken abroad before, during or at the end of the period of deputation, on medical grounds or in order to spend profitably a period of enforced halt due to unavoidable waiting for a passage, such leave will have no adverse effect on the officer's title to normal transit time pay and passage. The period of leave itself should, not be treated as part of the period of deputation and no daily allowance, travelling allowance or other concessions shall be admissible during such leave.

(2) An officer, who has proceeded abroad on deputation, may, the exigencies of public service permitting, be granted a short spell of leave abroad for personal reasons at the commencement, during or at the end of his assignment abroad without affecting his title to the normal transit time pay and passage to and fro as admissible under

the rules. Such leave should not, however, exceed 50 per cent. of the actual period of duty performed/to be performed outside India (excluding the transit time from India to country of deputation and back and enforced halts, if any) or a fortnight, whichever is less. The officer will not be granted any daily allowance or travelling allowance or any other concession during such period of leave.

Note 1.—Cases involving grant of leave in excess of the limits indicated in rules 11 and 12 may be decided by Government on merits.

Note 2.—These rules do not affect the existing orders regarding casual leave during deputation period.

13. Officers deputed abroad on duty or on training under various training schemes (e.g. Colombo Plan etc.) may be granted equipment allowance of Rs. 1000 (which is meant to cover expenditure on warm clothing, scientific equipments etc.) provided that—

(a) Officers who have drawn such an allowance within a period of three years before proceeding abroad, will not be eligible for grant of this allowance;

(b) Officers who have drawn or are eligible to draw such an allowance from any other source (e.g. Sponsors of the International Training Scheme) will also not be eligible for grant of this allowance.

APPENDIX III

FORMS

[See rule 52]

FORM I

**Bond for permanent Government servants proceeding on
deputation for training**

Know all men by these presents that we (1) resident of in the District of at present employed as in the Department/Office of (hereinafter referred to as "the Obligor") and (2) and (3) (hereinafter referred to as "the Sureties"), do hereby jointly and each of us severally bind ourselves, our respective heirs, executors and administrators to pay to the Governor of Maharashtra exercising the executive power of the Government of State of Maharashtra (hereinafter referred to as "the Government") on demand the sum of Rs. (Rupees) together with interest thereon at the rate of 6 per cent per annum or such higher rate which is more than the Government borrowing rate by $\frac{1}{4}$ per cent per annum from the date of demand till payment and if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India prevailing at that time.

Signed this day of one thousand nine hundred

Whereas at the request of the Obligor, the Obligor is placed on deputation/for training/studies from the day of to the day of at (names of countries) at the cost of the Government of Maharashtra/under a foreign aid scheme.

And whereas for better securing the Government the Obligor has agreed to execute this bond;

Now the condition of the above-written obligation is that in the event of the Obligor resigning or retiring from service without returning to duty after the expiry or termination of the period of deputation/for training/studies or at any time within a period of 5/3 years after his return to duty, or in the event of his removal or dismissal from service for any kind of mis-conduct during the prescribed period, the Obligor and/or the Sureties shall forthwith on demand pay to the Government or as may be directed by the Government the said sum of Rs. (Rupees), together with interest thereon at the rate of 6 per cent per annum or such higher rate which is more than above the Government borrowing rate by $\frac{1}{4}$ per cent per annum from the date of demand till payment.

And upon the Obligor and/or the Sureties aforesaid making such payment the above-written obligation shall be void and of no effect. Otherwise it shall remain in full force and virtue.

It is hereby agreed that—

(1) The liability of the Sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance act or omission of the Government or any person authorised by the Government of Maharashtra (whether with or without the consent or knowledge of the Sureties) or any other indulgence shown to the Obligor or by reason of any other circumstances or conditions on account of which in law a Surety would be discharged nor shall it be necessary for the Government to sue the said Obligor before suing the above bounden Sureties or any of them for any amount due hereunder;

(2) All sums due and payable hereunder by the Obligor and/or the Sureties shall without prejudice to any other rights and remedies of the Government be recoverable from them as arrears of land revenue; and

(3) This Bond shall be deemed to be a bond for the performance of public duty in which the public are interested.

In witness whereof the Obligor and the Sureties abovenamed have hereto set their respective hands the day and year hereinabove written.

