

GOVERNMENT OF PAKISTAN
FINANCE DIVISION



COMPILATION
OF THE
FUNDAMENTAL RULES
AND
SUPPLEMENTARY RULES

MADE BY

The President including Orders etc.

issued by the Federal Government, Auditor General, etc.

VOLUME I
UPDATED EDITION

2018

Preface to the Updated Edition

The Fundamental Rules and Supplementary Rules (FR&SR) define and determine the financial terms and conditions of government employees like pay, allowances, leave and travelling allowances etc.

FR&SR Volume I was last published in 1979. Updated edition 2018 incorporates all the amendments authorized in the Rules upto May, 2018. Editing and printing errors of 1979 editions have also been corrected and omissions rectified. The important orders issued and decisions taken by the government have also been incorporated in it. In order to meet the pressing demand for this compilation, the existing rules are being published as they stand with modifications.

I appreciate the hard work done by the team of Ministry of Finance (Regulation Wing) for their diligent efforts in the compilation and revision of FR&SR. This work is certainly a step forward in the direction of good governance, transparency, openness and regulatory convenience. This compilation of FR and SR will also be available on Finance Division's web www.mof.gov.pk.

It would be appreciated if any errors or omissions, found in FR&SR Volume-I, are brought to the notice of Ministry of Finance.

(Arif Ahmed Khan)
Finance Secretary
Government of Pakistan

Islamabad , Dated:18-09-2018.

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SECTION I. FUNDAMENTAL RULES

Applicable to members of services under the rule-making control of the President

PART-I.

CHAPTER I.— EXTENT OF APPLICATION.

F. R. 1. These rules may be called the fundamental rules. They shall come into force with effect from the 1st January, 1922.

Government order.—All orders issued by Government prior to 1st January 1922 which are at variance with the Fundamental Rules or the Supplementary Rules framed under them, should be treated as cancelled with effect from that date.

(G.I., F.D., No.F.7(6) C.S.R.-24, dated the 5th July 1924.)

Audit Instruction.—Subject to any special provisions as to the date of effect contained in the rules or orders themselves, all Statutory Rules made by the (late) Secretary of State in Council had effect from the date on which they were passed and executive orders issued by the (late) Secretary of State took effect from the date of issue of the despatch, letter or telegram in which the sanction was conveyed.

[(Para. I, Chap. I, Sec. I of Manual of Audit Instructions (Reprint).]

¹F. R. 2. The fundamental rules apply, subject to the provisions of rule 3, to all Government servants who are subject to the rule-making power of the President and whose pay is debitable to civil estimates and to any other class of Government servants to which the President may by general or special order declare them to be applicable.

Declaration by the Secretary of State.—The Secretary of State has declared that a Government servant paid from Civil Estimates, who is temporarily transferred to service paid from Army Estimates, shall remain subject to the Fundamental Rules.

[G. I., F. D., Res. No. 614-C. S. R., dated the 19th June 1922]

Government orders.—

As the cases of transfer of Government servants subject to Civil Service Regulations and paid from Defence Services Estimate to service paid from Civil Estimates and vice versa are becoming frequent and the technical position under the rules by which such Government servants are to be governed may not be generally appreciated, the

¹Substituted by G.P., M.F. Notification No.F.3(1)-R(S)/64, dated the 23rd June, 1964.

Government consider it desirable, with a view to avoiding any misapprehension, to explain the correct position. According to the declaration of the Secretary of State reproduced as 'Declaration by the Secretary of State' below this rule, a Government servant paid from Civil Estimates, who is temporarily transferred to service paid from Defence Estimates remains subject to the Fundamental Rules. As no similar general protection has been extended by any declaration or rule to Government servants subject to the Civil Service Regulations and paid from Defence Services Estimates, who are temporarily transferred to service paid from Civil Estimates, these Government servants *ipso facto* become subject to the Fundamental Rules for all purposes except for leave while so transferred.

[G. I., F. D., Endorsement No. F. 2 (2)-R-I/45, dated the 27th November 1945.]

Government decisions.—

(1). *See* item (2) of Government decisions under C. S. (C. C. A.) R. 9.

(2) According to the Government Order below Fundamental Rule 2 Government servants subject to the Civil Service Regulations and paid from Defence Services Estimates who are temporarily transferred to service paid from Civil Estimates *ipso facto* become subject to the Fundamental Rules for all purposes except for leave while so transferred. It has been decided, in consultation with the Comptroller and Auditor General, that in the case of a Government servant who continues to draw grade pay as admissible to him in his parent Department, during his temporary deputation to service paid from Civil Estimates, increments in the time-scale of his grade will be regulated under the relevant rules in the Civil Service Regulations.

[G. P., M. F., O.M No. F. 3(42), R I-(RWP)/62, dated the 16th January, 1963.]

F. R. 3. Unless in any case it be otherwise distinctly provided by or under these rules, these rules do not apply to Government servants whose conditions of service are governed by Army, Navy and Air Force Regulations.

F. R. 4. The powers specifically granted by these rules to local Governments may be exercised by them in relation to those Government servants only who are under their administrative control. These powers may be exercised by the ²President in respect of all other Government servants, and may be delegated by him, without regard to the limitations of rule 6 and subject to any conditions which he may think fit to impose, to a Chief Commissioner.

Government order.—The sanctions accorded by the Financial Adviser, Communications, may be accepted in audit as sanctions of the Ministry of Finance, Government of Pakistan.

²Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

Auditor General's decision.—An Authority of the Government of Pakistan authorized under the rules for the Conduct of the Business of the Government of Pakistan may exercise the powers of the *Governor General* in relation to a subject which it administers, and when so doing, it acts as the *Governor-General*. Section 17 (1) of the Government of India Act, 1935 [adapted by the Pakistan (Provisional Constitution) Order, 1947] lays down that all orders and other instruments made and executed in the name of the *Governor-General* shall be expressed to be orders by the *Governor-General*. Audit is, therefore, entitled to ask the Authority concerned to state, in the order, when intimating an order which can be issued under rule by the *Governor-General* only, that it is issued by the *Governor-General*.

[Ar. G's U. O. No. 104-A/50, dated the 15th December, 1950.]

F. R. 5. The power to make rules or general orders conferred upon local Governments by any of these rules shall be exercised by the Governor.

F. R. 5-A. A local Government may, where power to make rules or general orders is conferred upon it by any of these rules, relax the provisions of rules or orders so made by it in such manner as may appear to it to be just and equitable, subject to the limit of its powers to make such rules or orders:

Provided that where any such rule or order is applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by the rule or order.

F. R. 6. A local Government may delegate to any of its officers, subject to any conditions which it may think fit to impose, any power conferred upon it by these rules with the following exceptions:-

(a) all powers to make rules;

(b) the other powers conferred by rules 6, 9(6)(b), 44, 45A, 45B, 45C, 83, 108A, 119, 121 and 127 (c), and by the first proviso to clause (1) of rule 30.

[Powers delegated by the Government of Pakistan, in its capacity as a local Government, under different Fundamental Rules, are contained in Appendix No. 4 in Volume II of this compilation.]

F. R. 7. No powers may be exercised or delegated under these rules except after consultation with the Ministry of Finance. It shall be open to that Ministry to prescribe, by General or special order, cases in which its consent may be presumed to have been given. ³[**].**

³Omitted by G.P., M.F. Notification No.F.3(1)-R(S)/64, dated the 23rd June, 1964.

F. R. 8. The power of interpreting these rules is reserved to the ⁴President.

Government decision.--Reference required to be made to Government regarding the interpretation of the Fundamental Rules and the Supplementary Rules in their application to the Posts and Telegraphs Department should be addressed to the Financial Adviser, Communications, in the first instance.

[G. I., F. D., No. F. 5-(53)-R.I. /34, dated the 26th June 1934.]

Auditor General's decisions.—

(1) In cases where the power of interpretation of rules is reserved to the *Governor-General* or the Government of Pakistan e.g., Fundamental Rules, Supplementary Rules, all references relating to amendment or interpretation of these rules should be made direct to the Government of Pakistan.

[Ar. G's No.582-A/128-24, dated the 16th August, 1924 to all Accountants General].

(In the case of Posts and Telegraphs audit, reference to the Government of Pakistan should continue to be made by the Comptroller, Posts and Telegraphs).

(2) *Deleted.*

(3) A doubt having arisen whether the general principles of interpretation inculcated in the second sub-paragraph of Article 4 of Civil Service Regulations continue to apply in the absence of any specific provision in the Fundamental Rules, it is explained for information that the omission does not mean that the principles are to be abrogated. The intention is that they are to be followed, so far as the Fundamental Rules cover pay and allowances and leave. Under the Fundamental Rules pay and allowances are earned in respect of periods of duty and it seemed unnecessary to repeat the principle contained in the Civil Service Regulations in the matter. The rule as regards title to leave seemed so obvious that it was not deemed necessary to include it in the Fundamental Rules.

If the rule-relating to claims to pensions is not included in the section of the Fundamental Rules which will eventually deal with pensions it will be issued in the form of an audit instruction.

[Ar. G's. No.202-A/18-24, dated the 5th March 1924].

CHAPTER II.--DEFINITIONS

F. R. 9. Unless there be something repugnant in the subject or context, the terms defined in this chapter are used in the rules in the sense here explained.—

⁴Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

(1) The *Act* means the **Government of India Act, (1919)**.

(2) *Average pay* means the **average monthly pay earned during the 12 complete months immediately preceding the month in which the event occurs which necessitates the calculations of average pay.**

Provided that:-

[Deleted by G.P., M. F. Notification No. F.3(l)-R(S)/64, dated the 23rd June, 1964.]

Government order.—See item (5) of the Government orders under Fundamental Rule 81 in this Section.

Government decision.—In the case of a military officer transferred to a Civil Department who proceeds on leave under Fundamental Rule 100 within a few months of his joining the Civil Department, it has been decided that a period of 12 complete months immediately preceding the month in which the leave begins should be taken into account and that in respect of that portion of the period during which the officer was in military employ, his pay in the Military Department which comes within the definition of pay in Fundamental Rule 9 (21) (b) should enter into the calculation of average pay.

[Ar. G's letter No. 167-A102-32, dated the 22nd July, 1932.]

Audit Instructions:—

(1) According to the definition of "average pay" in this Rule, the average is to be taken of the monthly pay earned during the 12 complete months immediately preceding the month in which the leave is taken, and for this purpose "the 12 complete months immediately preceding" should be interpreted literally. Thus a Government servant who has been on leave from the 23rd March 1922 to 22nd July 1922 inclusive is granted leave from 4th February 1923 his average pay should be calculated on the pay earned for the periods 1st February 1922 to 22nd March 1922 and 23rd July 1922 to 31st January 1923. If, however, a Government servant happens to have been on leave for more than 12 months immediately preceding the month in which the leave is taken, then the average should be taken of the monthly pay earned during the 12 complete months immediately preceding the month in which the previous leave commenced.

NOTE 1.—In the case of a Government servant on foreign service out of Pakistan lasting for more than 12 months who, on reversion to Government service, immediately takes leave under the Fundamental Rules, the calculation of average pay in respect of leave earned while in Government service should be based on the pay drawn by him during the 12 complete months preceding the month in which he was transferred for foreign service.

NOTE 2.—Any period of joining time taken either under clause (b) or under clause (c) of Fundamental Rule 10 during the preceding 12 months should be ignored in calculating average pay as no "pay" is drawn in respect of such joining time.

[Para. 1(i), Chap. II, Sec. I of Manual of Audit Instructions (Re-print)].

[Example.—A Gazetted Government servant who was on leave from 14th April 1923 to 9th December 1923 inclusive is granted leave from 12th March 1924. In order to arrive at his average pay, the total pay earned for the periods of duty viz., from 1st March 1923 to 13th April 1923 and from the 10th December 1923 to 29th February 1924, should be divided by $3 + \frac{13}{30} + \frac{22}{31} = \frac{3853}{930}$ months, the fractions $\frac{13}{30} + \frac{22}{31}$ representing periods of duty, in terms of months, in April and December, 1923 respectively. Where X is the total pay earned by duty from 1st March 1923 to 13th April 1923 and from 10th December 1923 to 29th February 1924, the average pay is equal to $\frac{930 \text{ 'X'}}{3853}$]

[A.G., P. and T. No.Mis.130/A, 205, dated the 14th April 1924 to Ar. G. and Ar. G's No.388-A/110-24, dated the 13th June 1924 to A.G., P. and T.]

(2) In the case of a Government servant of a vacation department, the vacations falling in the period of 12 complete months immediately preceding the month in which leave is taken should be treated as duty under Fundamental Rule 82(b) and the pay drawn by the Government servant during the vacations should be treated as pay drawn on duty and should therefore be taken into account in determining his leave salary during the succeeding leave.

[Para. I (ii), Chap. II, Sec. I, of Manual of Audit Instructions (Re-print).]

(3) In the case of a Government servant of a Vacation Department both prefixing and affixing leave to a vacation, the leave salary for the leave affixed should be calculated on the pay drawn by the Government servant during the twelve complete months preceding the commencement of his leave.

[Para-I (iii), Chap. II, Sec. I of Manual of Audit Instructions (Re-print).]

(4) The term "month" in this rule means "calendar month" as in Rule 9 (18).

[Para. I (iv), Chap. II, Sec. I of Manual of Audit Instructions (Re-print).]

(5) A Civil Government servant belonging to the Pakistan Army Reserve of Officers when called to Army Service, or such a Government servant belonging to the Pakistan Territorial Force while undergoing training with the force, is not a "Military Officer" as defined in F. R. 9 (16) (b) and in his case "pay" as defined in F. R. 9 (21) (a) does not include "rank pay" received during the period of his Army service or training. In such cases the pay which the Government servant would have received if he had not been called to Army service or training, and not the "rank pay" actually drawn during the

period, should be taken into account for purposes of calculating leave salary based on average pay under the Fundamental Rules.

[Para. I (vi), Chap. II, Sec. I of Manual of Audit Instructions (Re-print) as inserted by correction slip No 33, dated the 1st June 1939.]

Auditor General's decision.—The method of calculation of average pay in the case of officers who have enjoyed the overseas pay concession before proceeding on leave will be as set forth below:

The average pay will be calculated separately for the amounts drawn by the officer in Rupee and in Sterling respectively. For example, an officer who was in receipt of Rs.1,250 basic pay plus Rs.250 overseas pay from the 1st July, 1923 and drew Rs.1,250 basic pay and £30 overseas pay from the 1st April, 1924 is entitled to a leave salary during leave commencing from the 1st July, 1924 of Rs.1,250 + Rs.250 X 9/12 + £30 x 3/12 or Rs.1,250 + Rs.187 - 8 + £7 - 10.

[Ar. G's No. 1853-Admn. /1260-Ac.—24, dated the 30th December, 1924.]

- (3) ***Barrister* means a practising barrister of England or Ireland, and a practising member of the Faculty of Advocates of the Court of Sessions of Scotland. It does not include a person who though called to the Bar, has never practised the profession of barrister.**
- (4) ***Cadre* means the strength of a service or a part of a service sanctioned as a separate unit.**
- (5) ***Compensatory allowance* means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes a travelling allowance but does not include a sumptuary allowance nor the grant of free passage by sea to or from any place outside Pakistan.**

(Late) Secretary of State's order.—The circumstances which justify the grant to an officer of special pay are entirely different in character from those which justify the grant of a compensatory allowance, a difference emphasised in the definitions of those terms embodied in the Fundamental Rules. These definitions should be strictly construed, and an exact compliance required with the conditions stated in them as antecedent to the grant of either special pay or compensatory allowance. The grant of compensatory allowance is a matter the control of which has been delegated to local Governments. For the reasons given above the Secretary of State is unable to recognise any necessary interdependence between special pay and compensatory allowance or to agree either that, where the cost of living would justify the grant to an officer of a compensatory allowance, he should be rendered ineligible for such allowance because he has already been granted special pay in recognition of the duties and responsibilities of his post, or that if the attachment of special

pay to a post is justified under the terms of the Fundamental Rules, it should be subject to reduction, because for reasons essentially different a compensatory allowance, as defined in Fundamental Rule 9 (5), is subsequently granted.

[S. of S's Des. No. 6-Services, dated the 18th February, 1926, received with F. D. letter No. F.6-C.S.R. 26, dated the 4th May, 1926.]

Government orders.—

(1) In view of the importance attached to the correct classification of additions to pay such as special pay and compensatory allowance, it can be accepted as a general principle that the reasons for the grant of such additions to pay should be briefly recorded in the letter or memorandum, conveying the sanction. In cases, however, in which an official record in an open letter may be undesirable, it should be possible to communicate the reasons confidentially to the audit authority.

[G.I., F.D., No.F.-9-V.-C.S.R./27, dated the 15th February, 1927.]

(2) *Deleted.*

(3) It is not advisable to follow Provincial Governments in the matter of grant of compensatory allowance to Government servants under the control of the Central Government merely because the rates of pay of the Central Government servants correspond to the scales of pay of similar staff under the Provincial Government concerned. The grant of such allowances to Government servants under the control of the Provincial Governments may be dictated by considerations which have no relevance in the case of Central Government servants; for example a Provincial Government may find it essential to grant compensatory allowance to facilitate transfers between the Provincial Head Quarters and the Mufassil stations but such necessity might not exist in the case of the staff of the Central Government who are generally not liable to transfer from one station to another. So long as the scales of pay laid down for the employees of the Central Government are sufficiently attractive for the right type of candidates, these should be treated as all inclusive scales, irrespective of whether they are based on the scales of pay fixed for similar employees of the Provincial Governments or not.

[G.I., F.D., letter No.F.19(2)-Ex.1/37, dated the 16th August, 1937.]

(4) The maximum passage allowance admissible to Government servants and non-officials who are granted passages between the United Kingdom and any port in India/Pakistan at Government expense and are allowed to make their own arrangements for such passages, shall, with effect from the 18th September 1940, be the net cost to Government of a passage in the class and grade of accommodation to which the passenger is entitled.

[G.I., F.D., Endorsement No.F.-4(8)-R.I./41, dated the 19th February, 1941.]

Audit Instruction.—The allowances granted to Professors of medical colleges who are denied the privilege of private practice should be treated as compensatory allowances.

[Para. 2, Chap. II, Sec. I of Manual of Audit Instructions (Reprint).]

(6) Duty.--(a) Duty includes:—

- (i) Service as a probationer or apprentice, provided that such service is followed by confirmation.**
- (ii) Joining time.**
- ⁵(iii) Extra leave on average pay granted to a Government servant undergoing treatment at a Pasteur Institute.**

(b) A local Government may issue orders declaring that, in circumstances similar to those mentioned below, a Government servant may be treated as on duty:

- (i) During a course of instruction or training in Pakistan.**
- (ii) In the case of a student, stipendiary or otherwise, who is entitled to be appointed to the service of Government on passing through a course of training at a university, college or school in Pakistan during the interval between the satisfactory completion of the course and his assumption of duties.**
- (iii) During preparation in Pakistan for an examination in any oriental language.**
- (iv) On the first arrival in Pakistan of Government servants appointed in England who do not, before they report themselves at the seat of the local Government concerned, receive orders to take charge of a specified post, during the interval between the date of such report and the date on which they take charge of their duties.**

Government orders.—

(1) The Governor-General has issued, under Fundamental Rules 9 (6) (b) (i)—(iii) and 20, the following general orders applicable to all Government servants under his administrative control other than Government servants employed in Chief Commissioner's provinces:—

- 1. A Government servant who has been substantively appointed to a post or cadre in Government service shall be treated as on duty during any course of instruction or training which he may be required or permitted to undergo in**

⁵This now sub-clause has effect from the 8th September, 1963.

accordance with the terms of any general or special orders of the Governor-General.

2. A student, stipendiary or otherwise, who is entitled to be appointed to Government service on passing through a course of training at a University, College or School, shall unless in any case it be otherwise expressly provided in the terms of his appointment, be treated as on duty during the interval between the satisfactory completion of the course and his assumption of duties.
3. (a) A Government servant shall be treated as on duty during any period which he is permitted to spend in preparation for an examination of any of the following kinds in an oriental language:—
 - (i) An optional examination by the High Proficiency or Degree of Honour test in any vernacular language.
 - (ii) An optional examination by the Higher Standard or High Proficiency Test in Arabic or Persian.
 - (iii) An optional examination by the Degree of Honour Test in Arabic or Persian.
 - (iv) In the case of Government servants of the Railway Department, a compulsory examination by the Lower Standard Test in Urdu.
 - (v) In the case of officers appointed in the United Kingdom to the former Indian Service of Engineers, the Superior Revenue Establishment of State Railways, the Railway Service of Engineers, the Sanitary and Electrical Services of the Public Works Department, the Engineering Branch of the Telegraph Department, or the former Indian Forest Service, a compulsory examination in a vernacular language.
- (b) The period to be spent in preparation is limited to six months in a case covered by sub-clause (iii) of clause (a) of this paragraph and to three months in all other cases: provided that it may be extended to six months in the case of an officer of the Political Department preparing for an examination by the Higher Standard or High Proficiency Test in Persian or Arabic.
- (c) The period of preparation under sub-clause (v) of clause (a) of this paragraph shall be spent only in Pakistan.
- (d) Preparation shall not be permitted to count as duty more than once under each of the sub-clause of clause (a) of this paragraph, except that in the

case of the services enumerated in sub-clause (v) the period of preparation may be taken in installments by officers preparing themselves for one or more examinations, provided that the total of the installments does not exceed the maximum period of three months.

(e) Period spent in preparation under this paragraph may be combined with periods of leave as follows:—

- (i) Under sub-clauses (i) to (iv) of clause (a) with leave on average pay.
- (ii) Under sub-clause (v) of clause (a) with leave on average or half average pay.

4. When a Government servant is treated as on duty under paragraphs 1 to 3 above, his right to draw during such period any compensatory allowance attached to the post on which he holds a lien shall be governed, as though he were on leave, by Supplementary Rules 6 et seq.

[G.I., F.D., Res. No.724-C.S.R., dated the 16th May, 1923, and No.F.130 R.I./28, dated the 2nd October, 1928.]

(2) The Government have declared, under Fundamental Rule 9 (6) (b) (iv), that Government servants appointed in England who, on their first arrival in India/Pakistan, do not, before they report themselves at the seat of Government, receive orders to take over charge of a specified post, shall be treated as on duty during the interval between the date of such report and the date on which they take charge of their duties, provided that the interval between the receipt of orders and their assumption of duties shall not exceed the amount of joining time which would be admissible to a Government servant entitled to joining time under Fundamental Rule 105(a).

These orders have been issued by the Government in its capacity as a local Government and apply to those Government servants only who are under its administrative control or in a Chief Commissioner's province.

[G.I., F.D., Res. No.122-C.S.R., dated the 10th February, 1922, and letter No. 175-C.S.R., dated the 28th February, 1922.]

(3) A probationer is entitled, under Supplementary Rule 291, to leave under the leave rules which would be applicable to him if he held his post substantively otherwise than on probation, and so no difficulty arises about a probationer whether he is confirmed in the post against which he was recruited or confirmed in another post. The case of apprentices stands on a different footing; they are governed by Supplementary Rule 292, which provides only for leave during the apprentice period; and on confirmation, they cannot count their apprentice period for leave as if it had been service rendered substantively in a permanent post. This decision has the concurrence of the Government.

[Ar. G.'s letter No.42-A/248-31, dated the 23rd February, 1932.]

(4) The Government have decided that the time spent on training by civilian Government servants who join the Pakistan Army Reserve of Officers will count as duty under Fundamental Rule 9 (6) (b).

[G.I., F.D., No.F.-81-F.E., dated the 27th September, 1926.]

(5) A Government servant required to attend an obligatory departmental examination, or permitted to present himself at an examination the passing of which is a condition of preferment in Government service, may be treated as on duty during the day or days of the examination and during the reasonable time required for the journey if any, to and from the place of examination

[F. D. Memo. No.F.17-R.I./29, dated the 23rd January, 1926.]

[A question arose whether a clerk in the Ministry of Communication, who appeared in the Audit and Accounts Service Examination, may be treated as on duty during the days of the examination in accordance with the above orders. It is arguable whether the passing of this examination by the clerk in question is a condition of preferment in Government service. It was decided in consultation with the Auditor General that this phrase covers only compulsory or optional examinations for promotion within the normal scope of the Government servants' Department or Office].

(6) In the case of Civil Officers granted Commissions in the Pakistan Army 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.

(7) Mr. N., an Executive Engineer, while officiating as Superintending Engineer, was granted leave on average pay on medical certificate for 4 months and 12 days expiring on 25th August 1924. After receipt of a medical certificate of fitness, the question of his posting was taken up on the 26th August, 1924 and it having been finally decided to post him as officiating Superintending Engineer, orders for his posting were issued on the 26th September, 1924. Mr. N. joined duty on the forenoon of the 4th October, 1924. The question arose how the period 26th August, 1924 to 3rd October, 1924 should be treated.

The circumstances of the case are similar to those referred to in F. R. 9 (6) (b) (iv) in as much as in both cases the essential point is the compulsory waiting by the officer concerned for orders of Government posting him to a particular post. Accordingly, the Government with the concurrence of the Auditor General, ordered that the period of waiting in the case of Mr. N. and in other similar cases should be treated as duty as in the case mentioned in F. R. 9 (6) (b) (iv).

[G.I., F.D., No.F.-192-C.S.R.-25, dated the 20th June 1925, to the Accountant General, Madras.]

(8) The period during which reservists in Government employ are on drill duty with their regiments, and also the time spent by them in journeying between their station and the place of training, shall be treated as duty qualifying for leave under Civil Rules.

[D.G., P. and T's. No.S.A.-72(4), dated the 12th March, 1931.]

(9) to (14) *Deleted.*

(15) The period or periods spent by an employee of the Central Government in Air Raid Precautions training or Air Raid Precautions duty during normal working hours with the permission of the Head of his office should be treated as duty for the purposes of Fundamental Rule 9 (6).

[G.I., F.D., endorsement No.D-3728-W.I/42, dated the 7th May, 1942.]

(16) The period or periods spent by an employee of the Central Government on Civic Guard training or Civic Guard duty during normal working hours with the permission of the Head of his office should be treated as duty for the purposes of Fundamental rule 9 (6).

[G.I., F.D., endorsement No.D-12822-W.I/42, dated the 29th September, 1942.]

(17) to (25) *Deleted.*

(26) The Government of Pakistan have decided that the period of the training of Government servants at the following Civil Defence Training Institutions in and outside Pakistan, will be treated as duty:—

1. Civil Defence Training School, Karachi.
2. Civil Defence Training School, Dacca.
3. Civil Defence Training School, Rawalpindi.
4. Provincial Civil Defence Training Schools established or to be established by the Provincial Governments.
5. School of Military Engineering, Risalpur/Sialkot.
6. Civil Defence Training College, Sunning dale (U. K.).
7. Civil Defence Training Schools at Falfield, Taymouth Castel and Easingwold (U. K.).

[Ministry of Finance, endorsement No.D-587-Admn.II/53, dated the 28th January, 1953.]

Government decisions.—

(1) A question has been raised as to how the period of absence of those Government servants, who are selected to represent Pakistan in International Sporting Events, should be treated. The Governor-General of Pakistan has been pleased to decide that all such Government servants, whether temporary or permanent, who are employed under the Central Government should be treated as on duty for the entire period of their absence for participation in International Sporting Events, inclusive of the period spent on preliminary tests, instructions or preparatory practice.

The Governor-General of Pakistan is further pleased to direct that during the period of their absence they should be allowed full pay and allowances, including the pay and allowances of officiating appointments they would have held if they had remained on duty in their posts under the Government of Pakistan.

The above concession will be admissible only to those individuals or members of the National Teams who are required by any of the recognised All-Pakistan Games Associations to participate in International Sporting Events whether held in Pakistan or abroad, at the invitation of a foreign or Commonwealth Government or a recognised games Association of any foreign or Commonwealth country.

[G.P. M.F., O.M.No.F.18(3) R II/51, dated the 29th May, 1951.]

(2) It has been decided that in future the concession referred to in the Ministry of Finance Office Memorandum No. F.18(3) R II/51, dated the 29th May, 1951 [reproduced as Government decision No. (1) above], will also be admissible to a Government servant who is a member of the Selection Committee for a National Team which is required to participate in an International Sporting Event in Pakistan or abroad, in case the Government servant has to go out of his station of duty for the purpose of making the selections.

[G.P., M.F., O.M. No.F.42(10)-RI(2)/56, dated the 7th January, 1957.]

Audit Instructions.—

(1) *See* item (2) of the Audit Instructions below F. R. 61 in this Section.

(2) (a) The term "Probationer" does not cover a Government servant who holds substantively a permanent post in a cadre and is appointed "on probation" to another post.

(b) 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 examinations.

(c) The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribed otherwise.

[Para. 3(i), Chap. II, Sec. I of Manual of Audit Instructions (Reprint).]

(d) The instructions in clauses (a) & (b) above are to be taken as complementary and not as mutually exclusive. Taken together, they contain the essence of the tests for determining when a Government servant should be regarded as a "probationer" or as merely "on probation", irrespective of whether he is already a permanent Government servant or is merely a Government servant without a lien on any permanent post. While a probationer is one appointed in or against a post substantively vacant with the definite conditions of probation, a person on probation is one appointed to post (not necessarily vacant substantively), for determining his fitness for eventual substantive appointment to that post. There is nothing in these Audit Instructions to prevent a Government servant substantive in one cadre (e. g., a First Division Assistant holding a lien on a post borne on the Central Secretariat Service, Class II) from being appointed (either through selection by a departmental committee or as a result of competitive examination through the Federal Public Service Commission as a "probationer" in or against a post borne on another cadre (like the Pakistan Audit and Accounts Service, the Customs Service and the Income Tax Service, Class I), when definite conditions of probation such as the passing of departmental examinations are prescribed. In such a case, the Government servant should be treated as a "probationer", and (subject to specific rules, if any, to the contrary) allowed only, as initial and subsequent pays, the rates of pay prescribed for the probationary period, irrespective of whether those rates are actually included in or shown separately from, the time-scales of the services concerned. The case of departmental candidates of the same Department promoted by selection [e. g., an S. A. S. (Central Service, Class III) Superintendent or an A. A. O. of the Pakistan Audit Department promoted by selection to the Pakistan Audit and Accounts Service within the quota for such promotion] is however different. If the Ministries/Divisions of the Government of Pakistan concerned consider it expedient, these "promoted" men may properly be put "on probation for a period to *see* if they make good in the actual work of a Class I officer and have liens (active or suspended) retained for them on their former posts meanwhile to provide for their possible reversion; but, whatever the departmental arrangements be to test their capacity, etc., during the "on probation" period, their initial pay should be fixed under the operation of the normal rules regulating pay fixation.

[Para. 3(i), Chap. II, Sec. I of Manual of Audit Instructions (Reprint) and C. S. No. 103, dated the 3rd June, 1947.]

(3) The leave of apprentices during the period of apprenticeship is governed by S. R. 292 and on confirmation they cannot count their apprentice period for leave as if it had been service rendered substantively in a permanent post.

[Para. 3(ii), Chap. II, Sec. I of Manual of Audit Instructions (Reprint)].

(4) The periods spent in training and on the journey to and from the place of training by the reservists of the Pakistan Army and the Royal Pakistan Navy in Civil Government employ, when called up for periodical military and naval training respectively, will be treated as duty for purposes of civil leave and increments of civil pay.

[(Para. 4(i), Chap. II, Sec. I of Manual of Audit Instructions (Reprint)].

(5) *Deleted.*

(6) *See* item (2) of the Audit Instructions below Fundamental Rule 105 in this Section.

(6-A) *Fee* means a recurring or non-recurring payment to a Government servant from a source other than general revenues, whether made directly to the Government servant or indirectly through the intermediary of Government.

Government decision.—*See* Government decision below F. R. 9(8) in this Section:

(7) *Foreign service* means service in which Government servant receives his substantive pay with the sanction of the Government from any source other than the revenues of the ⁶President or of a Province or the Railway Fund (when established).

(8) *General revenues of Pakistan* include the revenues allocated to local Governments and exclude the revenues of local funds.

Government decision.—The term ‘General Revenues of Pakistan’ used in the Fundamental Rules is no longer an appropriate term. Since a recasting of the definition of this term, as contained in Fundamental Rule 9(8), will necessitate several modifications in other rules, it is proposed that this definition may be allowed to stand for the present and that suitable amendments may be made to Fundamental Rules 9 (6-A) and (9) and 46 (a) and (b), which would have the effect of classifying a payment made by the *Central* or a Provincial Government to the employee of another Government in Pakistan as a ‘fee’ instead of ‘honorarium’.

The necessary action to modify Supplementary Rules 11 and 12 of the Central Government, in order to preclude from their purview the remuneration received by a Government servant from a Provincial Government consequent on the remuneration being classified as fee instead of honorarium will also be taken in due course.

[G.I., F.D., letters No. F.S.(16)-Ex.11/39, dated the 20th May, 1940 and the 31st January, 1942, copies received under endorsement of even No., dated the 7th March, 1942.]

⁶Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

Audit Rulings—

(1) Fee recovered from ship owners for work done on Sundays are part of general revenues.

[Ruling (2), Sec. IV of Compilation of Audit Rulings.]

(2) Payments to Government servants out of the realised assets of enemy trading concerns are not payments from general revenues.

[Ruling (3), Sec. IV of Compilation of Audit Rulings.]

(9) *Honorarium* means a recurring or non-recurring payment granted to a Government servant from general revenues as remuneration for special work of an occasional or intermittent character.

Government decisions.—

(1) *Deleted.*

(2) *See* Government decision below F.R.9(8) in this Section.

(3) The extra remuneration of ⁷[Rs. 65] p. m. sanctioned in Ministry of Finance Office Memorandum No. F. 13 (12)-R. III/53, dated the 28th June, 1954 for "Council Assistants" will be classified as "honorarium" instead of "Special Pay". This honorarium will not be payable for a session of the Federal Legislature which lasts for a period of less than 7 consecutive days. For each of the sessions of the Federal Legislature lasting for a period of 7 consecutive days or more, the honorarium will be payable for the period of the session, for 7 days before the commencement of the session and 7 days after its conclusion.

[G.P., M.F., O.M.No.F.13(12)-R III/53, dated the 28th June, 1954.]

(4) *See* Government decisions below F. R. 46.

(5) From a number of references received by this Division, it seems necessary to draw special attention to the fact that F. R. 9(9) permits grant of honorarium only "for *special work* of an occasional or intermittent character". Now, any work which falls within the orbit of the normal duties of a Government servant, cannot, as far as he is concerned, be treated as 'special work'. Hence, grant of honoraria to a Government servant for temporary, occasional, periodical, frequent or general increases in the quantum of such work as falls within the orbit of his normal duties, would involve contravention of F. R. 9 (9) and as such is not permissible.

⁷Substituted for "Rs 45." by G. P., F.D., O. M. No. F.33-(1)—RI/73, dated 08-04-1975.

As a corollary to the general position indicated in the preceding para, it may be mentioned that the seasonal increase, during the sessions of the National Assembly and the Senate, in work pertaining to the normal functions/responsibilities of the relevant Ministries, Divisions, etc., in respect of those sessions, form part of the normal duties of the employees concerned. Accordingly, grant of honoraria for such increases in work would not be in order.

[G.P., F.D., O.M.No.D.721-R.-4/75-F.16(4)RI/75, dated 01-09-1975.]

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

(11) *Leave on average (or half or quarter average) pay* means leave on leave-salary equal to average (or half or quarter average) pay, as regulated by rule ⁸[] 90.

(12) *Leave-salary* means the monthly amount paid by Government to a Government servant on leave.

(13) *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.

Government decision—The Governor-General has decided that an official who has elected to remain under the leave rules contained in the Civil Service Regulations is entitled to the benefit of Article 210 of those Regulations and that in his case the application of that Article has the effect of over-riding the definition of the work "lien" in F. R. 9(13) for the purpose of the interpretation of that word in F. R. 26 (b).

[G.I., F.D., No.F.-153-C.S.R./26, dated the 20th May, 1926.]

Auditor-General's decision—In the case of a Government servant who holds no lien on any appointment except that which it is proposed to abolish, the correct practice in deciding the exact date from which the appointment is to be abolished would be to defer the date of abolition up to the termination of such leave as may be granted.

[Ar. G's Memo. No. 641-A/194-22, dated the 13th September, 1922.]

(14) *Local fund* means—

- (a) revenues administered by bodies which by law or rule having the force of law come under the control of Government, whether in regard to proceedings generally or to specific matters, such as the sanctioning of their budgets, sanction to the creation or filling up of particular posts, or the enactment of leave, pension or similar rules; and**

⁸Omitted with effect from 9th May, 1958 by G.P., M.F. Notification No.F.9(1)-R/2(W.P)/62, dated 18th May, 1962.

- (b) the revenues of anybody which may be specially notified by the ⁹President as such.

(15) Local Government, for the purposes of these rules, does not include a Chief Commissioner.

(16) (a) *Military Commissioned Officer* means a commissioned officer other than:—

- (i) a departmental commissioned officer;
- (ii) a commissioned officer of the Indian Medical Department.

It does not include a warrant officer.

(b) *Military Officer* means any officer falling within the definition of military commissioned officer, or included in sub-clause (i) or (ii) of clause (a) above or any warrant officer.

(17) *Ministerial Servant* means a Government servant of a subordinate service whose duties are entirely clerical, and any other class of servant specially defined as such by general or special order of local Government.

Government decision.—The Governor-General has decided that those members of Class II Services whose duties are predominantly clerical shall be classed as ministerial servants for the purpose of clause (17) of Rule 9 of the Fundamental Rules.

[G.L., F.D., letter No. F.II(6)-R.1/33, dated the 1st April, 1933, to the A.G., C.R.]

(18) *Month* means a calendar month. In calculating 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.

Audit Instruction.—In calculating a period of 3 months and 20 days from 25th January, 3 months should be taken as ending on 24th April, and the 20 days on 14th May. In the same way the period from 30th January to 2nd March should be reckoned as 1 month and 2 days because one month from 30th January ends on 28th February. A period of one month and 29 days commencing from the 1st January will expire, in an ordinary year (in which February is a month of 28 days), on the *last day of* February because a period of 29 days cannot obviously mean to exceed a period of full calendar month and leave for two months from 1st January would end on the last day of February. The same would be the case if February were a month of 29 days or if the broken period were 28 days (in an ordinary year).

⁹Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

[Para. 5, Chap. II. Sec. I of Manual of Audit Instructions (Reprint) as amended by correction slip No. 2, dated the 1st April, 1938.]

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

Government decision.—In the case of a Government servant with a substantive post on a permanent establishment, who is appointed to officiate in a permanent post which is substantively vacant or which is temporarily vacant in consequence of the absence of the substantive incumbent on extraordinary leave or on transfer to foreign service, and is allowed to draw, the full officiating pay or salary admissible under the rules, the difference between the substantive pay and officiating pay or salary counts as emoluments for pension.

[G.I., F.D., letter No.84-C.S.R., dated the 8th July, 1925, and Res. No.F-16-C.S.R./26, dated the 22nd January, 1926.]

(20) *Overseas pay* means pay granted to a Government servant in consideration of the fact that he is serving in a country other than the country of his domicile.

Secretary of State's Rules regarding the grant of overseas pay. The rules regulating the grant of overseas pay to Government servants are contained in the Government of India, Finance Department, Resolution No. 1533 Ex., dated the 5th July 1923 reproduced in Appendix 5 in *Volume II* of this Compilation.

[for rules regarding admissibility of sterling overseas pay to the Superior Civil Services, See Superior Civil Services Rules.]

Secretary of State's decision—The Secretary of State has prescribed a revised form of questionnaire, reproduced in Appendix 5-B in *Volume II* of this Compilation, to be used in determining the domicile of a person for the purpose of the special leave rules and the overseas pay and passage concessions.

The Secretary of State has further decided that an officer who has been drawing overseas pay in good faith and whose domicile is challenged should receive a personal allowance equal to the amount of overseas pay hitherto drawn, the allowance to be absorbed in increments, from the date when his domicile is questioned, and should continue to enjoy such allowance in the event of an eventual adverse decision.

[G.I., F.D., No.F.445-II-27/Estabts., dated the 17th February, 1928]

Auditor General's decision.— In a case regarding calculation of the average cost of a post in the *** Service, the following orders were passed by the Auditor General:—

As regards the calculation of the average cost of overseas pay, the total cost of Sterling and Rupee overseas pay now drawn should be worked out separately and divided in each case by the number of men so drawing. As the cost to India is the cost of sending money to England to make the payment there, official rate of exchange should be taken as the rate for converting sterling overseas pay into rupees for this purpose.

[Ar. G's No.1402-Admn./397-95, dated the 28th November, 1925.]

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

- (i) the pay, other than special pay or pay granted in view of his personal qualifications, 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) overseas pay, technical pay, special pay and personal pay, and**
- (iii) any other emoluments which may be specially classed as pay by the¹⁰President.**

(b) In the case of a military Officer, in receipt of the rates of pay introduced on July 1, 1924, pay includes the amount which he receives monthly, under the following designations:

- (i) pay of appointment, lodging allowance and marriage allowance; and**
- (ii) pay of rank, command pay, additional pay, Pakistan Army allowance, lodging allowance and marriage allowance; and**

(c) Deleted. [By G.P., M.F., Notification No.F.3(1)—RS/64, dated the 23rd June, 1964.]

Note.—In the case of a piece-worker in the Government of Pakistan Presses when appointed to a post on a time scale, "Pay" shall be deemed to be equivalent to hundred times his hourly class rate.

[Framed by the G.G. under Rule 44(d) of the Civil Service (Classification Control and Appeal) Rules.]

Government decision.—(1) The Governor-General has classed "*Judicial pay*" as "Pay" under this rule (with effect from 1st January, 1922).

¹⁰Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

(G.I., F.D., No.76-E.A., dated the 25th January, 1922.)

(2). The Government have decided that language allowances shall be termed "language pay" in future and that they shall be classed as "Pay" under this rule. This decision has effect from 1st January, 1922.

(G.I., F.D., Res. No.1430-F. E., dated the 14th July, 1922 and No.2638-F.E, dated the 15th December, 1922.)

(3) The definition of pay in F. R. 9 (21) (b) in the case of a military officer in receipt of the rates of pay introduced on the 1st July, 1924 includes 'pay of appointment' which as defined in the Pay and Allowances Regulations for the Army in India, Part I as adapted in Pakistan includes 'Staff pay'. It has therefore been decided with the concurrence of the Government that staff pay should be taken into account in calculating average pay of military officers employed in Military Police Forces.

(C.C.A. No.315-A/194-30, dated the 13th December, 1939, to the Accountant General, Bengal.)

(4). The Governor-General has classed, under F.R.9(21)(a)(iii), the following allowances as pay:—

- (a) Charge allowance of Rs.200 per mensem granted to officers of the Political Department with less than 9 years service in the Civil Department when appointed to posts classed as 'superior'; and
- (b) Charge allowance of Rs.150 and Rs.300 per mensem granted to officers of the Provincial Civil Service appointed to officiate respectively in 'inferior' and 'superior' posts of the Political Department.

[G.I., F.D., Resolution No. D/958-R. II, dated the 18th July, 1932.]

(5). The Governor-General has decided that the Frontier Allowance granted to Officers of the Frontier Irregular Corps is not a compensatory allowance and is of the nature of pay.

(G.I., F.D., Endorsement No.F.2/III-Ex. II/36, dated the 30th November, 1936.)

(6) The Government agree that the Pashtu Allowance has been correctly classified as 'pay' in the case of officers of the Frontier Irregular Corps.

[Government of India in the External Affairs Department letter No.D.-1989 G/37, dated the 5th August 1937 and the Government of India, Finance Department endorsement No. D-4232-Ex. II, dated the 10th August, 1937.]

(7) A Civil Officer belonging to the Pakistan Army Reserve of Officers, when called to Army service, is not a 'Military Officer', as defined in Fundamental Rule 9 (16) (b) and in his case 'pay' as defined in Fundamental Rule 9 (21) (a) does not include 'rank pay' received during the period of service in the Army. In such cases, the pay which the Government servant would have received if he had not been called to Army service, and not the 'rank pay' actually drawn during that period, should be taken into account for purposes of calculating leave salary based on average pay under the Fundamental Rules.

(G.I., F.D., letter No.F.-7(I)-R-I/39, dated the 11th March, 1939.)

(8) *See item* (6) of the Government decisions below S. R. 17.

(9) *Deleted.*

Audit Instructions.—

(1) Language Allowances. If these are lump sum allowances they will be dealt with under Fundamental Rule 46. If they are recurring payments, they will fall under the head "pay" under Fundamental Rule 9 (21) (a).

[Para. 6 (i), Chap. II, Sec. I of Manual of Audit Instructions (Reprint).]

(2) If the allowances granted to medical officers in medical charge of Railway employees are paid from general revenues they may be classified as "special pay".

[Para. 6 (ii), Chap. II. Sec. I of Manual of Audit Instructions (Reprint).]

(3) *See item* 6 of the Audit Instructions below F. R. 9 (2) in this Section.

*Auditor General's decision.—*It has been decided with the concurrence of the Central Government, that a Civil Officer undergoing military training, is not a 'military officer', as defined in F. R. 9 (16) (b) and in his case "pay" as defined in F. R. 9 (21) (a) does not include 'rank pay' received during the period of training.

(Ar. G's letter No.958-AC/139-38, dated the 29th December 1938.)

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

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

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

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

Government decision.—In supersession of all previous orders on the subject it has been decided that all cases in which it is proposed to grant personal pay under Fundamental Rule 9 (23) (b) may be referred to the Ministry of Finance through the Administrative Department concerned. No case will be entertained which is not of an entirely exceptional character and in submitting cases for the grant of personal pay this should be carefully borne in mind.

[G.I., F.D., letters No. F/14-XXII-Ex. II, dated the 28th September, 1936 and No.16(14)-Ex-I/38, dated the 16th August, 1938.]

(24) *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 post substantively and were performing its duties but it does not include special pay unless the Government servant performs or discharges the work or responsibility, or is exposed to the unhealthy conditions, in consideration of which the special pay was sanctioned.*

Audit Instruction.—The first part of the definition is intended to facilitate the use of the term in relation to a Government servant who has been absent from a post for some time but still retains a lien on it.

[Para. 7, Chap. II, Sec. I of Manual of Audit Instructions (Reprint).]

(25) *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; or**
- (b) a specific addition to the work or responsibility; or**
- (c) the unhealthiness of the locality in which the work is performed.**

Secretary of State's decision.—The Secretary of State is of the opinion that, provided the sanctioning authorities limit the allowances granted on account of the unhealthiness of a locality to cases in which the locality is really likely to cause illness or impaired vitality, it is reasonable that they should be taken into account in calculating leave-salary and pension. The Secretary of State desires that the attention of local Governments should be called to the fact that this limitation is inherent in the rule as it stands, and he has observed that the local Governments will no doubt re-examine any case in which they have reason to suppose that this condition has not been satisfied or does not continue to be satisfied.

(G.I., F.D., No. 914-C.S.R., dated the 8th May, 1924.)

Government Orders.—

(1) to (3) *Deleted.*

(4) *See* item (4) of Government orders below F. R. 40 in this Section.