Signed and delivered by
the abovenamed Obligor

.....
in the presence of—

(1)
and

(2)

Signed and delivered by
the abovenamed Sureties—

(1)

(2)

in the presence of—

(1)

(2)

Accepted.

For and on behalf of the Governor of Maharashtra.

Signature of the Officer.

Designation.

FORM 2

**Bond for temporary Government servants proceeding on
deputation for training**

Know all men by these presents that we (1)..... resident of in District of at, present employed as in the Department/Office of (hereinafter referred to as "the Obligor") and (2) (3) (hereinafter referred to as "the Sureties") do hereby jointly and each of us severally bind ourselves, our respective heirs, executors and administrators to pay to the Governor of Maharashtra exercising the executive power of the Government of State of Maharashtra (hereinafter referred to as "the Government") on demand the sum of Rs. (Rupees) together with interest thereon at the rate of 6 per cent per annum or such higher rate which is more than the Government borrowing rate by $\frac{1}{4}$ per cent per annum from the date of demand till payment and if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India prevailing at that time.

Signed this day of one thousand nine hundred

Whereas at the request of the Obligor, the Obligor is placed on deputation/for training/studies from the day of to the day of at (names of countries) at the cost of the Government of Maharashtra/under a foreign aid scheme.

And Whereas for better securing the Government the Obligor has agreed to execute this bond ;

Now, the condition of the above-written obligation is that in the event of the Obligor resigning or retiring from service without returning to duty after the expiry or termination of the period of deputation/for training/studies or at any time within a period of 5/3 years after his return to duty, or in the event of his removal or dismissal from service for any kind of misconduct during the prescribed period, the Obligor and/or the Sureties shall forthwith on demand pay to the Government or as may be directed by the Government the said sum of Rs. (Rupees ...) together with interest thereon at the rate of 6 per cent per annum or such higher rate which is more than the Government borrowing rate by $\frac{1}{4}$ per cent per annum from the date of demand till payment.

And upon the Obligor and/or the Sureties aforesaid making such payment the above-written obligation shall be void and of no effect. Otherwise it shall remain in full force and virtue.

It is hereby agreed that—

(1) the liability of the Sureties, hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance act or omission of the Government or any person authorised by the Government of Maharashtra (whether with or without the consent or knowledge of the Sureties) or any other indulgence shown to the Obligor or by reason of any other circumstances or conditions on account of which in law a surety would be discharged nor shall it be necessary for the Government to sue the said Obligor before suing the above bounden Sureties or any of them for any amount due hereunder ;

(2) All sums due and payable hereunder by the Obligor and/or the Sureties shall without prejudice to any other rights and remedies of the Government be recoverable from them as arrears of land revenue ; and

(3) This Bond shall be deemed to be a bond for the performance of public duty in which the public are interested.

In witness whereof the Obligor and the Sureties abovenamed have hereto set their respective hands the day and year hereinabove written.

Signed and delivered by
the abovenamed obligor

.....
in the presence of—

(1)

and

(2)

Signed and delivered by
the abovenamed Sureties—

(1)

(2)

In the presence of—

(1)

(2)

Accepted.

For and on behalf of the Governor of Maharashtra.

Signature of the Officer.

Designation.

FORM 3

**Supplementary bond for permanent Government servants
granted extension of deputation on training**

Know all men by these presents that we (1).....
resident of..... in the District of.....
.....at present employed as.....in the Depart-
ment/Office of(hereinafter referred to as
"the Obligor") and (2).....and (3).....
.....(hereinafter referred to as "the Sureties") do hereby
jointly and each of us severally bind ourselves, our respective heirs,
executors and administrators to pay to the Governor of Maha-
rashtra exercising the executive power of the Government of State
of Maharashtra (hereinafter referred to as "the Government")
on demand the sum of Rs.....(Rupees.....
.....) together with interest thereon at the
rate of 6 per cent per annum or such higher rate which is more than
the Government borrowing rate by $\frac{1}{4}$ per cent per annum from
the date of demand till payment and if payment is made in a country
other than India, the equivalent of the said amount in the currency
of that country converted at the official rate of exchange between
that country and India prevailing at that time.