Audit instruction.—When special pay has been sanctioned in the form of a portion or percentage of pay in the ordinary line and the pay in the ordinary line includes an element of sterling overseas pay, such special pay should be determined as follows:—

- (a) the special pay is admissible on the sterling overseas pay as well as on the rupee basic pay;
- (b) the special pay must be expressed and drawn wholly in rupees;
- (c) the sterling overseas pay should for the purpose of calculating the special pay be converted into rupees at the official rate of exchange.

[Para. 8, Chap II, Sec. I of Manual of Audit Instructions (Reprint).]

Audit Ruling.—A provision in the contract of a Government servant appointed to a particular post that he should "also do all things that may be required of him" does not contemplate his being required to perform onerous additional duties in another post without remuneration.

[Ruling (6), Sec. IV of Compilation of Audit Rulings.]

(26) *Deleted.*

(27) *Subsistence grant means a monthly grant made to a Government servant who is not in receipt of pay or leave-salary.*

(28) *Substantive pay means the pay other than special pay, personal pay or emoluments classed as pay by the ¹¹President under rule 9 (21) (a) (iii), to which a Government servant is entitled on account of a post to which he has been appointed substantively or by reason of his substantive position in a cadre.*

NOTE.—In the case of a piece worker in the Government of Pakistan Presses when appointed to a post on a time scale, "substantive pay" shall be deemed to be equivalent to two hundred times his hourly class rate.

Government decision.—Marriage allowance and Lodging allowance of Military Officers in the Army come within the definition of 'substantive pay' so long as they continue to be treated as part of 'pay'.

¹¹Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

[A. G's Endorsement No. 281-A/289-35, dated the 15th August, 1936.]

(29) *Technical pay* means pay granted to a Government servant in consideration of the fact that he has received technical training *in Europe*.

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

Government decision.—

(1) An extension of a temporary post necessary to cover the period of leave granted to its holder, is expedient only when the grant of leave involves 'no expense to Government' but improper in the absence of this condition.

[G.I., F.D., No.F.11(5)-R-I/33, dated the 1st April, 1933.]

(2) The Government have decided in consultation with the Auditor General that substantive appointments to temporary posts should be made in a limited number of cases only as, e.g., 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 to temporary posts should be made in an officiating capacity only.

[G.I., F.D., Office Memorandum No. F 8(10)-Ex.1/38, dated the 15th July, 1938].

Auditor General's decision.—A temporary post can be held either substantively or in an officiating capacity.

(Ar. G. 's No. 828-Code/117-22, dated the 11th December, 1922.)

(30-A) *Tenure post* means a permanent post which an individual Government servant may not hold for more than a limited period.

NOTE.—In case of doubt, a local Government may decide whether a particular post is or is not a tenure post.

(31) (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. It includes the class of pay hitherto known as progressive.

(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-scale 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.

Government Order.—The Government have decided that, to find the average cost of an appointment in the Junior Scale of an All-Pakistan Service, formula (3) mentioned in the Audit Instruction below should be used and that such proportion of overseas pay should be added to the minimum basic pay, as well as to the basic pay just before promotion to the Senior Scale, as the number of persons drawing overseas pay in the Junior Scale bears to the total number of persons in that scale.

(G.I., F.D., letter No.F.39-II-Ex.-I/31, dated the 2nd April, 1931.)

Audit Instruction.—

Method of calculation of average pay of a post on time-scale of pay.—(I) In the case of gazetted appointments on time-scales of pay the following formula may be applied for ascertaining the average pay:-

$$\text{Average pay} = \frac{A+B}{2} + \frac{(B-A)}{2} \left[1 - (R+1) \left\{ .014 + \frac{1-.01R}{F-E} \right\} \right]$$

Where A = Minimum pay,

B = Maximum pay,

R = Period of rise,

E = Average age at entry in the grade, and

F = Average age at retirement on superannuation pension. This should normally be taken as 60 in every case unless there are special reasons to take it either at a lower or a higher figure.

(2) In the case of non-gazetted posts on time-scales of pay the following formula is to be applied:

$$\text{Average pay} = \frac{A+B}{2} + \frac{(B-A)}{2} \left[1 - (R+1) \left\{ .021 + \frac{1-.015R}{F-E} \right\} \right]$$

Where A = Minimum pay,

B = Maximum pay,

R = Period of rise,

E = Average age at entry in the grade, and

F = Average age at retirement on superannuation pension. This should normally be taken as 60 in every case unless there are special reasons to take it either at a lower or a higher figure.

(3) In case where one grade is the channel of promotion to another grade, that is to say, where everybody in the first grade is ultimately promoted to the second grade the

following formula may be adopted to find the average cost of appointments in the first grade.

$$\text{Average pay} = \frac{A+C}{2} + \frac{(C-A)}{2} \left[1 - (S+1) \left\{ .006 + \frac{1-.004S}{G-E} \right\} \right]$$

Where A = Minimum pay,
 C = Pay just before promotion to the second grade,
 S = Period of rise from A to C,
 E = Average age at entry in the first grade, and
 G = Average age at the time of promotion to the second grade.

(4) The following formula should be restricted to cases involving an elaborate scale, consisting of two or more sections with efficiency bars at one or more stages:

$$\text{Average pay} = \frac{1}{2} (A + W^1 B^1 + W^2 + B^2 X^1 C^1 + X^2 C^2)$$

Where A = The initial pay of the scale,
 B¹, B² = The maximum pay of the different sections of the scale, such as the ordinary scale, the scale for passed clerks.
 W¹, W² = The proportion of the establishment which would normally reach the maxima of B¹, B², respectively.
 C¹, C² = The pay at the different efficiency bars, and
 X¹, X² = The proportion of the establishment which would normally be detained at C¹, C², respectively.

[Para. 9, Chapter II, Section I of Manual of Audit Instructions (Reprint).]

Auditor General's decision.—In connection with a proposal for revision of pay of Class IV Government servants in an office a question was raised whether in calculating the average cost any of the formula, and, if so, which prescribed in the Audit Instruction above should be applied. Formula (2) seemed to be the appropriate one but there was some doubt as there was no limit to the age at entry of Class IV Government servants. The Auditor General has decided that formula (2) is the appropriate formula to be applied in the case. As the service of the Class IV servants in the office is local the average age at entry should be worked out by taking the ages at entry of all the Class IV servants in service at the time and dividing the total by the number of Class IV servants in the establishment.

(Ar. G.'s letter No.838-NGE/240-36, dated the 22nd May, 1936.)

(32) Travelling allowance means an allowance granted to a Government servant to cover the expenses which he incurs in travelling in the interests of the public service. It includes allowances granted for the maintenance of conveyances, horses and tents.

PART-II

CHAPTER-III: GENERAL CONDITIONS OF SERVICE

F. R. 10. Except as provided by this rule, no person may be appointed in Pakistan to a post in Government service without a medical certificate of health, which must be affixed to his first pay bill. A local Government may make rules prescribing the form in which medical certificates should be prepared, and the particular medical or other officers by whom they should be signed. It may, in individual cases, dispense with the production of a certificate, and may by general orders exempt any specified class of Government servants from the operation of this rule.

(For rules made by the ¹²President under Fundamental Rule 10, See Supplementary Rules 3, 4 and 4-A).

[For Administrative Instructions issued by the ¹³President in connection with Fundamental Rule 10 regarding Conditions of age on Appointment to Government Service, See Part I of Appendix No. 3 in Volume II of this Compilation.]

Government order.—Once a person is asked to produce a medical certificate of fitness for entry into Government Service whether in a permanent or temporary capacity and has actually been examined and declared unfit, it is not open to the authorities exercising the powers of a local Government to use their discretion to ignore the certificate that has been produced.

[G.I., F.D., Endorsement No.F.6(13)-R.II/44, dated the 11th May, 1944.]

¹⁴F. R. 10-A. (a) The authority competent to fill the post held by a Government servant may require him to appear before a medical authority for medical examination if, in the opinion of the competent authority, the Government servant is suffering from a disease which renders him unfit for the proper and efficient discharge of his duties or from a disease which is communicable and is likely to endanger the health of other Government servants.

(b) If the medical authority concerned, after examining the Government servant, certifies that the Government servant requires a period of absence from duty for the purpose of rest and treatment and that there is reasonable prospect of his recovery, the competent authority may grant him leave, including extraordinary leave, for such period as the medical authority recommends, provided that it is due

¹²Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

¹³Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

¹⁴ Inserted by G.P., M. F., Notification No. F.5(2)-R2/60, dated the 6th January, 1962.

and admissible to the Government servant, and the competent authority may do so as if the Government servant had himself applied for the leave.

(c) (i) If the medical authority after examining the Government servant, certifies that the Government servant is permanently incapacitated for service, the findings of the medical authority shall be communicated to the Government servant immediately. The Government servant may, within seven days of the receipt by him of the official intimation of the findings of the medical authority, apply to the Director General, Health, for a review of his case by a second medical board. Such an application shall be accompanied by fee the amount of which shall be fixed by the Director General, Health. The Director General, Health, shall then arrange for the convening of reviewing medical board consisting of persons who were not members of the first medical board. If the reviewing medical board also certifies that the Government servant is permanently incapacitated for further service, the competent authority may require him to retire from service and may grant him such invalid pension and/or gratuity as may be admissible to him under the rules, and the competent authority may do so as if the Government servant had himself applied for an invalid pension.

(ii) In case the reviewing medical board holds that the Government servant is fit for Government service, he shall be reinstated forthwith and the period of his absence will be treated as duty. If, however, the board certifies that the Government servant is not fit but there is a reasonable prospect of his recovery, the case will be regulated under the provisions of clause (b) above.

(iii) In case the Government servant concerned does not apply for a review of his case within seven days of the receipt by him of the official intimation of the findings of the first medical board, the competent authority may require him to retire from service and may grant him invalid pension and/or gratuity as provided for in sub-clause (i) above.

(d) The ¹⁵Federal Government may make rules prescribing the form in which the medical certificate should be prepared and the medical officers by whom it should be signed.

(For rules made by the President under Fundamental Rule 10-A, See Supplementary Rule 4-AA.)

F. R. 11. Unless in any case it be otherwise distinctly provided the whole time of a Government servant is at the disposal of the Government which pays him, and he may be employed in any manner required by proper authority, without claim for additional remuneration, whether the services required of him are such as would ordinarily be remunerated from general revenues, from local fund or from the revenues of a State that has acceded to Pakistan.

¹⁵Substituted by Ministry of Law Notification No.F.24(2)/75-Pub., dated 01-8-1975, Gaz. Of Pak., Extra., Pp.435-436, dated 01-8-1975.

F. R. 12. (a) Two or more Government servants cannot be appointed substantively to the same permanent post at the same time.

(b) A Government servant cannot be appointed substantively except as a temporary measure, to two or more permanent posts at the same time.

(c) A Government servant cannot be appointed substantively to a post on which another Government servant holds a lien.

F. R. 12-A. Unless in any case it be otherwise provided in these rules, a Government servant on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post.

F. R. 13. Unless his lien is suspended under Rule 14 or transferred under rule 14-B, a Government servant holding substantively a permanent post retains a lien on that post:—

- (a) while performing the duties of that post;**
- (b) while on foreign service, on holding a temporary post, or officiating in other post;**
- (c) during joining time on transfer to another post; unless he is transferred substantively to a post on lower pay, in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post;**
- (d) subject to the exception in sub-rule (2) of rule 97, while on leave; and**
- (e) while under suspension.**

Convention in regard to the terms and conditions of service of Government servants on deputation.—As a Government servant on deputation retains a lien on the permanent post in his parent office, he is ordinarily governed by the rules of the lending Government in matters of pay, leave, pension, etc., and continues to be under the rule-making control of the lending Government which has a right to recall him. The lending Government, accordingly, have a right to determine in consultation with the borrowing Government the terms of his employment under the latter, and these terms should not be varied by the borrowing Government without consulting the lending Government.

A convention has been established between the Central Government and the Provincial Governments on the one hand, and the Provincial Governments *inter se*, on the other hand to the effect that no increase in pay or improvements in other service prospects should be offered to any such officer without consulting the lending Government or Department.

[Ministry of Finance letters No.F.-10(23)-E.G.II/48 of 9th December, 1948 and 10th June, 1949].

It has been brought to notice that there have been cases in which permanent officers belonging to a Department or Government while on deputation to another Department or Government have been confirmed in the later without the formal concurrence of the former which is essential as stipulated in this Ministry's letter No. F.10(23)-EGII/48, dated the 9th December, 1948. It is stated that when an officer is confirmed in the borrowing Government or Department prior formal concurrence of the lending Government or Department as well as the consent of the officer concerned should be obtained.

(G.P., M.F., letter No.600-R-III/52, dated 6th March, 1952.)

Government orders.—All officers or the Army Reserve or Officers who are employed under the Central Government shall, when called to Army service, retain a lien on their civil posts during the period for which they are called to Army service.

(G.I. F.D., Endorsement. No.F-31--RI/29, dated the 19th March, 1929).

F. R. 14 (a) The ¹⁶President shall suspend the lien of a Government servant on a permanent post which he holds substantively if he is appointed in a substantive capacity—

- (1) to a tenure post, or**
- (2) to permanent post outside the cadre on which he is borne, or**
- (3) provisionally, to a post on which another Government servant would hold a lien had his lien not been suspended under this rule.**

(b) The ¹⁷President may, at his option, suspend the lien of a Government servant on a permanent post which he holds substantively if he is deputed out of Pakistan or transferred to foreign service, or, in circumstances not covered by clause (a) of this rule, is transferred, whether in a substantive or officiating capacity, to a post in another cadre, and if in any of these cases there is reason to believe that he will remain absent from the post on which he holds a lien for a period of not less than three years.

(c) Notwithstanding anything contained in clause (a) or (b) of this rule, a Government servant's lien on tenure post may in no circumstances be suspended. If

¹⁶Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

¹⁷Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

he is appointed substantively to another permanent post, his lien on the tenure post must be terminated.

(d) If a Government servant's lien on a post is suspended under clause (a) or (b) of this rule, the post may be filled substantively and the Government servant appointed to hold it substantively shall acquire a lien on it: provided that the arrangements shall be reversed as soon as the suspended lien revives.

¹⁸NOTE 1.—*The word post in this clause includes a post in a selection grade of a cadre.*

NOTE 2.—*When a post is filled substantively under this clause, the appointment will be termed a Provisional appointment; the Government servant appointed will hold a provisional lien on the Post; and that lien will be liable to suspension under clause (a) or (b) of this rule.*

(e) A Government servant's lien which has been suspended under clause (a) of this rule shall revive as soon as he ceases to hold a lien on a post of the nature specified in sub-clause (1), (2) or (3) of that clause.

(f) A Government servant's lien which has been suspended under clause (b) of this rule shall revive as soon as he ceases to be on deputation out of Pakistan or on foreign service or to hold a post in another cadre, provided that a suspended lien shall not revive because the Government servant takes leave if there is reason to believe that he will, on return from leave, continue to be on deputation out of Pakistan or on foreign service or to hold a post in another cadre and the total period of absence on duty will not fall short of three years or that he will hold substantively a post of the nature specified in sub-clause (1), (2) or (3) of clause (a).

Government decisions. —(1) When it is known that a Government servant on transfer to a post outside his cadre is due to retire on superannuation pension within three years of his transfer, his lien on the permanent post cannot be suspended.

[G.I., F.D., letter No. F.12(16)-R. 1/38, dated the 29th July, 1938, to the Government of Bombay.]

(2) Clause (d) of F. R. 14 applies to all permanent posts including posts in a selection grade. The word "post" used in it includes a post in the selection grade of a cadre.

[G.P., M.F., O.M. No.F.3(15)-RII(I)/55, dated 19th September, 1955.]

F. R. 14-A. (a) Except as provided in clause (c) of this rule and rule 97, a Government servant's lien on a post may in no circumstances be terminated, even

¹⁸Revised by G.P., M.F., Resolution No. 3(15)-RII(I)/55, dated 19th September, 1955.

with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post.

(b) In a case covered by sub-clause (2) of clause (a) of Rule 14, the suspended lien may not, except on the written request of the Government servant concerned, be terminated while the Government servant remains in Government service.

(c) Notwithstanding the provisions of rule 14(a), the lien of a Government servant holding substantively a permanent post shall be terminated on his appointment substantively to the office referred to in sub-rule (1) of rule 97 or to the post of Chief Engineer of the Public Works Department.

Government decision.— In a case covered by Fundamental Rule 14(a) (2) where a Government servant is appointed in a substantive capacity to a permanent post outside the cadre on which he is borne Fundamental Rule 14-A(b) precludes permanently the termination of his suspended lien unless and until a written request to that effect is received from him.

(Ar. G's. Endorsement No.71-A/39-41, dated the 12th February, 1941.)

F. R. 14-B. Subject to the provisions of rule 15, the ¹⁹President may transfer to another permanent post in the same cadre the lien of a Government servant who is not performing the duties of the post to which the lien relates, even if that lien has been suspended.

F. R. 15. (a) The ²⁰President may transfer a Government servant from one post to another; provided that, except—

- (1) on account of inefficiency or misbehaviour, or
- (2) on his written request,

a Government servant shall not be transferred substantively to, or, except in a case covered by rule 49, appointed to officiate in, a post carrying less pay than the pay of the permanent post on which he holds a lien or would hold a lien had his lien not been suspended under rule 14.

(b) Nothing contained in clause (a) of this Rule or in clause (13) of Rule 9 shall operate to prevent the retransfer of a Government servant to the post on which he would hold a lien, had it not been suspended in accordance with the provisions of clause (a) of rule 14.

¹⁹Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

²⁰Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

Government decision.—Permanent transfers from a higher to a lower scale in anticipation of the abolition of a post are not transfers within the meaning of F. R. 15.

(G.I., F.D., letter No.F-452-R.I/27, dated the 1st February, 1928.)

F. R. 16. A Government servant may be required to subscribe to a provident fund, a family pension fund or other similar fund in accordance with such rules as the²¹President may by order prescribe.

F. R. 17. (1) Subject to any exceptions specifically made in these rules and to the provisions of sub-rule (2), an officer shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post and shall cease to draw them as soon as he ceases to discharge those duties. ²²[:]

²³[Provided that the ²⁴[appointing authority] may, if satisfied that a civil servant who was entitled to be promoted from a particular date was, for no fault of his own, wrongfully prevented from rendering service to the Federation in the higher post, direct that such civil servant shall be paid the arrears of pay and allowances of such higher post through proforma promotion or up-gradation arising from the ante-dated fixation of his seniority.]

(2) The date from which a person recruited overseas shall commence to draw pay on first appointment shall be determined by the general or special orders of the authority by whom he is appointed.

[*For Administrative Instructions issued by the ²⁵President regarding "CHARGE OF OFFICE" and "LEAVING JURISDICTION", See Part II of Appendix No. 3 in Volume II of this Compilation.*]

Orders issued by the ²⁶President under Fundamental Rule 17(2).—With reference to clause (2) of this rule, the ²⁷President has decided that the pay of officers recruited overseas who are entitled to a first class passage to Pakistan, shall commence from the date of disembarkation, subject to their proceeding to take up their duties without avoidable

²¹Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lagis., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

²²In sub-rule (1) at the end full stop subs, by colon & thereafter proviso added by S.R.O. 1092 (I)/95 [No.F.3(1)R.II/94], dated 6th November, 1995, Gaz. of Pak., Extr., Pt. II, Page No.2521, dated Nov. 13, 1995.

²³In sub-rule (1) at the end full stop subs, by colon & thereafter proviso added by S.R.O. 1092 (I)/95 [No.F.3(1)R.II/94], dated 6th November, 1995, Gaz. of Pak., Extr., Pt.II,Page No.2521, dated Nov. 13, 1995.

²⁴In the proviso substituted for "President" by the S.R.O.106 (I) /2001 [No.F.3(1)R.2/94], dated 13-02-2001, Gaz. of Pak., Extr., Pt. II, Page No.375, dated 17th Feb. 2001.

²⁵Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lagis., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

²⁶Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lagis., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

²⁷Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lagis., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

delay. In the case of officers who receive a second class passage, pay shall commence from the date of embarkation for Pakistan.

Audit Instructions.—

(1) A Government servant will begin to draw the pay and allowances attached to his tenure of a post with effect from the date on which he assumes the duties of that post if the charge is transferred before noon of that date. If the charge is transferred after noon, he commences to draw them from the following day. This rule does not, however, apply to cases in which it is the recognised practice to pay a Government servant at a higher rate for more important duties performed during a part only of a day.

[Para. I, Chap. III, Sec. I of Manual of Audit Instructions (Reprint.)]

(2) *Deleted.*

(3) When officers recruited overseas, who are entitled to first class passages to Pakistan, are prevented from proceeding at once from the port of disembarkation in Pakistan to take up their appointment owing to either illness or private affairs, they should be granted “leave not due” under F. R. 81 (c) (i) or (ii) as the circumstances of the case may require.

The phrase ‘without avoidable delay’ occurring in orders issued under F. R. 17 (2) *c.f.* Appendix 3 to F. Rs. and S. Rs. Vol. II refers only to delay on the part of the officer in reporting himself for duty (either at the local Government's headquarters or at the actual place of duty, as the case may be) and not a delay in actually taking up his duties thereafter. The stipulation underlying the phrase should be regarded as fulfilled if the officer reports for duty within the period allowed by the joining time rules with only one day (instead of 6 days) for preparation at the port of disembarkation, and any excess over that number of days should be treated as ‘leave not due’.

The minimum of the officer's time-scale of pay (including overseas pay) may be treated as his average pay for the purpose of calculating half average pay for the period of ‘leave not due’ as well as for the purpose of allowing the minima of half average pay not exceeding the average pay under F. R. 90.

[Para. 31, Sec. II of Manual of Audit Instructions (Reprint)]

F. R. 18.²⁸[]

²⁸[] Omitted *vide* Finance Division Notification No. F.1(11) R.4/89, dated 03-11-1992.

PART-III

CHAPTER IV.—PAY.

F. R. 19. The fixation of pay is within the competence of a local Government; provided that, except in the case of personal pay granted in the circumstances defined in rule 9(23) (a), the pay of a Government servant shall not be so increased as to exceed the pay sanctioned for his post without the sanction of an authority competent to create a post in the same cadre on a rate of pay equal to his pay when increased.

Audit instruction.—It is not the intention of Fundamental Rule 19 that it should give a local Government power to grant less pay than is permissible under Fundamental Rules 22 and 23.

[Para. I, Chap. IV, Sec. I of Manual of Audit instructions (Reprint)].

Auditor General's decision.—The rule does not give a local Government power to grant pay in excess of what is permissible under other rules in the Fundamental Rules. Thus it does not enable a local Government to grant an initial pay higher than what is permissible under Fundamental Rule 22. But once an initial pay is fixed under Fundamental Rule 22, Fundamental Rule 27 enables an authority mentioned therein to grant advance increment immediately. Thus in fact, Fundamental Rules 22 and 27 read together enable an authority mentioned in Fundamental Rule 27 to fix initial pay in excess of the amount permissible by Fundamental Rule 22 only.

(Ar. G's No. 1164 -A/408-23, dated the 20th November, 1923.)

F. R. 20. When a Government servant is treated as on duty under rule 9(6) (b), the local Government may, at their option, authorise payment to him of the pay of his substantive appointment, or of any lower rate of pay which the local Government may consider suitable. If the duty consists in a course of training or instruction, the pay admissible may, if the local Government so direct, be, instead of either of the rates just specified, the pay of any officiating appointment held by the officer at the time he was placed on such duty but this rate of pay shall not be allowed for a period longer than that for which the officer would have held the officiating appointment had he not been placed upon a course.

Government orders.—

(1) *Deleted.*

(2) Civilian Government servants, while undergoing training in the Army Reserve of Officers, will draw pay in accordance with the rule in paragraph 38, Appendix XXX, Regulations for the Army in India as adapted in Pakistan.

[G.I., F.D., No. F-III-R.I/30, dated the 16th August, 1930.]

(3) *Deleted.*

Government decisions.—

(1) A Government servant, who, as an officer of the Army in Pakistan Reserve, carries out his military training on the expiry of leave out of Pakistan taken from his civil appointment, and before rejoining his civil appointment for duty, should receive pay as follows:—

- (i) Joining time civil pay from the date of disembarkation in Pakistan to the date preceding that on which his military training commenced.
- (ii) Full civil pay during the period of training.

(2) A reservist of the Pakistan Army in Civil employ will, when called up for periodical military training, receive military pay and allowances. He will also receive the excess, if any, of the civil pay over his military pay, provided that this concession is specifically sanctioned by the Ministry of the Government of Pakistan or attached and subordinate office concerned, or by the local Government in whose employ the reservist is serving in his civil capacity. Except where the civil pay of the reservist is met from the Army estimates the extra expenditure involved will not constitute a charge against the Army estimates.

The periods spent in training and on the journey to and from the place of training will be treated as duty for purpose of civil leave, and increments of civil pay.

(3) *Deleted.*

(4) *Deleted.*

(5) A reservist of the Pakistan Navy Reserve in civil Government employ will, when called up for periodical training, receive naval pay and allowances. He will also receive the excess, if any, of his civil pay over his naval pay, provided that this concession is specifically sanctioned by the Ministry or Division of the Government of Pakistan effected, or its attached and Sub-ordinate offices, or by the Provincial Government concerned, in whose employ the reservist is serving in his civil capacity, and provided also that (except when his civil pay is also met from the naval estimates) the extra expenditure involved does not constitute a charge against the Defence estimates.

The periods spent in training and on the journey to and from the place of training will be treated as duty for purposes of civil leave, and increments of civil pay.

(6) The incidence of the civil pay of a Government servant, who is a member of the P. N. V. R. or the P. N. R., when called up for training should be governed on the analogy of Rule 6 of Part B (1) of Appendix 3 to the Account Code, Volume I (1940 Edition).

(7) to (13) Deleted.

Audit Instructions.—

(1) A Government servant who is treated as on duty during a course of instruction or training and who, at the time when he was placed on such duty, was drawing higher pay on account of an officiating appointment may on every occasion during the period of instruction or training when he would have held that officiating appointment but for such instruction or training, be allowed to draw pay equivalent to what he would have drawn had he been holding the officiating appointment.

[Para. 2 (i), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(2) The expressions "the pay of his substantive appointment" and "the pay of any officiating appointment" occurring in F. R. 20 should be taken to mean "the pay which the Government servant drew in the post which he held substantively" and "the pay which the Government servant drew in the post in which he officiated" respectively. In neither case is there any restriction on the kind of "pay" to be drawn and the expressions should therefore be held to include special pay, if any, which the Government servant drew in the post which he held substantively, or in an officiating capacity.

[Para. 2 (ii), Chap. IV, Sec. I of Manual of Audit Instruction (Reprint).]

F. R. 21. *Time-scale pay.*—Rules 22 to 29 inclusive and Rule (31) apply to time-scales of pay generally. They do not, however, apply to any time-scale sanctioned by the late Secretary of State in Council in so far as they are inconsistent with terms specially so sanctioned for such time-scale.

F. R. 22. The initial substantive pay of a Government servant who is appointed substantively to a post on a time scale of pay is regulated as follows:—

- (a) **If he holds a lien on a permanent post, other than a tenure post, or would hold a lien on such a post had his lien not been suspended:**
 - (i) **When appointment to the new post involves the assumption of duties or responsibilities of greater importance (as interpreted for the purposes of rule 30) than those attaching to such permanent post, he will draw as initial pay the stage of the time-scale next above his substantive pay in respect of the old post;**
 - (ii) **when appointment to the new post does not involve such assumption, he will draw as initial pay the stage of the time-scale which is equal to his substantive pay in respect of the old post, or, if there is no such stage the stage next below that pay plus personal pay equal to the difference, and in either case 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 for the period after which an increment is earned in the time-scale of the new post, whichever is less. But if the minimum pay of the time-scale of the new post is higher than his substantive pay in respect of the old post, he will draw that minimum as initial pay;

- (iii) when appointment to the new post is made on his own request under rule 15(a) and the maximum pay in the timescale of that post is less than his substantive pay in respect of the old post, he will draw that maximum as initial pay.

Exception.—Telegraph Masters and Telegraphists of the Pakistan Posts and Telegraphs Department who are at their own request transferred from "General Service" to "Station Service" and whose substantive pay in the General Service Scale is higher than the maximum pay of the time scale of the Station Service sanctioned for the Station to which they are transferred will, in addition to the maximum pay in the time-scale of such Station Service, draw personal pay equal to the difference between the two.

- (b) If the conditions prescribed in clause (a) are not fulfilled he will draw as initial pay the minimum of the time-scale.

Provided, both in cases covered by clause (a) and in cases, other than cases of re-employment after resignation from the public service ²⁹(or after removal from the public service for inefficiency, misconduct or as a disciplinary measure,) covered by clause (b), that if he either—

- (1) has previously held substantively or officiated in—
- (i) the same post, or
 - (ii) a permanent or temporary post on the same time-scale, or
 - (iii) a permanent post other than a tenure post, on an identical time-scale, or a temporary post on an identical time-scale, such post being on the same time-scale as a permanent post, or
- (2) is appointed substantively to a tenure post on a time-scale identical with that of another tenure post which he has previously held substantively or in which he has previously officiated, then the initial pay shall not be less than the pay, other than special pay, personal pay or emoluments classed as pay by the ³⁰President under rule 9(21) (a) (iii), which he drew on the

²⁹ Inserted with effect from 7th January, 1952 by G. P., M. F. Notification No. F. 20-II (3)-R. 11/53, dated the 5th September, 1953.

³⁰ Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

last such occasion, and he shall count for increments the period during which he drew that pay on such last and any previous occasions. If, however, the pay last drawn by the Government servant in a temporary post has been inflated by the grant of premature increments the pay which he would have drawn but for the grant of those increments shall, unless otherwise ordered by the authority competent to create the new post, be taken for the purposes of this proviso to be the pay which he last drew in the temporary post.

Exception.—The condition in paragraph (iii) of the first proviso that the temporary post should be on the same time-scale as a permanent post shall not be enforced when a temporary post is (i) created by one Government or Department for the purpose of work of the same nature as the ordinary work for which permanent posts exist in a cadre under a different Government or Department and (ii) sanctioned on a time-scale identical with the time-scale applicable to the permanent posts in the cadre under the different Government or Department.

NOTE 1.—If the Government servant is entitled to overseas pay in the new post but was not drawing overseas pay in the old post, the overseas pay in the new post shall not be taken into account in determining the stage in the time scale of the new post to which he is entitled under clause (a).

NOTE 2.—For the purposes of this Rule sterling overseas pay shall be converted into rupees at the official rate of exchange.

Government decisions.—

(1) The Governor-General has decided that reversion to the ordinary cadre of service from a tenure post included in that cadre or from a tenure or special post not included in it, does not constitute substantive appointment to a post for the purposes of F. R. 22.

[G.I., F.D., No.F.15-C.S.R.-27, dated the 22nd January, 1927.]

(2) The Government have decided, after consultation with the Auditor General, that for the purposes of Fundamental Rule 22 and 30 a declaration as to the relative degrees of responsibility of two posts should be obtained from the administrative head of the department or the Government according as the posts are in the same or different departments.

[G.I., F.D., No. F/113-R.1/30, dated the 19th August, 1930.]

(3) A question arose whether identical time-scale—one attached to posts whose pay is governed by the Civil Service Regulations and the other subject to conditions prescribed by the Fundamental Rules—could be treated as identical for the purpose of the Pay Chapter in the Fundamental Rules. It has been decided with the concurrence of the Auditor General that when two posts are on identical time-scale, it is reasonable to hold

that the duties and responsibilities to the posts are not very different in nature, irrespective of the fact whether the pay of the post is governed by the Civil Service Regulations or the Fundamental Rules, and that duty rendered in one of them may therefore be allowed to count towards increment in the other.

[G.I., F.D., letter No. F-14(12)-R.I/31, dated the 15th May, 1931.]

Audit Instructions.

(1) 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 graded scale before the time-scale came into force or it may be that one time-scale has taken the place of another.

If a Government servant has held substantively, or officiated in, a post in the cadre or class prior to the introduction of a new time-scale and has drawn during the period salary or pay equal to a stage, or intermediate between two stages, in the new time-scale, then the initial pay in the new time-scale may be fixed at the salary or pay last drawn and the period during which it was drawn may be counted for increment in the same stage, or if the salary or pay was intermediate between two stages, in the lower stage of that time-scale.

[Para. 3 (i), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(2) *Regulation of pay of a Government servant in receipt of personal pay under F. R. 22(a) (ii) when he earns his next increment.*— When the next increment in the time-scale of either the new or the old post falls due, the Government servant should draw the next increment in the time-scale of the new post and forthwith lose the personal pay and all connection with the time-scale of the old post. The personal pay is given to a Government servant only for the purpose of initial pay and not at any subsequent stage in the new time-scale in which the Government servant might draw less pay than he would have drawn had he remained in the old time-scale.

[Para. 3 (iii), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(3) The revised F. R. 22 is applicable in cases in which the occasion for fixation of pay arose on or after the date of effect of the revised rule i. e., the 18th March, 1930. In cases where the occasion arose before the 18th March, 1930 but the question of fixation of pay is taken up after that date the old Rule 22 should be applied.

[Para. 3 (ii), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(4) For the purposes of F. Rs. 22 and 23, 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 F. R. 9 (30) 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 the minimum of the time-scale of the permanent post if it is on a time scale unless his case is covered by the concession admissible under provisos (1) (ii) and (1) (iii) to F. R. 22.

NOTE.—The provisions of Art. 370, Civil Service Regulations, are not affected by the decision in this paragraph.

[Para 3(v) Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(5) The expression "if he holds a lien on a permanent post" occurring in clause (a) of Fundamental Rule 22 should be held to include the lien on a permanent post to which a Government servant is appointed in provisional substantive capacity under Fundamental Rule 14 (d) and the expression "substantive pay in respect of the old post" occurring in that rule should be held to include his substantive pay in respect of that provisional substantive appointment. Fundamental Rule 22(a) should, therefore, be held to permit the substantive pay in respect of a provisional substantive appointment being taken into account in determining his initial pay in another post to which he is appointed. When the initial pay of a Government servant in a post is thus fixed, it will not be affected even if during the tenure of his appointment to that post he reverts from his provisional appointment.

[Para. 3 (vi), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint) as inserted by correction slip No. 50, dated the 1st April, 1940.]

(6) When a Government servant is appointed to officiate in a post on a time-scale of pay but has his pay fixed below the minimum of the time-scale under F. R. 35, he must not be treated as having effectually officiated in that post within the meaning of F. R. 22, or having rendered duty in it within the meaning of F. R. 26. Such an officer on confirmation, should have his initial pay fixed under F. R. 22(b) and draw the next increment after he has put in duty for the usual period required to be calculated from the date of his confirmation.

[Para. 12 (ii), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

Auditor Generals decisions.--

(1) Temporary posts on the usual time-scale rates of pay sanctioned for an Accounts Office form a temporary addition to the cadre of that office. Under the orders contained in item (1) of 'Government decisions' above, reversion to the ordinary cadre of a service from a post outside the cadre does not constitute "substantive appointment to a post " for the purpose of F. R. 22. When, therefore, a Government servant reverts from a temporary post which he held substantively to his former permanent substantive post, F. R. 22 does not apply.

[Ar. G's letter No. T-375-NGE/109-29, dated the 23rd May, 1929.]

(2) It has come to the notice of the Auditor General that a specific declaration as to the relative degree of responsibility is sometimes called for by the Audit Officer even in cases where it is obvious beyond doubt that the duties attaching to the new post carry a higher degree of responsibility than those attaching to the old post. The Auditor General has decided that it is quite unnecessary for audit to require a statement of the obvious. A specific declaration under item (2) of Government decisions above should be insisted upon only in cases where there is some doubt as to the relative degree of responsibilities attaching to the two posts.

[Ar. G's letter No.T-512-NGE/261-35, dated the 21st June, 1935.]

(3) In the case of a Government servant appointed substantively to a post in which he had previously officiated and whose present substantive pay is the same as the pay which he drew when last officiating, old F. R. 22(b) laid down that he should draw an initial pay equal to that pay and count for increment in that stage the period during which he was drawing that pay. But the position has been altered deliberately in the revised F. R. 22 under which the initial pay of such a Government servant substantively appointed to a post should be fixed with reference to his substantive pay in respect of the old post. It has therefore been held that a Government servant when appointed to a post substantively while officiating in it is entitled to have his pay fixed a new under the revised F. R. 22 with reference to his substantive pay at the time in respect of his old permanent post.

[Ar. G's No. T-1176-A/170-34, dated the 11th September, 1934.]

(4) In connection with the application of the decision embodied in item (4) of the Audit Instructions above, a question was raised as to whether the decision would affect any of the existing Audit Instructions issued under Fundamental Rule 22.

The Auditor General has decided that the decision has no bearing on any of the Audit Instructions referred to above. The decision does not refer to cases of transfer from one temporary post to another such post or from a temporary post to a permanent post; it refers only to cases of conversion of a temporary post into a permanent one on a different rate of pay. There is also nothing in the decision of Government which debars service in a temporary post, created as an addition to a cadre and on the same time-scale from counting towards increments in a permanent post in that cadre even after such a temporary post has been abolished. This position which obtained before the issue of the Government's decision remains unaffected even after the issue of that decision.

[Auditor General's Endorsement No.209-A/2-36, dated the 24th June, 1937 and U.O.No.478-A/192-46, dated the 28th December, 1946.]

³¹F. R. 22-A. The initial substantive pay of a Government servant who is appointed substantively to a post on a time-scale of pay which has been reduced for

³¹This new rule has effect from the 16th July, 1931, in respect of personnel other than those governed by the Re-employed Personnel (conditions of service) Rules, 1932, the re-employed Personnel of the Experimental Accounts and Audit Office (conditions of service) Rules, and the Re-employed Personnel of the Central

reasons other than a diminution in the duties or responsibilities attached to posts thereon and who is not entitled to draw pay on the time-scale as it stood prior to reduction, is regulated by rule 22 provided both in cases covered by clause (a) of that rule and in cases, other than those of re-employment after resignation from the public service,³²[or after removal from the public service for inefficiency, misconduct or as disciplinary measure,] covered by clause (b) that if he either—

- (1) has previously held substantively or officiated in—
 - (i) the same post prior to reduction of its time-scale, or
 - (ii) a permanent or temporary post on the same time-scale as the unreduced time-scale of the post, or
 - (iii) a permanent post other than a tenure post, or a temporary post, on a time-scale of pay identical with the unreduced time-scale of the post, such temporary post being on the same time-scale as a permanent post, or
- (2) is appointed substantively to a tenure post the time-scale of which has been reduced without a diminution in the duties or responsibilities attached to it and has previously held substantively or officiated in another tenure post on a time-scale identical with the unreduced time-scale of the tenure post,

then the initial pay shall not be less than the pay, other than special pay, personal pay or emoluments classed as pay by the ³³President under rule 9 (21) (a) (iii), which he would have drawn under rule 22 on the last such occasion, if the reduced time-scale of pay had been in force from the beginning and he shall count for increments the period during which he would have drawn that pay on such last and any previous occasions.

F. R. 23. 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 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 on that time scale. The option once exercised is final.

Government decision.—In connection with the application of Fundamental Rule 23 and Audit Instruction No. (2) below it a question was raised whether an official officiating

Accounts Office, Public Works Department and the Central Public Works Department (Conditions of Service) Rules.

³²Inserted with effect from 7th January, 1952 by G. P., M. F., Notification No. F. 20-II (3)-RII/53, dated the 5th September, 1953.

³³Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

in a higher scale on the date from which different posts on different scales in the same cadre were merged in a common scale, could exercise under Fundamental Rule 23 the option of retaining his officiating pay on old higher scale when all the posts of the different categories were on the same new scale from that date and no higher responsibility was involved.

It has been decided with the concurrence of the Auditor General that the words "his old pay" in the proviso of the rule should be held to include not only the rate at which the individual was drawing his officiating pay on the crucial date but also the time-scale of pay in which he was drawing that pay. Thus for the period of option the old scale of pay in which he was drawing his officiating pay should be treated as continuing for the individual concerned and since he is entitled to retain his old pay during that period his drawing of that pay under the option need not depend on whether the constructive officiating appointment after the crucial date does or does not involve the assumption of duties and responsibilities of greater importance. The option, however, ceases to operate once the individual concerned constructively ceases to officiate in the post or ceases to draw pay in the particular scale in which he was drawing the officiating pay.

Both the substantive part of Fundamental Rule 23 and its proviso cannot be operative at one and the same time. For the period during which the option exercised under the proviso operates, the substantive portion of the rule remains inoperative. Failure to exercise the option from whatever cause arising entails forfeiture of the benefit of the rule.

[G.I., F.D., letter C. No.246-Admn.I.T./42, dated the 30th September, 1942 to the Commissioners of Income-tax, Central and United Provinces.]

Audit Instructions.—

- (1) See item (4) of the Audit Instructions below F. R. 22, in this section.
- (2) This rule applies to an officiating as well as to a substantive holder of a post.

[Para. 4 (i), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(3) If the maximum pay of a post is altered with no change in the rate of increment and the minimum, the initial pay of the holder of that post should be fixed under F. R. 22(b) and not under F. R. 22(a), even though he may be holding the post substantively.

[Para 4. (ii), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(4) The expression "subsequent increment on the old scale" in the proviso to F. R. 23 should be held to include grade promotion in cases in which a time-scale of pay has been substituted for a graded scale of pay.

[Para. 4 (iii), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

F. R. 24. (a) An increment shall ordinarily be drawn as a matter of course unless it is withheld. ³⁴[—] .

F. R. 25. Where an efficiency bar is prescribed in a time-scale, the increment next above the bar shall not be given to a Government servant without the specific sanction of the authority empowered to withhold increments.

Government order.—On each occasion on which an officer is allowed to pass an efficiency bar which had previously been enforced against him, he should come on to the time-scale at such stage as the authority Competent to declare the bar removed may fix for him, subject to the pay admissible according to his length of service.

[G.I., H.D., letter No.F-917 Ests., dated the 2nd October, 1922. Also Ar. G's. No. 997-A and A/255-21, dated the 16th May, 1921.]

Government decision.—(I) The cases of all officers held up at an efficiency bar should be reviewed annually with a view to determine 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.

[G.I., H.D. letter No.9/I/42-Ests., dated the 25th April, 1942 and G.I., F.D., endorsement No. D-2919-Ex.II/42, dated the 13th May, 1942, copies received under Ar. G's. endorsement No. 1285-GBE/306-42, dated the 23rd May, 1942.]

(2) A question has been raised whether in the case of a Government servant who is on deputation from one office/department to another, the borrowing authority, which is competent to make substantive appointment against the post which the deputationist holds in the borrowing office/department, can allow him to cross the efficiency bar in the time-scale of pay of the post he was holding in his parent office. It has been decided in consultation with the Establishment Division that in such cases the borrowing authority should consult the lending authority before finally deciding whether or not to allow the Government servant to cross the efficiency-bar.

The preceding para does not apply to cases where a deputationist is allowed a separate time-scale of pay by the borrowing Department for the period of deputation and the stage for crossing the efficiency bar in that time-scale is reached by the deputationist during the period of deputation. In such cases, the borrowing department may, without consulting the lending Department, finally decide whether or not to allow the deputationist to cross the efficiency bar. Should, however, a disciplinary case be proceeding or pending against the deputationist in his parent office, the lending authority should be consulted.

[G.P., M.F., O.M.No.F.3(50)-RI(RWP)/62, dated the 28th February, 1963.]

³⁴Omitted by G.P.M.F. Notification No. 915-RSI/67, dated 06-01-1969.

Audit Instruction.—With reference to a service in which Junior and Senior time-scales are in force, it has been decided that the application of the efficiency bar in the Junior time-scale should not affect an officer's pay in the senior time-scale; he should be paid in the latter scale according to his length of service, unless his pay in such scale is itself affected by the operation of an efficiency bar or by a disciplinary order passed in accordance with the Civil Services (Classification, Control and Appeal) Rules.

[Para. 5, Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

³⁵F. R. 26. The following provisions prescribe the conditions on which service counts for increments in a time-scale:—

- (a) All duty in a post on a time-scale and periods of leave other than extraordinary leave count for increments in that time-scale:—**

Provided that the President shall have power, in any case in which he is satisfied that the leave was taken on account of illness or for any other cause beyond the Government servant's control, to direct that extraordinary leave shall be counted for increments under this clause.

- (b) Service in another post, whether in a substantive or officiating capacity, and service on deputation 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.**
- (c) If a Government servant, while officiating in a post or holding a temporary post on a time-scale of pay, is appointed to officiate in another post or to hold another temporary post which does not carry less pay than the pay of his original post, his officiating or temporary service in that post shall, if he is re-appointed to his original post, count for increments in the time-scale applicable to the original post. The period of officiating service in the other post to which the Government servant is appointed in an officiating or temporary capacity which counts for increment in the original post, is, however, restricted to the period during which the Government servant would have officiated in the original post but for his appointment to the other post. This clause applies also to a Government servant who was not actually officiating in the original post at the time of his appointment to the other post, but who would have so officiated had he not been appointed to the other post.**
- (d) Foreign service counts for increments in the time-scale applicable to:—**

³⁵Revised and substituted by G.P.M.F. Notification No. F.(1)-RI(RWP)/63, dated the 21st May, 1963. This has effect from 21st May, 1963.

- (i) **the post in Government service on which the Government servant concerned holds a lien as well as the post or posts, if any, on which he would hold a lien had his lien not been suspended,**
- (ii) **any post to which he may receive officiating promotion under rule 113 below, for the duration of such promotion, and**
- (iii) **the temporary post in Government service held at the times of proceeding on foreign service, if the Government servant concerned returns to that temporary post.**

Government order.—

While sanctioning the creation of posts of Officer on Special Duty as required in sub-para 1 of the Ministry of Finance Office Memorandum No. 3005-EG.1/52, dated the 7th May, 1952, provision may be made for counting the period of the officer's training against the post of Officer on Special Duty towards increment in the post held by the officer before proceeding on training.

[G.P., M.F., O.M. No.F.8(3)RII(II)/57, dated the 17th April, 1957.]

Government decisions.—

- (1) *See* entry below F. R. 9 (13).
- (2) *Deleted.*
- (3) *Deleted.*
- (4) and (5) *Deleted.*
- (6) *See* item (2) of the Government decisions under S. R. 286-C.

Audit instructions.—(1) *See* item (4) of the Audit Instructions below F.R.9(6) in this Section.

(2) A period of overstayal of leave does not count for increments in a time-scale unless under F. R. 85 (b) it is commuted into extra ordinary leave and under the proviso to F. R. 26 (a) the extraordinary leave is specially allowed to count for increments.

[Para. 6 (ii), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(3) (i) In the case of a Government servant who, while officiating in one post, is appointed to officiate in another, the period of joining time spent in proceeding from one post to the other should be treated as duty in the post, the pay of which the Government

servant draws during the period, and will count for increment in the same post under Fundamental Rule 26 (a).

(ii) In the case of a Government servant who, while officiating in a post, proceeds on training or to attend a course of instruction, and who is treated as on duty while under training 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 instruction if he is allowed the pay of the officiating post during such period.