Signed thisday ofone
thousand nine hundred

Whereas the Obligor was placed on deputation/for training/studies
by Government for the period from the
day of to the..... day of
.....;

And whereas at the request of the Obligor, the Obligor is placed
on extension of deputation/for training/studies from the
day ofto theday of
at (names of countries) at the cost of Government
of Maharashtra/under a foreign aid scheme;

And whereas for better securing the Government, the Obligor has
agreed to execute this supplementary bond;

Now the condition of the above written obligation is that in the
event of the Obligor resigning or retiring from service without
returning to duty after the expiry or termination of the period of
deputation/for training/studies so extended or at any time
within a period of 5/3 years after his return to duty or in the event
of his removal or dismissal from service for any kind of misconduct
during the prescribed period, the Obligor and/or the Sureties shall
forthwith on demand pay to the Government or as may be directed
by the Government the said sum of Rs.....
(Rupees.....) together with
interest thereon at the rate of 6 per cent per annum or such higher

Appendix III

rate which is more than the Government borrowing rate by $\frac{1}{4}$ per cent per annum from the date of demand till payment.

And upon the Obligor and/or the Sureties aforesaid making such payment the above-written obligation shall be void and of no effect.

Otherwise it shall remain in full force and virtue.

It is hereby agreed that—

(1) The liability of the Sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance act or omission of the Government or any person authorised by the Government of Maharashtra (whether with or without the consent or knowledge of the Sureties) or any other indulgence shown to the Obligor or by reason of any other circumstances or conditions on account of which in law a Surety would be discharged nor shall it be necessary for the Government to sue the said Obligor before suing the above bounden Sureties or any of them for any amount due hereunder;

(2) All sums due and payable hereunder by the Obligor and/or the Sureties shall without prejudice to any other rights and remedies of the Government be recoverable from them as arrears of land revenue; and

(3) This Bond shall be deemed to be a bond for the performance of public duty in which the public are interested.

In witness whereof the Obligor and the Sureties abovenamed have hereto set their respective hands the day and year hereinabove written.

Signed and delivered

by the abovenamed Obligor

.....
in the presence of—

(1)

and

(2)

Signed and delivered by
the abovenamed Sureties

(1)

(2)

in the presence of—

(1)

and

(2)

Accepted.

For and on behalf of the Governor of Maharashtra.

Signature of the Officer.

Designation.

FORM 4

Supplementary bond for temporary Government servants granted extension of deputation on training

Know all men by these presents that we (1)..... resident of in the district of at present employed as in the Department/Office of (hereinafter referred to as "the Obligor") and (2) and (3) (hereinafter referred to as "the Sureties") do hereby jointly and each of us severally, bind ourselves, our respective heirs, executors and administrators to pay to the Governor of Maharashtra, exercising the executive power of the Government of State of Maharashtra (hereinafter referred to as "the Government") on demand the sum of Rs. (Rupees), together with interest thereon at the rate of 6 per cent per annum or such higher rate which is more than the Government borrowing rate by $\frac{1}{4}$ per cent per annum from the date of demand till payment and if payment is made in a country other than India, the equivalent of the said amount in the currency of the country converted at the official rate of exchange between that country and India prevailing at that time.

Dated this day of one thousand nine hundred.....

Whereas the Obligor was placed on deputation/for training/studies by Government for the period from the day of to the day of

And whereas at the request of the Obligor, the Obligor is placed on extension of deputation/ for training/studies from the day of to the day of at (names of countries) at the cost of the Government of Maharashtra/under a foreign aid scheme.

And whereas for better securing the Government the Obligor has agreed to execute this supplementary bond;

Now the condition of the above-written Obligation is that in the event of the Obligor resigning or retiring from service without returning to duty after the expiry of termination of the period of deputation for training/studies so extended or at any time within a period of 5/3 years after his return to duty or in the event of his removal or dismissal from service for any kind of misconduct during the prescribed period the Obligor and/or the sureties shall forthwith on demand pay to the Government or as may be directed by the Government said sum of Rs. (Rupees), together with interest thereon at the rate of 6 per cent per annum or such higher rate which is more than the Government borrowing rate by $\frac{1}{4}$ per cent per annum from the date of demand till payment.