[Para. 6 (iii), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(4) *Deleted.*

(5) If a probationer is confirmed at the end of a period of probation exceeding twelve months, he is entitled to claim retrospectively the increments which, but for his probation, he would have received in the ordinary course.

[Para. 7, Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(6) The intention of F. R. 26(c) is to allow the concession, irrespective of whether the higher post is within or outside the Department to which the Government servant belongs.

[Para. 8, Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(7) *See* item (6) of the Audit Instructions below F. R. 22 in this Section.

Audit ruling.—Fundamental Rule 26 (c) applies to Provincial Civil Service Officers holding "listed posts".

[Ruling (12), Sec. IV of Compilation of Audit Rulings.]

F. R. 27. An authority may grant a premature increment to a Government servant on a time-scale of pay if it has power to create a post in the same cadre on the same scale of pay.

Government ruling—

The word "post" occurring in Fundamental Rule 27 means a permanent post.

[G.P., M.F., O.M.No.F.3(29)-R.II(I)/55, dated the 22nd July, 1955.]

Government orders.—

(1) In the case of increments granted in advance, it is usually the intention that the officer should be entitled to increments in the same manner as if he had reached his

position in the scale in the ordinary course and in the absence of special orders to the contrary he should be placed on exactly the same footing, as regards future increments as an officer, who has so risen.

[G.I., F.D. No.752-C.S.R., dated the 6th July, 1919.]

(2) The Governor-General has decided that the Government are not prepared to state the reasons for their action under any of the Fundamental Rules when the said rules themselves contain no such conditions or stipulation.

[G.I., F.D., letter No.F-69-R.1/28, dated the 22nd May, 1928.]

Auditor General's decisions.—

(1) In drafting the Fundamental Rules it was clearly recognised that Fundamental Rule 27 would enable initial rates of pay, to be fixed otherwise than in the manner enunciated in Fundamental Rule 22.

[Ar. G's D.O. No.2-A/408-23, dated the 3rd January,1924, to A. G., P. and T.]

(2) The expression "scale of pay" represents the maximum of the scale which is to be taken into account for determining the authority competent to sanction increments rather than the stage of it.

[Letter No.145-A/3-23, from Auditor, Government Sanctions.]

(3) When the Auditor-General sanctions advance increments in future, he will definitely state if it is intended that a full year's benefit should be given, whenever this is not stated in an order, the recipient must serve for a full year on the new rate before he can earn another increment.

[Ar. G's letter No. 730-N.G.F./721-39, dated the 4th April, 1930.]

F. R. 28. The authority which orders the transfer of a Government servant as a penalty from a 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.

Government ruling—

In a case of transfer of a Government servant ordered as a penalty from a higher to a lower grade or post, it has been held, in consultation with the Auditor-General, that the question of protecting the substantive pay, if any, of the Government servant concerned does not arise and it is open to the competent authority to fix the pay in the lower grade or post at an amount lower than his substantive pay in that post.

[G.P., M.F., O.M. No.F.3(57)RI(RWP)/61, dated the 5th October, 1961.]

F. R. 29. If a Government servant is, on account of misconduct or inefficiency, reduced to a lower grade or post, or 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, it shall operate to postpone future increments and if so, to what extent.

Auditor-Generals decision.—Having regard to the principle underlying Fundamental Rule 29, the question as to whether an increment falling due during the period of reduction should or should not be allowed is one necessarily to be decided with reference to the exact terms of the orders of the punishing authority. If the Audit Officer feels any doubt about the intention underlying the orders of the punishing authority, he has simply to ascertain it and act accordingly.

[Ar. G's. U.O. No.917/308-42, dated the 9th December, 1942.]

F. R. 30. *Pay of officiating Government servants.*

(1) Subject to the provisions of Chapter VI, a Government servant who is appointed to officiate in a post shall not draw pay higher than his substantive pay in respect of a permanent post, other than a tenure post, unless the post in which he is appointed to officiate is one of those enumerated in the schedule to this rule or unless the officiating appointment involves the assumption of duties and responsibilities of greater importance than those attaching to the post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended:

Provided that the local Government may exempt from the operation of this rule any service other than an All Pakistan Service which is not organised on a time-scale basis and in which a system of acting promotion from grade to grade is in force at the time of the coming into force of these Rules:

Provided further that the ³⁶President may specify posts outside the ordinary line of a service the holders of which may, notwithstanding the provisions of this Rule and subject to such conditions as the ³⁷President may prescribe, be given any officiating promotion in the cadre of the service which the authority competent to order promotion may decide, and may there upon be granted the same pay (whether with or without any special pay attached to such posts) as they would have received if still in the ordinary line.

(2) For the purpose of this rule, the officiating appointment shall not be deemed to involve the assumption of duties or responsibilities of greater importance if the post to which it is made is on the same scale of pay as the permanent post, other

³⁶Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

³⁷Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended or on a scale of pay identical therewith.

SCHEDULE

- (1) District and Sessions Judges, 1st grade.
- (2) Deleted.
- (3) Selection Grade of the former Indian Police Service.
- (4) Accountants-General, Class I.
- (5) Chief Engineers, former Indian Service of Engineers, State Railways.
- (6) Selection posts of Collectors of Customs on pay of Rs.3,000.
- (7) The following grades in the Telegraph Department:—
 - (a) Deputy Assistant Engineers, [Grade A.]
 - (b) Deputy Assistant Electricians, [Grade A.]
- (8) Deleted.
- (9) Deleted.
- ³⁸(10) Selection Grade of Upper Division Clerks in the Audit Department.
- ³⁹(11) Record Sorters.
- ⁴⁰(12) Selection Grade of Stenographers in the ⁴¹Federal Secretariat and the Attached Departments and Sub-ordinate Offices.
- ⁴²(13) Selection Grade of Section Officers in the ⁴³Federal Secretariat.

³⁸Inserted with effect from the 12th January, 1950.

³⁹Inserted with effect from the 13th October, 1949.

⁴⁰Inserted with effect from the 18th November, 1959.

⁴¹Substituted by Ministry of Law Notification No.F.24(2)/75-Pub., dated 01-8-1975, Gaz. Of Pak., Extra., Pp.435-436, dated 01-8-1975.

⁴²Inserted by G.P., M.F. Notification No.SRO.135(K)/61 [F.I(1)-RI(RWP)/61], dated the 12th January, 1961.

⁴³Substituted by Ministry of Law Notification No.F.24(2)/75-Pub., dated 01-8-1975, Gaz. Of Pak., Extra., Pp.435-436, dated 01-8-1975.

Government decisions.—

(1) It has been brought to notice that some doubt has been felt as to the application of the exception under Fundamental Rule 30 [proviso under revised Fundamental Rule 30 (1)] in the cases of ministerial and other establishments in which there are no grades in the sense in which the word is used in Civil Service Regulations. The exception (proviso) is intended to cover, where necessary, all cases of the grant of acting allowance from one fixed rate of pay to another without change of duty in other than all-Pakistan Services.

[G.I., F.D., No.738-C.S.R., dated the 13th July, 1922.]

(2) The Government have decided that the Fundamental Rules regarding acting allowances should be applied to the Posts and Telegraphs Department as a whole with effect from 1st July, 1922.

[G.I., I. and L. No.74-P.T./23, dated the 17th December, 1924.]

(3) See item (2) of "Government decisions" under F. R. 22.

(4) The Government have decided that higher officiating pay is not permissible to present incumbents in cases where different posts on different scales of pay have been merged into a single time-scale for new entrants.

(This decision has effect from the 11th September, 1936).

[G.I., F.D., Memorandum No.F-24(42)Ex./36, dated the 11th September, 1936 to the Military Adviser-in-Chief, Indian States Forces read with G.I., F.D., letter No.F.15(24)-Ex.I/37, dated the 13th May, 1937, to the A.G., C.R.]

(5) A necessity has arisen for clarifying the position as regards officiating pay admissible under Fundamental Rules 30 and 31 in cases where a Government servant is appointed to officiate in a post and the officiating appointment does not involve the assumption of duties and responsibilities of greater importance than those attaching to the post on which he holds a lien or would hold a lien had his lien not been suspended. It has come to notice that the practice in the matter followed in some outside offices is that the presumptive pay of the post as determined by Fundamental Rule 22 (a) (ii), is allowed as a matter of course under Fundamental Rule 31. This is, however, not the intention behind Fundamental Rule 31 under which the title to presumptive pay is always subject to the provisions of Fundamental Rule 30. According to the latter rule, where the officiating appointment does not involve the assumption of duties and responsibilities of greater importance, it is not permissible for the Government servant to draw pay higher than his substantive pay (if any) in respect of a permanent post. In other words, while the Fundamental Rules are not prohibitive in respect of officiating promotions in such circumstances, they undoubtedly restrict the officiating pay to the substantive pay from time to time, of the Government servant concerned.

The case of a Government servant without a permanent post and therefore having no substantive pay in respect of such a post is, however, different. Fundamental Rule 30 being inapplicable in such cases, he is entitled to have his pay regulated exclusively under Fundamental Rule 31 read with Fundamental Rule 22 (b), but to check any extravagance in officiating pay in such cases it is always open to the competent authority to take resort to the provisions of Fundamental Rule 35.

[G.I., F.D., O. M. No. D./4109-E.I/38, dated the 4th October, 1938.]

(6) The term "Deputy Assistant Engineers" occurring in the Schedule to F. R. 30 may be taken to cover both the Telegraph and Wireless Branches.

[F.O.(C's) letter No. D./2670-P.T./39, dated the 10th July, 1939.]

(7) It has been decided, in consultation with the Auditor General, that the decision not to recognise any difference in duties and responsibilities between posts which have been merged into a single revised scale of pay [vide Government decision (4) above] should have effect only from the 11th September, 1936 (or from the 1st July, 1937 in the case of the Public Works Department) and that higher officiating pay drawn prior to that date in consequence of officiating promotions then permitted should not therefore be regarded as irregular and should be taken into account for the purpose of fixing initial pay under Fundamental Rule 22 on confirmation.

[G.I., F.D., letter No.F-15(96)-Ex./39, dated the 23rd October, 1939.]

(8) Deleted.

(9) Deleted.

(10) *Guiding principle for the working of the Next Below Rule.*—The Governor-General has sanctioned the adoption of the following guiding principle in regard to the working in future of the 'next below' rule.

The intention of the so-called rule was apparently that an officer out of his regular line should not suffer by forfeiting acting promotion which he would otherwise have received had he remained in his regular line. From that it follows that the fortuitous acting promotion of someone junior to an officer who is out of the regular line does not, in itself give rise to a claim under the 'next below rule'. Before such claim is established it should be necessary that all the officers senior to the officer who is out of the regular line have been given acting promotion, and also the officer next below him, unless in any case the acting promotion is not given because of inefficiency, unsuitability or leave. In the event of one of these three bars being applicable to the officer immediately below the officer outside his regular line, some other officer, even more junior should have received acting promotion and the officers, if any, in between should have been passed over for one of these reasons.

[G.I., F.D., Endorsement No.F.27(1)-Ex.1/36, dated the 20th February, 1936 and G.I., F.D., No. F.52/36, Ests., dated the 6thFebruary, 1936.]

(11) The Government have had under consideration the question whether the period spent in the Defence Services by a Government servant who holds substantively a permanent post in Civil employ, and has been granted an Emergency Commission, should on his appointment, on return from Military duty, to a higher post in which he would have officiated for his absence on such duty, be allowed to count for increments in the time-scale of the higher civil post. The Governor-General has now decided that posts in the Defence Services held by permanent Civil officers who have been granted Emergency Commissions shall be specified as posts 'outside the ordinary line of a service' for the purpose of the second proviso to F. R. 30(1). As a result of this decision service rendered by such an officer in the Defence Services will count for increments in a post on a higher scale if he would, but for his appointment in the Defence Services, have officiated in the higher scale post in Civil employ, and provided also that the precedent conditions for the application of the 'next below' rule, as set forth in item (10) of the Government decisions above have been fulfilled.

[G.I., F.D., Endorsement No.F.15(18)-E.I/42, dated the 7th November, 1942.]

(12) The Governor-General has decided that posts in the Defence Services held by permanent civil officers, who, being officers of the Army Reserve of Officers have been called out to Military service, shall also be specified as posts "outside the ordinary line of a service" for the purpose of the second proviso to Fundamental Rule 30 (1).

[G.I., F.D., Endorsement No.F.15(18)-Ex.1/42, dated the 28th July, 1943.]

(13) *Deleted.*

(14) The restriction contained in item (4) of the Government decisions above does not apply to the posts enumerated in the Schedule to this Rule.

[G.I., F.D., (Communication Branch) letter No. D/21-30 P.T./38, dated the 10th June, 1938.]

(15) The 'next below rule' was a temporary expedient designed to protect Government servants from monetary loss and in effect meant the temporary upgrading of posts. It was originally intended that the expediency should not last more than six months in individual cases. Whatever may have been the advantage in the past to leave a man undisturbed in the post held by him, if the exigencies of the public service required it, the need for such considerations does not exist at present. It is the considered opinion of this Ministry that the concession of the 'next below rule' should not be permitted, except in very exceptional circumstances and that too for very short periods. It has been decided, therefore, that the cases wherein the benefit of the 'next below rule' has been conceded should be reviewed forthwith. The Ministries/Divisions, etc., should take steps either to

obtain the approval of the Ministry of Finance for the continuance of that benefit or to revert the Government servant concerned to his parent office.

[M.F., O.M. No.1196-Reg./47, dated the 7th December, 1947.]

(16) A question was raised whether for the purpose of F. R. 30 appointment to the selection grade of a cadre involves the assumption of duties and responsibilities of greater importance than those attaching to posts in the ordinary grade of that cadre. The position in ordinary grade and the selection grade are two grades of one and the same post. Promotion of a person from the ordinary grade to the selection grade of a grade does not mean a change of posts and consequently does not involve assumption of duties and responsibility of greater importance for the purpose of F. R. 30.

[Govt. of Pakistan, Ministry of Finance, O.M.No.2(47)RII(I)/54, dated the 13th June, 1955.]

(17) A permanent ministerial Government servant who is temporarily transferred from one office to another in the public interest should be considered for promotion to a higher grade in his parent office as and when a vacancy occurs in the higher grade and if he is selected for promotion in accordance with the relevant rules, he should be appointed *pro-forma* to the higher grade so that when he reverts to his parent office he can count, for seniority and increments in the higher grade, the period for which he remained on deputation. No monetary benefit in respect of his *pro-forma* promotion in the parent office shall be allowed to him while he is on deputation. *Pro-forma* promotion in such cases should be made with effect from a date determined in accordance with the 'next below rule' and not from any earlier date.

[G.P., M.F., O.M.No.F.1(5)-RI-(RWP)/62, dated the 21st April, 1962.]

Audit Instructions.—

(1) (i) It is not intended that 'outside the ordinary line of a service' in the second proviso to clause (1) of Fundamental Rule 30 should be rigidly interpreted either as 'outside the cadre of a service' or as 'outside the ordinary time-scale.' The form of words adopted was designed to allow the Government to exercise their discretion in regard to cases where exceptional circumstances which could not be foreseen and provided for by rule, might arise.

(ii) The specification of a post under this proviso will enable a Government servant to count service in that post for increment in the grade in which he would have officiated had he not been holding the specified post.

[Para 9, Chapter IV, Sec. I of Manual of Audit Instructions (Reprint).]

(2) Though no change of duties is involved, deputation pay in England may be enhanced on account of officiating promotion in Pakistan.

(3) A declaration by a local Government that a particular post involves more important duties or duties of a different character justifies the grant of officiating pay to a Government servant appointed to the post from another post in the same cadre.

Auditor-General's decision.—The words "duties" and "responsibilities" used in Fundamental Rule 30 are to be interpreted in a wide sense as including besides the work to be performed the general responsibilities and liabilities incidental to being member of a particular service.

[Ar. G's. No.3971-Rs.76-23, dated the 13th September, 1923.]

F. R. 31. Subject to the provisions of rules 26 (c), 30 and 35 a Government servant officiating in a post will draw the presumptive pay of that post provided that, except in the case of a Government servant whose appointment to the post in which he is officiating was made on his own request under rule 15 (a), if the presumptive pay of the permanent post on which he holds a lien or would hold a lien had his lien not been suspended, should at any time be greater than the presumptive pay of the post in which he officiates, he will draw the presumptive pay of the permanent post.

Government decisions.—

(1) *Deleted.*

(2) *See Government decision No. (5) below Fundamental Rule 30*

(3) It has come to the notice of the Government that a Government servant while officiating in a higher post took regular leave for a short period and thus reverted to his substantive post, in which, during the leave, an increment accrued to him which raised his substantive pay so as to equal the pay he was drawing in his officiating post. As under Fundamental Rule 31 officiating pay has to be fixed on each occasion of appointment to a higher post carrying greater responsibility the Government servant on re-appointment to the higher post on return from leave was able to get the benefit of the next stage in the time scale of that post, which he would not have got had he continued to officiate without a break. The Government consider that the automatic fixation in such cases of officiating pay at a rate higher than that drawn on a previous occasion, which the rule allows, is not justifiable, and that in these cases the powers conferred by Fundamental Rule 67 or 35 could reasonably be exercised. For instance, if the competent authority feels that the Government servant who in the normal course would continue to officiate in a higher post has applied for a short period of regular leave with the deliberate intention of getting the benefit of the increment accruing to him in his substantive scale of pay during the leave for the fixation of his pay in the officiating post on his reappointment to it, it will be for the consideration of that authority whether the leave applied for should not be refused under F. R. 67. If, on the other hand, the effect of the leave on the Government servant's officiating pay on subsequent reappointment to the higher post is not realised at the time, or the competent authority is satisfied that the leave applied for is really necessary or even if a short break in officiating service occurs in the natural course of events, the power

conferred by F. R. 35 to reduce the officiating pay may quite reasonably be exercised so as to limit the officiating pay on re-appointment to the higher post to what the Government servant would have drawn had he continued to officiate without a break.

[Government of India, F.D. letter No.F.2(7)-R1/35, dated the 23rd May,1935 as re-issued with the Government of Pakistan's Memorandum No.2(18)-RIII/54, dated the 11th March, 1954.]

Audit Instructions.—

(1) The pay of a Government servant officiating in a post the pay of which is subject to increase upon the passing of an examination or upon the completion of a certain period of service is the pay which he would, from time to time, receive if he held the post substantively.

[Para. 10(i), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(2) The pay of a Government servant officiating in a post the pay of which has been reduced with effect from the next succession thereto is the reduced pay.

[Para. 10(ii), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint)]

F. R. 32. Deleted. [With effect from the 18th March, 1930].

F. R. 33. When a Government servant officiates in a post the pay of which has been fixed at a rate personal to another Government servant a local 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.

Audit Instruction.—If a Government servant, who is personally qualified to draw overseas pay, is appointed to officiate in a post on a time-scale, the pay of which is fixed personally for the substantive holder of the post and includes sterling overseas pay, the lowest stage in the time-scale, for the purposes of F. R. 33, is the minimum of the time-scale, plus the sterling overseas pay included in the pay fixed personally for the substantive holder of the post. A local Government is, therefore, competent to grant to such officiating Government servants the sterling overseas pay included in the pay fixed personally for the substantive holder of the post.

[Para. 11, Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

F. R. 34. Deleted. [With effect from the 18th March, 1930].

F. R. 35. A local Government may fix the pay of an officiating Government servant at an amount less than that admissible under these rules.

Government decision.— In a case in which a local Government issued orders of a general nature under F. R. 35, restricting the officiating pay of Government servants to an increase equal only to a certain percentage of the minimum pay of the higher post, it was pointed out that reading this rule with the rules substantively regulating the rate of officiating pay and in particular with F. R. 31, it is clear that the power conferred by F. R. 35 is not exercisable save by a special order passed in an individual case and on a consideration of the facts of that case. A general order purporting to oust universally the operation of F. R. 31 would be *ultravires* of F. R. 35. It was also held that although the practice of passing ostensibly special orders on every individual case would not be *ultravires* of F. R. 35, it would constitute the grossest possible fraud thereon.

[G.I., F.D., Letter No.F.9(5)-R/I-33, dated the 28th March, 1933.]

Audit Instructions.—

(1) One class of cases falling under this rule is that in which a Government servant merely holds charge of the current duties and does not perform the full duties of the post.

[Para. 12(i), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(2) See item (6) of the Audit Instructions below F. R. 22 in this Section.

F. R. 36. A local Government may issue general or special orders allowing acting promotions to be made in the place of Government servants who are treated as on duty under rule 9 (6) (b).

Government orders—

(1) *Deleted.*

(2) The Government have delegated to the Auditor-General the power to authorize non-gazetted Government servants in his office, or in the offices under his control, to undergo a course of training or instruction in any office, whether in the Audit Department or outside it. They are also pleased, under Fundamental Rule 36, to allow officiating arrangements to be made in place of Government Servants authorized to undergo a course of training under these orders.

[G.I., F.D., No.3379-F.E., dated the 29th November, 1924.]

(3) *Deleted.*

(4) Acting promotions may be made in the place of Government servants undergoing training in the Army Reserve of Officers and the Territorial Force, who are treated during the period of training as on duty, for the purpose of civil leave and for increments of civil pay.

[G.I., F.D., Memo. No.F.60-R.I/28, dated the 30th April, 1928, and G.I., F.D., No. F-III.R. I/30, dated the 16th August, 1930.]

(5) *Deleted.*

(6) *Deleted.*

F. R. 37. Personal pay.—Except when the authority sanctioning it orders otherwise, personal pay shall be reduced by any amounts by which the recipient's pay may be increased, and shall cease as soon as his pay is increased by an amount equal to his personal pay.

⁴⁴**F. R. 38. Deleted.**

F. R. 39. Pay of temporary posts.—When a temporary post is created which may have to be filled by a person not already in Government service, the pay of the post shall be fixed with reference to the minimum that is necessary to secure the services of a person capable of discharging efficiently the duties of the post.

F. R. 40. When a temporary post is created which will probably be filled by a person who is already a Government servant, its pay should be fixed by the local Government with due regard to:—

- (a) **the character and responsibility of the work to be performed, and**
- (b) **the existing pay of Government servants of a status sufficient to warrant their selection for the post.**

Government orders.—

(1) * * * Although it has been incorrect since the Fundamental Rules superseded the Civil Service Regulations to refer to officials holding temporary posts created for special purposes outside the regular line of their service as being on "deputation" or "on special duty" recommendations are still commonly made in the obsolete terms of the Civil Service Regulations; and these terms are accordingly used for convenience in this order. All such posts are now technically temporary posts added to the cadre of the holder's service; and the rule governing the fixation of pay for the holder is Fundamental Rule 40. The correct method is to fix a consolidated pay split up, if convenience so dictates, into rupee and sterling elements. Possibly through the influence of Fundamental Rules 22 and 30, before they were amended in March 1930 to eliminate their unintentional extravagance of enhanced pay for mere change in the character of duties performed, the tendency has gradually grown up of sanctioning enhanced pay for all posts temporarily created outside the ordinary line with scant regard to the provisions of Fundamental Rule 40. It has

⁴⁴ Deleted with effect from the 21st May, 1958 by G.P.,M.F., Notification No.F.9(1)-R11(RWP)/62, dated 18-5-62.

accordingly been ordered that the following principles should strictly be observed in fixing pay of such posts:—

(i) A Government servant placed on "special duty" or "on deputation" should have the pay of his temporary post fixed at what his pay would have been from time to time in the regular line had he not been so deputed.

Note.—If the sanctioning authority is satisfied that a Government servant, so deputed would otherwise have been advanced very shortly afterwards to a post carrying higher pay than that which he was drawing at the time his "special duty or deputation" begins and would continue to hold such a post for approximately the same period as his temporary post is expected to last, it may take this fact into account and fix a uniform pay throughout the period.

(ii) The sole criterion for sanctioning enhanced pay in such cases is proof of a decided increase of work or responsibility in comparison, with the duties of the post which the Government servant would otherwise occupy in the regular line. Where the test of comparative responsibility is not practicable Fundamental Rule 40 may be followed.

(iii) Any extra remuneration sanctioned because of such increased work or responsibility should in no case exceed, without the special sanction of Ministry of Finance, one-fifth of substantive pay or Rs.10 a day whichever is less.

Government servants deputed to posts substantially parallel in work and responsibility to the posts which they would otherwise have occupied should receive no increase in pay, though the peculiar circumstances in which their duty is to be performed may justify reasonable compensatory allowances. An excellent example of this type will be found in the personnel deputed to Committees and Commissions. Government servants deputed as members of Committees and Commissions will ordinarily be performing no more responsible duties than they would have performed had they remained in the ordinary line of their service; and it is only in exceptional cases that any extra remuneration can be justified. The foregoing principles may, however, have to be relaxed in exceptional cases, where having regard to the importance of the duties, it is necessary to secure officers with special qualifications on special terms.

[G.I., F.D., Memo. No.F.13-XIX-Ex.I/31, dated the 7th January, 1932.]

(2) As the fixation of a consolidated rate of pay of temporary posts has on some occasions led not to economy but to extravagance, the orders contained in item (1) above are amplified and restated as follows:—

Temporary posts may be divided into categories—posts created to perform the ordinary work for which permanent posts already exist in a cadre, the only distinction being that the new posts are temporary and not permanent, and isolated posts created for the performance of special tasks unconnected with the ordinary work which a Service is called upon to perform. An example of the latter type of post would be a post on a

Commission of Enquiry. A distinction by strict verbal definitions is difficult, but in practice there should be little difficulty in applying the distinction in individual cases. The former class of post should be considered to be a temporary addition to the cadre of a service whoever may be the individual appointed to the post. The power of authorities to create such a post will therefore depend on the provision of the Civil Services (Classification, Control and Appeal) Rules read with the provision contained in the Book of Financial Powers. The latter class of temporary post should be considered as unclassified and isolated *ex-cadre* posts the power to create which will depend upon the provisions contained in the Book of Financial Powers.

2. Temporary posts which by this criterion should be considered as temporary additions to the cadre of a Service should be created in the time-scale of the Service ordinarily without extra remuneration. Incumbents of the posts will therefore draw their ordinary time-scale pay. If the posts involve decided increases in work and responsibility in comparison with the duties of the parent cadre generally, it may be necessary to sanction a special pay in addition.

3. For isolated *ex-cadre* posts it may occasionally be desirable to fix consolidated rates of pay. Where, however, the post is to be held by members of a Service it will ordinarily be preferable also to create the post in the time-scale of the holder's service.

[G.I., F.D., Office Memorandum No. F.27 (34)-Ex. 1-36, dated the 5th December, 1936.]

(3) See item (6) of the Government decisions below Fundamental Rule 114.

(4) It has been brought to notice that Ministries and Divisions frequently sanction "deputation allowance" for Government servants without specifying the reason for the allowance.

At the outset it may be stated that the term "deputation allowance" has not been used in the F. R.s and under those rules special duty or "deputation within Pakistan" is not recognised *vide* Audit instruction below F. R. 40. Such cases are correctly described as cases of temporary transfer. The use of the term "deputation allowance" to denote an addition to pay or an allowance granted to a Government servant on his transfer from one department to another is technically incorrect and not recognised under the F. Rs. The position under these rules is that:—

- (1) if on transfer from one department to another a Government servant is appointed to a post for which pay and allowances have already been fixed he should, ordinarily, draw the pay and allowances attached to the post;
- (2) if he is transferred for temporary duty against a temporary post created for him, the pay of the post has to be fixed in accordance with the principles laid down in F. R. 40 and the Government orders below that rule;

- (3) if it is not considered necessary to fix the pay of the post the officer who is placed on temporary duty draws his own pay but if the duty involves the considerations mentioned in F. R. 9(25), a suitable special pay is sanctioned to him;
- (4) if, however, the transfer does not attract the provisions of F. R. 9(25) but the grant of a compensatory allowance is justified, e.g., where an officer has to incur extra expenditure due, for instance, to the expensiveness or remoteness of the locality to which he is transferred a suitable compensatory allowance is granted.

The classification of the additional remuneration, in either of the last two cases, would depend on the reasons for which it is sanctioned.

The position stated above may be kept in view while sanctioning additions to emoluments on transfers of Government servants. The terminology used in the sanctions should be strictly in accordance with the terms recognised under the F. R.s and the reasons for which additions to emoluments are sanctioned should invariably be specified in the sanction letter.

[G.P., M.F., O.M. No.F.3(34)-RII(I)/58, dated the 15th August, 1958.]

Audit Instruction.—Under the Fundamental Rules, special duty or deputation in Pakistan will not be recognised. A temporary post will be created for the performance of that duty. If the special duty is to be undertaken in addition to the ordinary duties of the Government servant, then F. R. 40 and 49 will apply.

[Para. 3, Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

F. R. 41. Cancelled. [With effect from the 1st April, 1924.]

F. R. 42. Deleted. [By G.I., F.D., Notification No.F.10(18)R.I./34, dated the 12th December, 1935.]

F. R. 43. Deleted. [By G.I., F.D., Notification No.10(18)-R.I./34, dated the 12th December, 1935.]

CHAPTER V.—ADDITIONS TO PAY.

F. R. 44. Compensatory allowances.— Subject to the general rule that the amount of a compensatory allowance should be so regulated that the allowance is not on the whole a source of profit to the recipient, a local Government may grant such allowances to any Government servant under its control and may make rules prescribing their amounts and the conditions under which they may be drawn.

[For rules made under Fundamental Rule 44, see Supplementary Rules 5—8 and 17—195.]

Government orders.—

- (1) *Deleted.*
- (2) *Deleted.*
- (3) *Deleted.*
- (4) *See item (4) of Government Orders under F. R. 40.*

Audit Instructions.—

(1) No revision of claims of travelling allowance is permissible in cases where a Government servant is promoted or reverted or is granted an increased rate of pay with retrospective effect, in respect of the period intervening between the date of promotion or reversion or grant of increased rate of pay and that on which it is notified unless it is clear that there has been an actual change of duties.

[Para. 1(i) Chap. V., Sec. I of Manual of Audit Instructions (Reprint).]

(2) Hill allowances fall under "compensatory allowances". Local Governments have powers to sanction them under Fundamental Rule 44.

[Para. 1(ii), Chap. V, Sec. I of Manual of Audit Instructions (Reprint).]

- (3) *Deleted.*

Auditor Generals decisions.—

(1) The Auditor General has ruled that in accordance with F. R. 44 the Central Government (in the case of the Central Government officers) may first specify rates and conditions and then permit subordinate authorities to grant compensatory allowances subject to the maximum rates and to those conditions.

[A. G., P. and T's. letter No.Mis.358/H-33(a), dated the 16th May, 1927.]

(2) A question was raised whether the word "control" occurring in F.R. 44 denotes "rule-making control" or "administrative control". It was held by the Comptroller and Auditor General to which Government also agreed that powers under F. R. 44 were delegated to the local Government in pursuance of the provisions of F. R. 4. The word 'control' occurring in F. R. 44 accordingly means "administrative control" and not "rule-making control".

[Auditor General's U. O. No.365-A/66-58, dated the 6th November, 1958.]

F. R. 45. A local Government may make rules or issue orders laying down the principles governing the allotment to officers serving under its administrative control, for use by them as residences, of such buildings owned or leased by it, or such portions thereof, as the local Government may make available for the purpose. Such rules or orders may lay down different principles for observance in different localities or in respect of different classes of residences, and may prescribe the circumstances in which such an officer shall be considered to be in occupation of a residence.

[For rules made under Fundamental Rule 45, See Supplementary Rules 311 to 317.]

Audit Instructions.—

(1) 1. With effect from the 1st April 1932, non-military Government servants paid from ⁴⁵Federal (Civil) Revenues when occupying military buildings, the property of the Defence Department, will pay the assessed rent under military rules subject to a maximum of ten per cent. of their emoluments as defined in F. R. 45-C.

(2). The Military Engineer Services will forego any difference between the actual assessed rent of the building and the rent recovered from the occupier.

3. No recovery will, however, be made by the Defence Department from the ⁴⁶Federal (Civil) Revenues on account of accommodation provided under official arrangements to an individual entitled to free-quarters under Civil rules.

[Para. 2 (i), Chap. V, Sec. I of Manual of Audit Instructions (Reprint).]

(2) *Recovery of rent from Government servants paid from Defence Services Estimates, when occupying buildings, the property of the ⁴⁷Federal (Civil) Government.—*
1. With effect from the 1st April, 1932, Civil and Military Government servants paid from Defence Services Estimates will pay the standard rent, subject to a maximum of ten percent. of their salary, on the same terms as apply under F. R. 45-A, to Government servants paid from the ⁴⁸Federal (Civil) Estimates.

3. The 'salary' referred to in the preceding paragraphs will be:—

(a) the 'salary' as defined in the Note to paragraph 49, Regulations for the Military Engineer Services, in the case of Military Officers;

⁴⁵Substituted by Ministry of Law Notification No.F.24(2)/75-Pub., dated 01-8-1975, Gaz. Of Pak., Extra., Pp.435-436, dated 01-8-1975.

⁴⁶Substituted by Ministry of Law Notification No.F.24(2)/75-Pub., dated 01-8-1975, Gaz. Of Pak., Extra., Pp.435-436, dated 01-8-1975.

⁴⁷Substituted by Ministry of Law Notification No.F.24(2)/75-Pub., dated 01-8-1975, Gaz. Of Pak., Extra., Pp.435-436, dated 01-8-1975.

⁴⁸Substituted by Ministry of Law Notification No.F.24(2)/75-Pub., dated 01-8-1975, Gaz. Of Pak., Extra., Pp.435-436, dated 01-8-1975.

- (b) the 'salary' as defined in paragraph 52 (a), Regulations for the Military Engineer Services, in the case of military subordinates, etc.
- (c) the 'emoluments' as defined in F. R. 45-C, in the case of all Civilians in Military employ.

4. The Civil estimates will forego any difference between the actual standard rent of the building and the rent recovered from occupier.

5. No recovery will, however, be made by the Public Works Department from the Military estimates on account of rent of accommodation provided under official arrangements to individual entitled to free quarters under Military rules.

(Para. 2 (ii), Chap V, Sec. I of Manual, of Audit Instructions (Reprint).]

(3) The following procedure should be observed regarding recovery of rent for residential accommodation from officers of the ⁴⁹Federal Government Departments and Provincial Governments for whom residential accommodation is provided by Railway Administrations and also regarding the recovery of rent from railway officers occupying residential accommodation belonging to ⁵⁰Federal Government Departments and Provincial Governments:—

- (a) *Railway quarters specifically constructed for Defence, Police and Posts and Telegraphs Departments.*

The provisions of Railway Department (Railway Board) Circular letter No. 932-W., dated the 10th October 1936, will apply in these cases.

- (b) *State Railway quarters occupied by officers of the Defence, Posts and Telegraphs and other⁵¹Federal Departments by mutual arrangement.*

These will be governed by the Civil rules i. e., F. R. 45-A, subject to the condition that the occupant will be exempted from the payment of rent if he is entitled to such exemption under the rules of his department.

- (c) *State Railway quarters occupied by Civil servants of West Pakistan Government by mutual arrangement.*

The rent will be limited to 6 per cent, on the capital cost, excluding cost of land, subject to 10 per cent. of pay.

⁴⁹Substituted by Ministry of Law Notification No.F.24(2)/75-Pub., dated 01-8-1975, Gaz. Of Pak., Extra., Pp.435-436, dated 01-8-1975.

⁵⁰Substituted by Ministry of Law Notification No.F.24(2)/75-Pub., dated 01-8-1975, Gaz. Of Pak., Extra., Pp.435-436, dated 01-8-1975.

⁵¹Substituted by Ministry of Law Notification No.F.24(2)/75-Pub., dated 01-8-1975, Gaz. Of Pak., Extra., Pp.435-436, dated 01-8-1975.

- (d) *State Railway quarters occupied by Civil servants of East Pakistan Government.*

The provisions of Railway Board Circular letter No. 932-W dated the 10th October 1936, will apply in these cases.

- (e) *Defence and Posts and Telegraphs Department quarters specially constructed for Railway employees.*

In such cases the standard rent according to the rules of those departments should be paid.

- (f) *Defence, Posts and Telegraph and other 52Federal Departments' quarters occupied by Railway employees by mutual arrangement.*

In these cases Civil rules will apply, i.e., F. R. 45-A, and the Railway employee will be exempted from payment of rent, if he is entitled to such exemption under Railway rules.

- (g) *Quarters belonging to West Pakistan Government occupied by railway employees by mutual arrangement.*

In these cases Civil rules will apply, i. e., 6 per cent, on capital cost excluding the cost of land subject to 10 per cent. of pay.

- (h) *Quarters belonging to East Pakistan Government occupied by Railway servants.*

In these cases full assessed rent will be paid.

[Para. 2(iii), Chap. V, Sec. I of Manual of Audit Instructions (Reprint) as inserted by correction slip No. 4, dated the 1st April, 1938.]

(4) The ⁵³Federal Government and the Government of West Pakistan have mutually agreed that, when an officer of one Government occupies by official arrangement, a residence provided by the other Government, the latter Government will claim no more than the rent which would be recoverable from the officer if he were serving under its administrative control. In other words, neither Government will be called upon to make good to the other the difference between the standard rent and the rent actually recovered.

⁵²Substituted by Ministry of Law Notification No.F.24(2)/75-Pub., dated 01-8-1975, Gaz. Of Pak., Extra., Pp.435-436, dated 01-8-1975.

⁵³Substituted by Ministry of Law Notification No.F.24(2)/75-Pub., dated 01-8-1975, Gaz. Of Pak., Extra., Pp.435-436, dated 01-8-1975.

The term 'residence' occurring above does not apply to a house requisitioned by Government. In case a requisitioned house is provided by one Government to the employee of the other Government the difference between the rent fixed for the requisitioned house and the rent actually recovered from the officer concerned should be paid by the Government to whom the officer belongs.

A requisitioned house should not be provided by one Government to the employee of the other Government without the prior consent of the latter Government.

[Para 4(1) in Chap. V, Sec. I of Manual of Audit Instructions (Reprint).]

Auditor General's decision.—All District Magistrates and Commissioners of a particular local Government having been provided with armed guards for their protection, it was found necessary in some cases to erect quarters for them within the compound of the residences allotted to the officers. As the cost of housing of these guards is to be borne by the Provincial Police Department, the question arose whether the cost of erection of these quarters could not be excluded from the capital cost of the residences for the purpose of calculating the standard rent to be recovered from the officer concerned. It was held that Fundamental Rule 45 gives local Government the power to exclude the cost of the quarters under reference from the capital cost of the residences for the purpose of fixing standard rent.

[Ar. G's. letter No.T-863-Adm. II/247-32, dated the 19th July, 1932, to A.G., U. P.]

F. R. 45-A.—I. This rule applies with effect from the 1st April 1924, to the members of Services and to Government servants holding the posts included in the Schedule to this rule, and to Government servants who hold in a substantive capacity posts borne on the cadre of services included therein.

II. For the purpose of the assessment of rent, the capital cost of a residence owned by Government shall include the cost or value of sanitary, water supply and electric Installations and fittings, but exclude the cost or value of the site (including expenditure on its preparation); and shall be either:—

- (a) the cost of acquiring or constructing the residence and any capital expenditure incurred after acquisition or construction; or, when this is not known,**
- (b) the present value of the residence.**

NOTE.—The cost of restoration or special repairs shall not be added to capital cost or present value, unless such restoration or repairs add to accommodation or involve replacement of the existing type of work by work of more expensive character.

Provided that—

- (i) a local Government may make rules providing the manner in which the present value of residences shall be determined;
- (ii) a local Government may make rules determining what expenditure is to be regarded, for the purpose of sub-clause (a) above, as expenditure upon the preparation of a site;
- (iii) a local Government may, for reasons which should be recorded, authorise a revaluation of all residences of a specified class or classes within a specified area to be conducted under the rules referred to in proviso (i) above, and may revise the capital cost of any or all such residences on the basis of such revaluation;
- (iv) the capital cost, howsoever calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged direct to the work in cases in which the residence was constructed by Government, or (2) in other cases, the estimated amount of such charges;
- (v) a local Government may, for reasons which should be recorded, write off a specified portion of the capital cost of a residence—
 - (1) When a portion of the residence must be set aside, by the officer to whom the residence is allotted, for the reception of official and non-official visitor visiting him on business, or
 - (2) When it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided;
- (vi) in assessing the cost or value of the sanitary, water supply and electric installations and fittings, a local Government may by rules determine what are to be regarded as fittings for this purpose.

III. The standard rent of a residence shall be calculated as follows:—

- (a) In the case of leased residences the standard rent shall be the sum paid to the lessor *plus* an addition determined under rules which a local Government may make, for meeting, during the period of lease, such charges for both ordinary and special maintenance and repairs and for capital expenditure on additions or alterations as may be a charge on Government and for the interest on such capital expenditure, as also for

municipal and other taxes in the nature of house or property tax payable by Government in respect of the residence.

- (b) In the case of residences owned by Government, the standard rent shall be calculated on the capital cost of the residence, and shall be either—
- (i) a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by the ⁵⁴President *plus* an addition for municipal and other taxes * [in the nature of house or property tax payable by Government in respect of the residence] and for both ordinary and special maintenance and repairs such addition being determined under rules which a local Government may make, or
 - (ii) ⁵⁵[twelve and half] per cent per annum of such capital cost, whichever is less.
- (c) In both cases standard rent shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual rent as calculated above, subject to the proviso that, in special localities or in respect of special classes of residence, a local Government may fix a standard rent to cover a period greater than one month but not greater than one year. Where a local Government takes action under this proviso standard rent so fixed shall not be a larger proportion of the annual rent than the proportion which the period of occupation as prescribed under Rule 45 above bears to one year.

NOTE 1.—For the purposes of sub-clauses (a) and (b) above, the addition for both ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges, except to the extent allowed under provision (iv) to clause II.

NOTE 2.—A local Government may by rule permit minor additions and alteration, the cost of which does not exceed a prescribed percentage of the capital cost of the residence to be made during such period as the rule may determine, without the rent of the residence being increased.

IV. When Government supplies an officer with a residence leased or owned by Government, the following conditions shall be observed:—

⁵⁴Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lagis., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

⁵⁵In F. R. 45A, in paragraph III.in clause (b) in sub-clause (ii), for the figure "6" the words "twelve and half" substituted by Finance Division Notification No.F.3(1)-R-12/82-707/83, Islamabad, the 27thJune. 1983.

- (a) **The scale of accommodation supplied shall not, except at the officer's own request, exceed that which is appropriate to the status of the occupant.**
- (b) **Unless in any case it be otherwise expressly provided in these rules, he shall pay—**
- (i) **rent for the residence such rent being the standard rent as defined in clause III above or ⁵⁶5 per cent, of his monthly emoluments, whichever is the less; and**
 - (ii) **municipal and other taxes payable by Government in respect of the residence not being in the nature of house or property tax.**
- (c) **Nothing contained in clause (b) above shall operate to prevent a local Government from—**
- (i) **grouping, after the standard rents have been calculated under the provisions of clause III above, a number of residences, whether in a particular area of a particular class or classes, for the purpose of assessment of rent, subject to the following conditions being fulfilled:—**
 - (1) **that the basis of assessment is uniform; and**
 - (2) **that the amount taken from any officer shall not exceed 10 per cent. of his monthly emoluments;**
 - (ii) **taking a rent in excess of that prescribed in sub-clause (b) above from an officer—**
 - (1) **who is not required or permitted to reside on duty at the station at which the residence is supplied to him, or**
 - (2) **who, at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him, or**
 - (3) **who is in receipt of a compensatory allowance granted on account of dearness of living, or**
 - (4) **who is permitted to sub-let the residence supplied to him, or**

⁵⁶Modified vide Finance Division O.M. No. F.1 (1) Imp-1/77, dated 28-04-1977.

(5) who sub-lets without permission the residence supplied to him.

V. In special circumstances for reasons which should be recorded, a local Government—

- (a) may, by general or special order, grant rent free accommodation to any officer or class of officers, or
- (b) may, by special order, waive or reduce the amount of rent to be recovered from any officer, or
- (c) may, by general or special order, waive or reduce the amount of municipal and other taxes, not being in the nature of house or property tax, to be recovered from any officer or class of officers.

VI. If a residence is supplied with services, other than water supply, sanitary or electric installations and fittings, such as furniture, tennis court, or garden maintained at the cost of Government, rent shall be charged for these in addition to the rent payable under clause IV. The tenant will also be required to pay the cost of the water, electric energy, etc., consumed. A local Government may make rules prescribing how the additional rents and charges shall be determined, and such rules may also authorise the remission or reduction of the additional rent or charge in special circumstances for reasons which should be recorded.

VII. A Local Government may by rule prescribe that this rule shall apply, with effect from any date not earlier than the first of April 1924, to any Government servant or class of Government servants other than those mentioned in the rule.

SCHEDULE

(Not printed)

[For rules made under Fundamental Rules 45-A, see Supplementary Rules 318-326].

Government orders.—

(1) The Governor-General has extended the operation of F. R. 45-A to all Government servants under his administrative control not already included in the Schedule to F. R. 45-A.

(G.I., F.D., Letter No. D/199-A, dated the 30th March, 1929.)

(2) *Deleted.*

(3) The Governor-General has decided that the cost of the electric energy consumed by the electric lifts should be recovered on a floor area basis from the Commercial Departments occupying the building. The tenants of the residential flats will be exempt from payment of any charges for the electric energy consumed by the lifts.

[These orders take effect from the 18th January, 1940.]

[G.I., F.D., Endorsement No.F-2(8) Ex.1/40, dated the 31st January, 1940.]

Government decisions.—

(1) For the purpose of assessing rent the Government have decided that the time of construction should be taken as the date on which the accounts of the estimate for the construction of the residence are closed.

[G.I., F.D., No.1061 E.B., dated the 4th September, 1922.]

(2) Fundamental Rules 45 (c) (i) [corresponds to clause IV (c) (i) of new F. R.s 45 A and 45B] does not provide for the exclusion from the calculation of any house in the particular area chosen. The idea underlying the paragraph was that higher paid officers might make up for any loss which was incurred by Government as far as the rents of residences of lower paid officers were concerned.

[G.I., F.D., No.F-2 C.S.R./25, dated the 7th January, 1925.]

(3) The Government have decided that the whole deduction on account of house-rent from officers in receipt of sterling overseas pay should be made in Pakistan and that sterling overseas pay should be converted into rupees at the current rate (uniform rate) of exchange mentioned in Article 343, Account Code (Now Art. 229, Account Code, Vol. IV, 1940 Edition) for the purpose of calculating house rent if the amount of house rent due has to be determined with reference to pay of the occupier.

[Ar. G's No.108 Admn./K.W.621-24, dated the 24th January, 1925.]

(4) The Governor-General has decided that where garage is provided for a particular residence (whether within or without the compound or premises), its capital cost should be included in the capital cost of the residence for the purpose of assessment of the standard rent. Where this condition is not fulfilled, rent for the garage should be charged separately.

[G.I., F.D., Endorsement No. F.II(48)-Ex. 1/39, dated the 25th September, 1939.]