And upon the Obligor and/or the Sureties aforesaid making such payment the above written obligation shall be void and of no effect. Otherwise it shall remain in full force and virtue.

It is agreed that—

(1) The liability of the Sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance act or omission of the Government or any person authorised by the Government of Maharashtra (whether with or without the consent or knowledge of the Sureties) or any other indulgence shown to the Obligor or by reason of any other circumstances or conditions on account of which in law a surety would be discharged nor shall it be necessary for the Government to sue the said Obligor before suing the above bounden sureties or any of them for any amount due hereunder;

(2) All sums due and payable hereunder by the Obligor and/or the Sureties shall without prejudice to any other rights and remedies of the Government be recoverable from them as arrears of land revenue; and

(3) This Bond shall be deemed to be a bond for the performance of public duty in which the public are interested.

In witness whereof the Obligor and the Sureties abovenamed have hereto set their respective hands the day and year hereinabove written.

Signed and delivered by the
abovenamed Obligor.

.....
in the presence of—

(1)
and (2)

Signed and delivered by the
abovenamed Sureties.—

(1)
and (2)

in the presence of—

(1)
(2)

Accepted.

For and on behalf of the Governor of Maharashtra.

Signature of the Officer.

Disignation.

By order and in the name of the Governor of Maharashtra,

V. PRABHAKAR,
Special Secretary to Government.

COMPARATIVE TABLE

Note.—This comparative table has been prepared solely for the purposes of facilitating reference.

Rule No. from Maharashtra Civil Services (Pay) Rules, 1981	Corresponding Rule Number from Bombay Civil Services Rules, 1959	Remarks	Rule No. from Maharashtra Civil Services (Pay) Rules, 1981	Corresponding Rule Number from Bombay Civil Services Rules, 1959	Remarks
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2 (c)	.. 146		<i>Note 5</i>	.. <i>Note 5</i>	
<i>Note</i>	.. 148		<i>Instruction 1</i>		
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4	.. 3-A		<i>Instruction (ii)</i>	..	
5	.. 4		<i>Instruction (iii)</i>	..	
6	.. 5		<i>Instruction (iv)</i>	..	
7	.. 6		<i>Instruction 2</i>	New
<i>Note</i>	.. <i>Note</i>		<i>Note</i>	New
8	.. 8		12	.. 42 (a)	
Chapter II—Definitions			13	.. 42 (b)	
9	.. 9		14	.. 43	
Chapter III—Pay			<i>Note 1</i>	New
10	.. 40 (A)		<i>Note 2</i>	New
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11 (I) (a)	.. 41 (a) (i)		<i>Note 2</i>	.. <i>Note 2</i>	
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<i>Instruction</i>	..	<i>Instruction</i>	37 (2)	..	46 (b)
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22	..	35	38	..	48
<i>Note</i>	..	<i>Note</i>	39	..	50
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24	..	37	<i>Note</i>	..	<i>Note</i>
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<i>Note</i>	..	<i>Note</i>	41 (1)	..	53 (i)
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(1) (b)	..	I	<i>Note</i>	..	<i>Note 2</i>
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<i>Note</i>	..	<i>Note</i>	43 (b)	..	55-A (b)
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<i>Note</i>	..	<i>Note</i>	(a)	..	(a)
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33	..	68-B	(c)	..	(c)

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Chapter IV—Deputation Out of India			Chapter V—Combination of Appointments		
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II

The following Rules/Notes/Instructions/Exemptions etc., from the Bombay Civil Services Rules, 1959, stand deleted:—

Rule No.	Rule No.
Rule 38	Rule 58
Note below rule 38-D	Rule 60
Rule 40	Rule 61
Instructions 1 & 2 below rule 43	Note 3 below rule 66
Notes 1 & 3 below rule 44	Instruction below rule 67
Rule 44 (c)	Rule 70
Note 2 below rule 46	Rule 612
Note 1 below rule 55	

III

The following rules from the Bombay Civil Services Rules, 1959, stand transferred to other set of Rules as mentioned below:—

- (1) Rule 71 transferred to Bombay Financial Rules.
- (2) Rule 76 transferred to Maharashtra Civil Services (Travelling Allowance) Rules.

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