(5) Under clause V of F, R. 45-A, the Governor-General has decided that, so far as servants under the administrative control of the Governor-General are concerned, the concession of rent-free quarters will in future be complete, that is, no additional charge will normally be made in respect of sanitary, water supply and electric installations.

[G.I., F.D., letter No.F-3-VII-R.I/28, dated the 7th June, 1928.]

(6) With a view to simplifying the method of calculation of the standard rent of residential buildings of the Posts and Telegraphs Department first occupied after the 1st April, 1929, from which date the new Fundamental Rule 45-A was extended to all officials of the Department, the Governor-General is pleased to decide that until further notice the uniform rate of 6 per cent, on the Capital cost of all such buildings, as laid down in Fundamental Rule 45A III (b) (ii), should be adopted for the assessment of standard rent.

[G.I., F.D., Endorsement No. Misc./B.S.-236/30, dated the 23rd March, 1931.]

(7) *Deleted.*

(8) *Government decision below clause IV (b) (ii) of this Rule.*—See Government decision below clause IV (b) (ii) of Fundamental Rule 45-A in the book. "Fundamental Rules applicable to Secretary of State's Officers."

[G.I., F.D., letter No.F.8(5)-Ex. I/38, dated the 5th April 1938.]

(9) It has been decided by the Government that, if quarters belonging to the Railway, Defence, Posts and Telegraphs, or other Central Government Departments are by mutual arrangement occupied by the employees of a Department other than that which owns the building, the owner's share of Municipal taxes (i. e., taxes which are in the nature of the house or property tax) should be included in the rent of the building. Where the occupier's share of Municipal taxes and the charges for consumption of light, water, etc., are paid to the Municipality by the Department owning the building these charges should be recovered by that Department from the Department whose employee is occupying it. Where these charges are recovered by the Municipality from the tenant direct or from the Department under which he is employed the arrangement will remain unaltered and the question of recovery of such charge by the Department owning the building will not arise. Further when the Department whose employee is occupying the building pays these charges either to the Municipality or to the Department owning the building, the former Department should bear the charges finally or recover them from its employee according as under the rules of that Department he is, or is not, exempt from payment of such charges.

[G.I., F.D., Endorsements No. F.II(28)-Ex.1/41, dated the 23rd September, 1941 and No. F. 25(II)-Ex. II/43, dated the 22nd April, 1943.]

Audit Instructions.—

(1) See entries under Fundamental Rule 45.

(2) A question having arisen whether under provisos (i) and (iii) to F. R. 45-A-II, a local Government is competent to determine the present value of a residence, the capital cost of which is already known, the Government have issued the following interpretation:—

"The substantive part of the Rule provides that 'for the purpose of the assessment of rent' the capital cost of a residence shall be either—

- (a) the cost of acquiring or constructing the residence and any capital expenditure incurred after acquisition or construction; or, when this is not known,
- (b) the present value of the residence."

Clause (i) in the proviso obviously does no more than supplement (b) in the substantive part by settling the manner in which the present value is to be determined in cases in which the factors specified in (a) are not known. Clause (iii), which unlike clause (i), is a true proviso, alters the operation of the substantive part of the rule by empowering the local Government to substitute for the capital cost determined in accordance with (a) in the substantive part, in a case when the factors specified in (a) are known, a new capital cost represented by the present value calculated in accordance with the rules made under proviso (i) for the primary purpose of determining the present value in cases to which (b) in the substantive part is applicable".

[Para. 3(i), Chap. V, Sec. I of Manual of Audit Instructions (Reprint).]

(3) The question was raised whether the value of the site should be excluded in calculating the additional rent payable under F. R. 45-A-VI for the special services referred to therein. Clause II of F. R. 45-A definitely excludes the cost of site from the calculation of ordinary rent, with the object *inter alia* that there should be no inequality in rents merely on account of site values. Inequalities of the same kind and due to the same cause would, however, arise if the rent charged for special services included the cost of site. Ordinarily houses of the class affected by the rule in question already have a compound large enough to accommodate the special service. If the house had no special service provided no rent would be payable for the site; and it would not be reasonable to commence to charge rent for site because of the provision of a special service in cases where the site remains the same. The Governor-General has therefore, decided that in the case of officers in the Services under his control the value of the site should be excluded in calculating the rent of special services under F. R. 45-A-VI.

[Para. 3(ii), Chap. V, Sec. I of Manual of Audit Instructions (Reprint).]

(4) The rates of interest given in the following table should be applied in calculating the standard rent of residences, under clause III (b) of Fundamental Rules 45-A and 45-B.

Date of acquisition or construction of the residence	Rate of Interest	
	Buildings occupied on or before the 19 th June 1922	Buildings occupied after the 19 th June 1922
1	2	3
Before 1 st April, 1919,	3.5 per cent.	4 per cent.
1 st April to 31 st July, 1921.. ..	3.5 per cent.	5 per cent.
1 st August, 1921 to 31 st December, 1921	3.5 per cent.	6 per cent.
From 1 st January, 1922 until further order	6 per cent.	6 per cent.

NOTE.—The date of construction referred to in column (1) of this table should be taken as the date on which the accounts of the estimate for the construction of the residence are closed. In respect of expenditure on additions and alterations to residences the interest should be calculated at the rate applicable on the date on which the accounts of the estimates for the additions or alterations are closed.

[Para. 5(i), Chap. V. Sec. I of Manual of Audit Instructions Reprint].

(5) A Government servant who, at his own request, is supplied with a residence owned or leased by the ⁵⁷Federal Government, of a class higher than that for which he is eligible, when a house of his class is available for him, should be charged the full standard rent fixed for the residence and should not be given the benefit of the 10 per cent. concession afforded by clause IV (b) of F. R. 45-A and 45-B.

[Para. 5 (ii), Chap. V, Sec. I of Manual of Audit Instructions (Reprint).]

(6) (a) Under clause IV(c) (ii) of F. R. 45-A a local Government may recover rent in excess of 10 per cent of a Government servant's emoluments even if it exceeds the standard rent as defined in clause III of that rule.

(b) Under clause IV (c) (ii) of F. R. 45-B, a local Government may recover rent in excess of 10 per cent of a Government servant's emoluments, but not in excess of the standard rent, as defined in Clause III of that rule.

⁵⁷Substituted by Ministry of Law Notification No.F.24(2)/75-Pub., dated 01-8-1975, Gaz. Of Pak., Extra., Pp.435-436, dated 01-8-1975.

[G.I., F.D., letter No.F.17(5)-E.G.1/47, dated the 14th June, 1947 File No.12 Audit of 1947.] [Section I, Chapter V, Para. 5, Sub-para (III) of the Manual of Audit Instructions (Reprint).]

(7) In exercise of the powers granted to him by Fundamental Rule 8, the Governor-General has ruled that it is permissible to deal, under clause V (b) of Fundamental Rule 45-A or 45-B, not only with individuals but also with classes of Government servants.

[Para. 5(iv), Chap. V, Sec. 1 of Manual of Audit Instructions (Reprint).]

(8) See Audit Instruction below S. R. 316-A,

F. R. 45-B. I. This rule applies to Government servants other than those to whom rule 45-A applies or is made applicable under the provisions of clause VII of that rule, or than those occupying residences belonging to a State Railway, or rented at the cost of railway revenues.

II. For the purposes of sub-clause (b) of clause III, the capital cost of a residence owned by Government shall not include the cost or value of such special services and installations (including furniture, tennis courts and sanitary, water supply or electric installations and fittings) as it may contain; and shall be either—

- (a) The cost of acquiring or constructing the residence including the cost of site and its preparation and any capital expenditure incurred after acquisition or construction; or when this is not known,**
- (b) the present value of the residence including the value of site.**

NOTE.—The cost of restoration or special repairs shall not be added to capital cost or present value unless such restoration or repairs add to accommodation or involve replacement of the existing type of work by work of a more expensive character:

Provided that:—

- (i) a local Government may make rules providing the manner in which the present value of residences, including sites, shall be determined;**
- (ii) a local Government may make rules determining what expenditure is to be regarded for the purpose of sub-clause (a) above as expenditure upon the preparation of a site;**
- (iii) a local Government may, for reasons which should be recorded, authorise a revaluation of all residences of a specified class or classes within a specified area to be conducted under the rules referred to in proviso (i)**

above, and may revise the capital cost of any or all such residences on the basis of such revaluation;

- (iv) the Capital cost, howsoever calculated, shall not take into consideration
 - (1) charges on account of establishment and tools and plant other than such as were actually charged direct to the work in cases in which the residence was constructed by Government, or (2) in other cases, the estimated amount of such charges;
- (v) a local Government may, for reasons which should be recorded, write off specified portion of the capital cost of a residence—
 - (1) When a portion of the residence must be set aside, by the Government servant to whom the residence is allotted, for the reception of official and non-official visitors visiting him on business, or
 - (2) when it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided;
- (vi) in assessing the cost or value of the sanitary, water supply and electric installations and fittings, a local Government may, by rules, determine what are to be regarded as fittings for this purpose.

III. The standard rent of a residence shall be calculated as follows:—

- (a) In the case of leased residences the standard rent shall be the sum paid to the lessor, an addition determined under rules which a local Government may make, for meeting during the period of lease, such charges for both ordinary and special maintenance and repairs and for capital expenditure on additions or alterations as may be a charge on Government and for the interest on such capital expenditure, as also for municipal and other taxes in the nature of house or property tax payable by Government in respect of the residence.
- (b) In the case of residences owned by Government, the standard rent shall be calculated on the capital cost of the residence, and shall be a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by the ⁵⁸President *plus* an addition for municipal and other taxes in the nature of house or property tax payable by Government in respect of the residence and for both

⁵⁸Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

ordinary and special maintenance and repairs, such addition being determined under rules which a local Government may make.

- (c) In both cases standard rent shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual rent as calculated above, subject to the proviso that, in special localities or in respect of special classes of residence, a local Government may fix a standard rent to cover a period greater than one month, but not greater than one year. Where a local Government takes action under this proviso standard rent so fixed shall not be a larger proportion of the annual rent than the proportion which the period of occupation as prescribed under rule 45 above bears to one year.

NOTE 1.—For the purpose of sub-clause (a) and (b) above, the additions for both ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges, except to the extent allowed under proviso (iv) to clause II.

NOTE 2.—A local Government may by rule permit minor additions and alterations the cost of which does not exceed a prescribed percentage of the capital cost of the residence to be made during such period as the rule may determine, without the rent of the residence being increased.

IV. When Government supplies a Government servant with a residence leased or owned by Government, the following conditions shall be observed:—

- (a) The scale of accommodation supplied shall not except at the officer's own request, exceed that which is appropriate to the status of the occupant.
- (b) Unless in any case it be otherwise expressly provided in these rules, he shall pay—
- (i) rent for the residence, such rent being the standard rent as defined in clause III above or *5 per cent of his monthly emoluments, whichever is less; and
- (ii) municipal and other taxes payable by Government in respect of the residence not being in the nature of house or property tax.
- (c) *Nothing contained in section (b) above shall operate to prevent local Government from—*

* Modified vide Finance Division O.M. No. F.1 (1) Imp-1/77, dated 28-04-1977.

- (i) **grouping, after the standard rents have been calculated under the provision of clause III above, a number of residences, whether in a particular class or classes for the purpose of assessment of rent, subject to the following conditions being fulfilled:**
 - (1) **that the basis of assessment is uniform, and**
 - (2) **that the amount taken from any Government servant shall not exceed 10 per cent. of his emoluments;**
- (ii) **taking a rent in excess of 10 per cent. of his emoluments from a Government servant--**
 - (1) **who is not under its own administrative control, or**
 - (2) **who, at his own request is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him, or**

NOTE 1.—For the Purpose of sub-clauses (a) and (b) above, the additions for both ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges, except to the extent allowed under Proviso (iv) to clause II.

NOTE 2.—A local Government may by rule permit minor additions and alteration the cost of which does not exceed a prescribed percentage of the capital cost of the residence to be made during such period as the rule may determine, without the rent of the residence being increased.

- (3) **who is in receipt of a compensatory allowance granted on account of dearness of living.**

V. In special circumstances, for reasons which should be recorded, a local Government—

- (a) **may, by general or special order, grant rent free accommodation to any Government servant or class of Government servants, or**
- (b) **may, by special order, waive or reduce the amount of rent to be recovered from any Government servant, or**
- (c) **may, by general or special order, waive or reduce the amount of municipal and other taxes, not being in the nature of house or**

property tax, to be recovered from any Government servant or class of Government servants.

VI. If a residence is supplied with one or more of the following or similar services, furniture, installations (including fittings) for water or electricity supply or for sanitary purposes, tennis court, or garden maintained at the cost of Government, rent shall be charged for these in addition to the rent payable under clause IV. The tenant will also be required to pay the cost of the water, electric energy, etc., consumed. A local Government may make rules prescribing how the additional rents and charges shall be determined, and such rules may also authorise the remission or reduction of the additional rent or charge in special circumstances for reasons which should be recorded.

[For rules made under Fundamental Rule 45-B, see Supplementary Rules 327 to 335.]

Government orders.—See entries under F. R. 45-A.

Government decisions.—

(1) *See* entries under F. R. 45-A.

(2) The Government have decided that when a Government building is let to a private person for residential or business purposes, rent should be recovered monthly in advance at the rate prevailing in the locality for similar purposes. But without the sanction of the minor local Government, such rent shall not be less than the rent calculated in accordance with the provisions of Fundamental Rule 45-B. In making the calculation, proviso (IV) under clause II and NOTE 1 under clause III of that rule shall be ignored and full departmental charges for establishment (including pension, tools and plants and audit and accounts charges) shall be taken into account both for the purpose of arriving at the capital cost and the additional charges to be included for ordinary and special maintenance and repairs.

NOTE.—The rate of departmental charges for capital cost additions and alterations, and maintenance and repairs shall be that in force at the time of calculation of rent. In all cases where buildings are merely acquired by Government through the agency of the Central Public Works Department, a charge of 3 per cent only on the capital cost shall be levied in lieu of the full rate of departmental charges.

[Government of India, Department of Labour letter No.B-9, dated the 13th September, 1939 received with the Government of India, Finance Department endorsement No.F.11(51)-Ex. I/39, dated the 2nd November, 1939.]

(3) *Government decision below clause IV (b) (ii) of this rule.*—See Government decision below clause IV (b) (ii) of Fundamental Rule 45-A in book of Fundamental Rules applicable to Secretary of State's Officers.

[G.I., F.D., letter No.F.8(5)Ex.1/38, dated the 5th April, 1938]

Audit Instructions.—See entries under F.R.45 and F.R.45-A.

F. R. 45-C. For the purpose of rules 45-A and 45- B, "emoluments" means:

- (i) **Pay;**
- (ii) **Payments from general revenues and fees. If such payments or fees are received in the shape of a fixed addition to monthly pay and allowances as part of the authorised remuneration of a post;**
- (iii) **Compensatory allowances, other than travelling allowances and uniform allowance paid to nurses in hospitals, whether drawn from general revenues or from a local fund;**
- (iv) **Exchange Compensation Allowance;**
- (v) **Pension, other than a pension drawn under the provisions of Chapter XXXVIII Civil Service Regulations, or compensation received under the Workmen's Compensation Act, 1923, as subsequently amended;**
- (vi) **In the case of the Government servant under suspension and in receipt of a subsistence grant, the amount of the subsistence grant, provided that if such Government servant is subsequently allowed to draw pay for the period of suspension the difference between the rent recovered on the basis of the subsistence grant and the rent due on the basis, of the emoluments ultimately drawn shall be recovered from him.**

It does not include allowances attached to the Victoria Cross, the Military Cross the King's Police Medal, the Indian Police Medal, the Order of British India or the Indian Order of Merit.

NOTE 1.—The emoluments of a Government servant paid at piece work rates shall be determined in such manner as the local Government may prescribe.

NOTE 2.—The emoluments of an officer on leave mean the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.

Government decision.—

In the case of Government servants in occupation of Government provided residences during leave preparatory to retirement, the leave salary actually drawn by them will be treated as their "emoluments" for purposes of recovery of house rent from them.

[G.P., F.D., O.M. No.F.23(l)-RI/75-D.273R2/76, 23rd March. 1976.]

Audit Instruction.—In exercise of the powers conferred on him by Fundamental Rule 8 the Governor-General has decided that the word 'pension' occurring in Fundamental Rule 45 C (v) should be taken to mean the full sanctioned pension prior to commutation.

[Para. 6, Chap. V, Sec. I of Manual of Audit Instructions (Reprint).]

F. R. 46. (a) Fees.— Subject to rules made by the ⁵⁹President under rule 46-A, a local Government may permit a Government servant, if it be satisfied that this can be done without detriment to his official duties or responsibilities, to perform a specified service or series of services for a private person or body or for a public body including a body administering a local fund, or for a State that has acceded to Pakistan and to receive as remuneration therefore, if the service be material, a non-recurring or recurring fee.

NOTE.—This clause does not apply to the acceptance of fees by medical officers in civil employ for professional attendance.

(b) *Honoraria.*— A local Government may grant or permit a Government servant to receive an honorarium from general revenues as remuneration for work performed which is occasional in character and either so laborious or of such special merit as to justify a special reward. Except when special reasons which should be recorded in writing, exist for a departure from this provision, sanction to the grant or acceptance of an honorarium should not be given unless the work has been undertaken with the prior consent of the local Government and its amount has been settled in advance.

(c) *Fees and Honoraria.*— In the case of both fees and honoraria the sanctioning authority shall record in writing that due regard has been paid to the general principle enunciated in Fundamental Rule 11, and shall record also the reasons which in his opinion justify the grant of the extra remuneration.

⁵⁹Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

Government orders.—

(1) Several instances have come to the notice of the Ministry of Finance in which recommendations have been made by various Departments for the grant of honoraria to members of their office staff on account of a temporary increase in their work due to the holding of special Conferences under the auspices of a Department or Subordinate authority or of inter-Departmental Committees. In the opinion of the Ministry of Finance, such temporary increases in work are normal incidents of Government service, and form part of the legitimate duties of Government servants according to the general principle enunciated in F. R. 11. Those so employed have, therefore, no claim to extra remuneration.

(2) The words 'subject to rules made by the Governor-General under Rule 46-A' occurring in F. R. 46 are not intended to mean that rules must be framed under F. R. 46-A before the power given to a local Government by the substantive part of F. R. 46 could be exercised.

If a local Government have framed no rules prescribing the conditions under which fees for services other than professional attendance may be received by a medical officer, other than a member of the late Indian Medical Service, they are competent to sanction acceptance of these fees subject to the requirement mentioned in clause (c) of F. R. 46.

[G.I., Dept. of E.H. and L. No.242-H., dated the 5th February, 1932, received with G.I., F.D., No.F.5-R. I/32, dated the 15th February, 1932.]

(3) Intimation to the Public Service Commission by the Ministries and Divisions of the Government of Pakistan or other Heads of Departments subordinate to them that particular Government servants have been appointed to the *viva voce* boards in connection with the recruitment examinations conducted by the Public Service Commission should be regarded as automatically conveying the Government's sanction to the acceptance by the said officers of honoraria at the fixed rates prescribed by the Public Service Commission and to their drawing the travelling allowance admissible to them.

The employment by the Public Service Commission as examiners or moderators of any officers serving under the Government or Heads of Departments subordinate to them will also automatically imply the Government's sanction to those officers undertaking the work and accepting honoraria at the fixed rates prescribed by the Commission.

The ruling contained in the preceding sub-paragraph may be considered as applying also to Provincial Public Service Commissions.

Government decisions.—(1) See Government decision below F. R. 9(8) in this Section.

(2) It appears that the administrative authorities who have powers to sanction honorarium to Government servants to various extents are granting honorarium to members of departmental Selection Committees, etc., for interviewing candidates for

filling vacancies. This practice is not in order. No payment would be justified, even if such interviews are called *viva voce* tests. The work involved in such cases is part of the normal duties of the members of Selection Committees etc. Even otherwise, it cannot be considered to be of such a magnitude as to justify extra remuneration by way of honorarium. It has been decided that no honorarium should be paid in such cases.

[G.P., M.F., O.M. No.12(13)-RII(II)/58, dated the 20th October, 1958]

(3) According to F. R. 46(b) a competent authority may grant or permit a Government servant to receive an honorarium from general revenues as remuneration for work performed which is occasional in character and either so laborious or of such special merit as to justify a special reward. In other words, honorarium is to be allowed only where both the requirements are fulfilled, i. e. the work is occasional in character and also laborious or of special merits. Cases have, however, come to the notice of this Ministry in which Ministries/Divisions have granted honorarium to officials merely for performing laborious or meritorious work connected with their normal duties, without fulfilling the other condition that the work should be occasional in character. It is, therefore, clarified that Fundamental Rule 46 (b) does not contemplate the grant of honorarium for work which is not occasional in character, even though it be laborious or meritorious.

[G.P., M.F., O.M. No.F.4(5)-R2(RWP)/62, dated the 24th October, 1962]

(4) In connection with Government decision (3) above, it is clarified that Fundamental Rule 46(b) lays down the following further conditions for the grant or acceptance of an honorarium:—

- (a) prior consent of the competent authority is obtained to undertake the work; and
- (b) the amount of honorarium is settled in advance.

It has been observed that these requirements *inter alia* are generally not being adhered to strictly. It should, therefore, be ensured that a work which is likely to justify an honorarium, in accordance with the rules, should not be undertaken by Government Servants except with the prior consent of the competent authority. The amount of honorarium, that would be justifiable in view of the volume and merit of the work, should also be assessed and settled in advance by the competent authority and the official concerned informed of that. No claim, which is not covered by this procedure, should be entertained at a later stage, except for special reasons which should be recorded in writing in the sanctioning letter.

Another point which needs clarification is that some Divisions seem to be under the impression that honorarium can be paid only to non-gazetted officials. It is clarified that there is no bar to the grant of honorarium to gazetted officers when entrusted with work of an occasional character which is also either so laborious or of such special merit as to justify a reward in terms of Fundamental Rule 46 (b).

[G.P., M.F., O.M. No.4(5)-R2(RWP)/62, dated the 15th January, 1962]

Audit Instruction.—The rule requires that the reasons for the grant should be recorded in writing, as it is intended that the grant of an honorarium or fee should be carefully controlled by Government and scrutinised by Audit, and that Audit should be given an effective opportunity of comment if it be deemed necessary. Audit Officers may, therefore, require that the reasons for the grant of an honorarium or fee should be communicated to them in each case.

[Para. 7, Chap. V, Sec. I of Manual of Audit Instructions (Reprint).]

Audit Ruling.— The grant of an honorarium to the heirs of a deceased Government servant for work done by him is unobjectionable in audit.

[Ruling (22), Sec. IV of Compilation of Audit Rulings.]

F. R. 46-A. The ⁶⁰President may make rules prescribing the conditions and limits subject to which a fee may be received by a medical officer in civil employ for services other than professional attendance.

F. R. 47. Subject to the provisions of the rules made by the ⁶¹President under rule 46-A, a local Government may make rules prescribing the conditions and limits subject to which authorities subordinate to it may sanction the grant or acceptance of honoraria, and the acceptance of fees, other than the acceptance of fees by medical officers in civil employ for professional attendance.

[For rules made under Fundamental Rule 47, See Supplementary Rules 9-16].

Audit Ruling.—Specific provisions of certain Acts requiring Government sanction for honoraria for patents to persons in Government employ override F. R. 47.

[Ruling (26), Sec. IV of Compilation of Audit Rulings]

F. R. 48. Any Government servant is eligible to receive without special permission:—

- (a) the premium awarded for any essay or plan in public competition;**
- (b) any award offered for the arrest of a criminal, or for information or special service in connection with the administration of justice;**

⁶⁰Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

⁶¹Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

- (c) any reward payable in accordance with the provisions of any Act or Regulation or rules framed there under;
- (d) any reward sanctioned for services in connection with the administration of the customs and excise laws; and
- (e) any fees payable to a Government servant for duties which he is required to perform in his official capacity under any special or local law or by order of Government.

Government decisions.—

- (1) to (3). ⁶²Omitted.

F. R. 48-A. A Government servant whose duties involve the carrying out of scientific or technical research shall not apply for or obtain, cause or permit any other person to apply for or obtain, a patent for an invention made by such Government servant save with the permission of the local Government and in accordance with such conditions as the local government may impose.

F. R. 48-B. If a question arises whether a Government servant is a Government servant to whom F. R. 48-A applies, the decision of the local Government will be final.

CHAPTER VI.— COMBINATION OF APPOINTMENTS.

F. R. 49. A local Government may appoint one Government servant to hold substantively, as a temporary measure, or to officiate in, two or more independent posts at one time. In such cases his pay is regulated as follows:

- (a) 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 draws such reasonable pay in no case exceeding half the presumptive pay (excluding overseas pay) of the post, as the local Government may fix ; and
- (c) if compensatory or sumptuary allowances are attached to one or more of the posts, he draws such compensatory or sumptuary allowances as the local Government may fix, provided that such allowances shall not exceed the total of the compensatory and sumptuary allowances attached to all the posts.

⁶² Omitted vide Finance Division's Notification No.2(1)R.4/2004-Vol.III, dated 07-05-2018.

Government decisions.—

(1) 1. The President has been pleased to decide:—

(a) that combination of appointments in terms of F. R. 49 should be made as a temporary measure and should not ordinarily be made for a period of more than 6 months; and

(b) that apart from the pay admissible under F. R. 49(a) where applicable, the additional remuneration which may be granted to an Officer, including a Judicial Officer, of the rank of Joint Secretary or above, who is called upon to perform additional duties, should not exceed an amount equal to 10% of his pay in the original post.

2. In order to comply with the decision mentioned in para 1 (a) above, necessary measures to fill up a post on a whole-time basis should be taken as soon as it falls vacant and every possible effort should be made to make a whole-time appointment within the period of six months. If, in any case, it is necessary to continue the full additional charge or current charge arrangement beyond this period, the case should be referred to the Ministry of Finance stating the steps taken to fill the post on a whole-time basis, the reasons why it was not possible to appoint a whole-time officer within the prescribed period and giving full justification for further continuance of the temporary arrangement.

3. For the purpose of the decision given in para.1(b) above, all posts carrying a pay of Rs.3,000 in the 'existing' (pre-31) scales or Rs.2,000 in the 'prescribed' scales will be regarded as equal in rank to the post of Joint Secretary.

4. The grant of additional pay to officers below the rank of Joint Secretary will continue to be regulated under the existing orders, according to which additional pay not exceeding 20 per cent. of the presumptive pay can be granted but, as a consequence of the limits laid down in para 1 (b) above, the amount of additional pay granted to officers below the rank of Joint Secretary should not exceed the amount of additional pay admissible to a Joint Secretary under these orders.

[G.P., M.F., O.M. No.F.4(46)-RII(III)/56, dated the 26th October, 1957.]

(2) Certain cases have come to the notice of the Ministry of Finance from which it appears that the scope of the term "independent posts" occurring in F. R. 49 is not clearly understood by all Ministries, Divisions, etc. Although this term has not been formally defined in the Fundamental Rules, its sense can be easily understood and what is required is that the rule is applied by a proper exercise of discretion by the competent authority according to its true intention. An attempt is made in the following paragraphs to illustrate the true intention of the rule with reference to the term "independent posts".

When an officer is asked to do the work of another officer of equal status and having the same designation in the same office or on the same establishment, it is really a case of mere redistribution of work. For example, there are several sanctioned posts of Joint Secretaries in the Ministry of Finance and Economic Affairs. Suppose some of these posts are vacant and their duties are entrusted to some other Joint Secretaries. This would no doubt mean a temporary increase in the work of the officer as if by a redistribution of work but cannot mean combination of appointments under F. R. 49.

F. R. 49 would also not be applicable when the work of another officer holding lower or higher post is covered or looked after by another officer in the same office or establishment. In cases of this kind the officer cannot function both in the higher and lower capacities and in actual practice work is disposed of by him once for all at the level of his authority. There is no specific appointment to the higher or lower post resulting in "combination of appointments" within the meanings of F. R. 49.

What is stated above relates to the question whether or not a combination or redistribution of work falls under F. R. 49 within the meaning of the term "combination of appointments". Cases of officers given current charge of the routine duties of higher posts are not governed by F. R. 49 and the question of definition of the term "independent posts" does not arise in such cases *vide* Audit Instruction (1) below F. R. 35.

These orders have been issued in consultation with the Comptroller and Auditor General.

[G.P., M.F., O.M. No.F.1(l)-RI(RWP)/62, dated the 21st April, 1962.]

- (3) A number of posts of Government servants in the Ministries/ Divisions/Departments sometimes remain vacant for fairly long periods. Ordinarily, the work of the vacant post should be distributed among more than one of the Government servants of the same category available in the Divisions/Departments. For such temporary addition to their normal work, no additional remuneration is admissible under the existing rules/general orders.
2. In some cases, however, the work of the vacant post has to be entrusted, in its entirety, to only one of the Government servants available in the Divisions/Departments. In these cases too, no additional remuneration is, at present, admissible under the existing rules/general orders. It is, however, felt that in such cases the addition to that Government servant's work and responsibility is considerable which should justify grant of some additional remuneration. The question as to the manner in which the grant of additional remuneration in such cases should be allowed has been under consideration and the President & C.M.L.A. has been pleased to decide as follows:—

- (i) The work of the vacant post should, as far as possible, be distributed among more than one Government servants of the same status and designation available in the Division/Department.
- (ii) Where the distribution of the work among more than one Government servant is not feasible, the charge of the vacant post may be entrusted, in its entirety, to another Government servant. This arrangement should have the approval of the Secretary/Additional Secretary or Joint Secretary in charge of the Division or the Head of the Attached Department/Subordinate Office, as the case may be. The Government servant so entrusted with the full additional charge of the vacant post may, if this additional charge lasts for more than one month, be granted with the prior approval of the Secretary, etc., special pay under F. R. 9 (25) (b) for the actual period but for not more than six months, at the following scale:—

(a)	If the Government Servant's pay does not exceed Rs.750 p.m.	@ 20% of pay subject to a ceiling of Rs.110 p.m.
(b)	If his pay exceeds Rs.750 p.m. but does not exceed Rs.1,000 p.m.	Rs.165 p.m.
(c)	If his pay exceeds Rs.1,000 p.m.	Rs.220 p.m.

- (iii) Immediately on the expiry of the period of six months of the full additional charge under (ii) above of a particular vacant post, the post shall be treated as having been abolished and its duties automatically becoming part of the normal duties of the other existing posts of the same category in the Division/Department concerned. The post so treated as abolished shall not be revived without the concurrence of the Financial Adviser concerned who will not accept such proposals unless—
- (a) it is established to his satisfaction that the work of the abolished post was incapable of being carried on by redistribution among the other Government servants; and
- (b) a Government servant will be available for posting against the post without having recourse to arrangements mentioned at (ii) above.

NOTE.—Where for any reason the arrangement at (ii) above is interrupted before the expiry of six months, and another Government servant is given the full additional charge, these orders should not be construed as permitting the grant of a special pay for each of the two or more spells of less than six months; in such cases the post will be

deemed to have been abolished as soon as the aggregate of the periods, during which this arrangement lasted, exceeds six months.

- (iv) Proposals for extension of the full additional charge arrangement and continuance of the drawal of special pay beyond the period of six months [which will involve a relaxation of the decisions at (ii) and (iii) above] will require the prior approval of the Regulations Wing of the Ministry of Finance; otherwise the decisions at (ii) and (iii) above will apply automatically on the expiry of the six months' period. The Regulations Wing will view such proposals strictly and will not normally be agreeable to accept them unless on the facts of the case it is apparent that the work cannot be distributed among the other Government servants without serious detriment to work.

[G.P., M.F., O.M. No. F. 4(14)-R4/68, dated the 9th September, 1971.]

(4) A question was raised whether the combination of charges of the category of cases covered by item (3) above, where the post and the officer concerned belong to a Grade higher than Grade 15, needs or does not need to be notified in the gazette, in order for the above special pay to become payable. The matter has been considered in consultation with the Establishment Division. The position is that the combination of charges in the above category of cases (unlike the combination of appointments under F. R. 49) would not have the effect of bringing about any change either in the status of the officer concerned or in his competence to perform official duties. It has accordingly been held that notification, in the gazette, of the combination of charges authorised under para 2 (ii) of the above mentioned item (3) would be uncalled for.

It follows that in cases of the kind referred to in the preceding para, issue of an official letter conveying the approval of the competent authority to the combination of charges in question and to the grant of special pay in accordance with para 2(ii) of the said item (3) would constitute sufficient authority for the Audit to allow the relevant rate of special pay to the officer concerned.

[G.P., F.D., O.M. No.D.907-R4/76-F.4(19)R1/76, dated the 6th October, 1976].

(5) The undersigned is directed to refer to this Division's Circular O.M.No.4(14)-R.4/68, dated the 9th September, 1971, on the above mentioned subject and to state that the position has been reviewed and in order to afford sufficient compensation to a Government Servant entrusted with the additional charge of a vacant identical post, it has been decided with the approval of the competent authority, that in the case of additional charge arrangement, special allowance shall be admissible at a uniform rate of 20% of the basic pay not exceeding Rs.800/-p.m. with effect from 1st February, 1987, subject to the fulfillment of the following conditions:-

- (i) The work of the vacant post, as far as possible, be distributed among more than one Government Servant of the same status and designation available in the Ministries/Divisions/Departments.
- (ii) Where the distribution of the work among more than one Government Servant is not feasible, the charge of the vacant post may be entrusted, in its entirety, to another Government Servant. This arrangement should not be made for a period less than one month and should not exceed three months and it should be allowed with specific approval of the Secretaries/Additional Secretaries/Heads of Attached Departments/Heads of Department not below BPS-21. However, it may be extended by another three months with the approval of next Higher Authority.
- (iii) Immediately on the expiry of six months of the full additional charge of the particular vacant post, the post shall be treated as having been abolished and its duties automatically becoming part of the normal duties of the other existing posts of the same category in the Divisions/Departments concerned. The post so treated as abolished shall not be revived without the concurrence of the Financial Adviser concerned.

This Division's O.M. No.4(14)-R.4/68, dated the 9th September, 1971 shall be deemed to have been cancelled with effect from 1st February, 1987.

[G.P., M.F., O.M. No. F. 2(9)-R.3/85, dated the 18th March, 1987.]

(6) The President has been pleased to sanction the revision of the following with effect from 1st July, 2016:-

10. *****/ Additional Charge Allowance / *****

Sr. No.	Item	Existing Rates (per month)	Revised Rates (per month)
ii	Special Allowance on Additional Charge of Identical Posts	20% of the Basic Pay subject to maximum Rs.6,000/=	20% of the Basic Pay subject to maximum Rs.12,000/=
iii	Special Allowance on Additional Charge of Non-Identical Posts	10% of the Basic Pay subject to maximum Rs.3,000/=	10% of the Basic Pay subject to maximum Rs.12,000/=

[G.P., M.F., O.M. No. F. 1(2)Imp/2016-333, dated the 1st July, 2016.]

Audit Instructions.—

(1) Fundamental Rule 49 (b) requires that such pay as may be considered "reasonable" in the circumstances may be given; half the presumptive pay of the post is not therefore to be regarded as the amount normally permissible.

[Para. 1(i), Chap. VI, Sec. I of Manual of Audit Instructions (Reprint).]

(2) Presumptive pay for the purposes of Fundamental Rule 49 (b) should, according to Fundamental Rule 9 (24), be taken to be what the Government servant who is placed in additional charge will draw as initial pay in the time-scale of the additional post under Fundamental Rule 22, were he formally transferred to it. In cases, however, in which the maximum pay of the lower post is less than the pay of the Government servant in his substantive post, the application of Fundamental Rule 22 is not clear, and accordingly the⁶³President has decided under Fundamental Rule 8 that in such a case the maximum of the pay of the lower post should be taken as the presumptive pay for the purposes of Fundamental Rule 49 (b).

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

(3) *See* Audit Instruction below F. R. 40 in this Section.

CHAPTER VII.—DEPUTATION OUT OF PAKISTAN

F. R. 50. No deputation of a Government servant out of Pakistan shall be sanctioned without the previous approval of the⁶⁴President.

Audit Instructions.—

(1) *See* item (1) of the Audit Instructions below F. R. 51-A.

(2) *See* item (1) of the Audit Instructions below F. R. 81.

F. R. 51. Deleted. [By G.P., M.F. Notification No.F.3(1)-R(S)64, dated the 23rd June, 1964].

⁶⁵F. R. 51-A. When a Government servant is, with proper sanction, deputed out of Pakistan—

⁶³Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

⁶⁴Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

⁶⁵ As substituted by G.P., M.F., Notification No.F.3(1)-R(S)/64, dated the 23rd June, 1964.

- (a) for temporary duty either in connection with the post held by him in Pakistan or in connection with any special duty on which he may be placed, or
- (b) to hold a regularly constituted post, other than a post borne on the cadre of the service to which he belongs,

his pay shall be regulated by the orders of the President.

Government order.—

The grant of a return passage to Pakistan on conclusion of a deputation is conditional on an officer's return to duty forthwith on the conclusion of the deputation, unless an arrangement to the contrary effect should be specially permitted at the time the deputation closes, or is about to close, and the proposed leave is begun.

Audit Instructions.—

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

[Para 2, Chap. VII, Sec. I Manual of Audit Instructions (Reprint).]

(2) See item (1) of the Audit Instructions below F. R. 81.

CHAPTER VIII.—DISMISSAL, REMOVAL AND SUSPENSION.

F. R. 52. The pay and allowances of a Government servant who is dismissed or removed from service cease from the date of such dismissal or removal.

F. R. 53. A Government servant under suspension is entitled to the following payments:—

- (a) In the case of ⁶⁶[an employee of the Armed Forces] who is liable to revert to Military duty, to the pay and allowances to which he would have been entitled had he been suspended while in military employment.
- ⁶⁷[(b) In the case of a Government servant under suspension, other than that specified in clause (a), he shall be entitled to full amount of his salary and all other benefits and facilities provided to him under the contract of service, during the period of his suspension.]

⁶⁶Substituted vide S.R.O.718(I)/93, [F.1(6) R.4/93] dated 2-8-1993, Gaz. of Pak., Extr., Page No.1339, dated 22-8-1993.

⁶⁷Substituted vide S.R.O.1173(I)/94 [F.1(6)R.4/93-(1)], dated 21-9-1994.

Government decision.—

⁶⁸X X X X X X X X

A doubt has been raised as to whether, in the case of a Government servant who has been suspended while on leave, the subsistence grant should be calculated with reference to his leave salary or with reference to his pay. Attention in this connection is invited to F.R. 55, which prohibits grant of leave to Government servants under suspension. Such a Government servant, therefore, ceases to be on leave as soon as he is placed under suspension, and the subsistence grant in his case also has to be calculated with reference to the pay which was admissible to him on the eve of the commencement of the leave.

These orders take effect from the 1st of December, 1969.

[G.P., M.F., O.M. No.F.12(32)-R3/70, dated the 14th February, 1970.]

⁶⁹[F. R. 54.—Where a Government Servant has been dismissed or removed is reinstated, the revising or appellate authority may grant to him for the period of his absence from duty:—

- (a) if he is honourably acquitted, the full pay to which he would have been entitled if he had not been dismissed or removed and, by an order to be separately recorded, any allowance of which he was in receipt prior to his dismissal or removal; or
- (b) if otherwise, such portion of such pay and allowances as the revising or appellate authority may prescribe.

In a case falling under clause (a), the period of absence from duty will be treated as a period spent on duty.

In a case falling under clause (b), it will not be treated as a period spent on duty unless the revising or appellate authority so directs.

*Explanation:—*In this rule, "revising authority" means the "authority" or "authorised Officer" as defined in the Government Servants (Efficiency and Discipline) Rules, 1973, who passes the final order on the case and not the authority who passes an order on appeal.]

⁶⁸Para omitted in terms of S.R.O.1173(I)/94 [F.1(6)R.4/93-(1)], dated 21-9-1994.

⁶⁹Substituted vide S.R.O.718(I)/93, dated 2-8-1993, Gaz. of Pak., Extr., Page No.1340, dated 22-8-1993.

[For Administrative Instructions issued by the Governor-General regarding "COMMITTALS TO PRISON", see Part IV of Appendix 3 in Volume II of this Compilation.]

Government decisions—

(1) Sub-clause (b) of F. R. 54 does not forbid the periods spent under suspension being regarded as leave, and it is open to the revising or appellate authority to prescribe as the proportional of pay and allowances to be paid the leave-salary which would be permissible if the Government servant were on leave. Under F. R. 8, therefore, the Governor-General interprets F. R. 54 as permitting a revising or an appellate authority to convert a period spent under suspension into one of leave.

[G.I., F.D. Letter No. F./47-C.S.R./27, dated the 14th February, 1927, to the Chief Secretary to the Government of Madras, Judicial Department and G.I., F.D. endst. No. F. 2(4)-E-III/46, dated the 20th September, 1946.]

(2) A Government servant was dismissed from service on 8th March, 1927, and on appeal, was reinstated with effect from 27th October, 1927. The appellate authority declared, under F. R. 54, that the period of unemployment between the dates of dismissal and reinstatement should be treated as spent on duty and allowed to count for leave and increments. As there was no post against which the lien of the Government servant could be shown for the period of dismissal, the question arose whether in the absence of lien on a permanent post the period of unemployment could count for leave or increments. It was decided that F. R. 54 is absolute and unconditional and that it could not be absolute if the condition of "lien" had first to be satisfied.

(G.I., F.D. No. F./28-R.I/28, dated the 5th April, 1928.)

Government's Administrative Instructions.(1) Posts vacated by dismissed Government servants may be filled substantively subject to the condition that the arrangements thus made will be reversed if the dismissed Government servant is reinstated on appeal.

(G.I., F.D. Letter No. F-28-R.I/28, dated the 22nd May, 1928.)

(2)1. In accordance with the Government decision No. (1) below F. R. 54, the revising or appellate authority may convert a period spent under suspension into one of leave. In view of the provisions of F. R. 85 read with paragraph 1 of Section IV of Appendix 3 to the Fundamental and Supplementary Rules, Volume II, the question has been raised whether in a case, where the period of suspension is treated as extraordinary leave without pay and allowances, the Government servant concerned can be required to refund the amount of subsistence allowance paid to him during the period of suspension, unless the recovery of the said amount is waived by the competent authority.

2. The instructions contained in paragraph 1 of Section IV of Appendix 3 to the Fundamental and Supplementary Rules, Volume II are administrative instructions and have to be construed in the light of the provisions of the relevant rules in the Fundamental Rules (Fundamental Rules 53 and 54) and their object and intention. Under Fundamental Rule 53, it is obligatory to pay a subsistence allowance to a Government servant under suspension. Again, under Fundamental Rule 54 (b), the revising or appellate authority may grant to the Government servant concerned such proportion of such pay and allowances as that authority may prescribe but the authority has no discretion to decide that nothing at all should be paid to the Government servant concerned. It has, therefore, been held that in a case where the period of suspension is treated as extraordinary leave, the subsistence allowance paid to the Government servant during that period cannot be recovered because such recovery would be *ultra-virus* of Fundamental Rules 53 and 54 (b).

3. In consequence of the above decision, the question of making the 'adjustments' referred to in the administrative instructions mentioned above would arise only if the period of suspension is converted into a period of leave and the leave-salary admissible for that period exceeds the subsistence allowance already paid to the Government servant.

[G.P., M.F., O.M. No. F.8(12)R-2(RWP)/62, dated the 29th September, 1962.]

⁷⁰[F. R. 54-A. If a Government servant, who has been suspended pending inquiry into his conduct attains the age of superannuation before the completion of inquiry, the disciplinary proceedings against him shall abate and such Government servant shall retire with full pensionary benefits and the period of suspension shall be treated as period spent on duty.]

F. R. 55. Leave may not be granted to a Government servant under suspension.

CHAPTER IX.—COMPULSORY RETIREMENT.

F. R. 56. (a) Except as otherwise provided in the other clauses of this rule, the date of compulsory retirement of a Government servant, other than a ministerial servant, is the date on which he attains the age of 55 years. He may be retained in service after the date of compulsory retirement with the sanction of the local Government on public grounds, which must be recorded in writing, but he must not be retained after the age of 60 years except in very special circumstances.

(b) (i) A ministerial servant [who is not governed by sub-clause (ii)] may be required to retire at the age of 55 years, but should ordinarily be retained in service, if he continues efficient, up to the age of 60 years. He must not be retained after that age except in very special circumstances, which must be recorded in writing and with the sanction of the local Government.

⁷⁰Inserted vide S.R.O.1143(I)/80 [F.12(8)-Reg.6/79], dated 10-11-1980, Gaz.ofPak., Extra., Part II, Page 2215, dated 20-11-1980.

(ii) A ministerial servant—

- (1) who enters Government service on or after the 1st April, 1938, or**
- (2) who being in Government service on the 31st March, 1938 did not hold a lien or a suspended lien on a permanent post on that date,**

shall ordinarily be required to retire at the age of 55 years. He must not be retained after that age except on public grounds which must be recorded in writing, and with the sanction of the local Government. He must not be retained after the age of 60 years except in very special circumstances.

(c) The following are the special rules applicable to particular services:—

- (i) A member of the former Indian Civil Service who is not a Judge of a Chief Court, must retire after 35 years' service counted from the date of his arrival in Indo-Pakistan subcontinent, ⁷¹[or on attaining the age of 60 years, whichever is later]; provided that if he has held his post for less than five years, he may, with the sanction of the ⁷²President, be permitted to retain it until he has held it for that period.**
- (ii) A member of the former Indian Civil Service who is a Judge of a Chief Court, must retire on attaining the age of 60 years.**
- (iii) Deleted [By G.P., M.F. Notification No. F.3(I)-R(S)/64, dated the 23rd June, 1964.]**
- (iv) (1) Except as otherwise provided in this sub-clause, the following classes of officers must retire on reaching the age of 55 years, namely:—**
 - (a) Civil Engineers of the Public Works or Railway Department, and**
 - (b) Civilians in the Superior Railway Revenue Establishment, or the Superior Telegraph Engineer and Wireless Branches of the Pakistan Posts and Telegraphs Department and the former class may be required by the ⁷³President to retire on**

⁷¹Inserted by G.P., M.F. Notification No.F.5(8)-RI(RWP)/62, dated 1st December, 1962.

⁷²Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

⁷³Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

reaching the age of 50 years, if they have not attained to the rank of Superintending Engineer.

- (2) Subject to the requirements of this sub-clause as to reappointment, the local Government may, in special circumstances, which should be recorded in writing, grant an extension of service not exceeding three months, to a Chief Engineer.
- (3) No Chief Engineer of the Public Works or Railway Department, and no officer in the Superior Revenue Establishment of State Railways, corresponding in rank to a Chief Engineer, nor any officer holding the post of Consulting Engineer to the Government of Pakistan, shall, without re-appointment, hold the post for more than five years, but re-appointments to the posts may be as often, and in each case for such period not exceeding five years, as the local Government may decide, provided that the term of re-appointment shall not extend beyond the date on which the Government servant attains the age of 55, or, in the case of a Chief Engineer, more than three months beyond that date.

Note:—Officiating service, unless followed by confirmation without interruption in such service, does not count towards the period of five years mentioned in this sub-clause.

(vi) *Deleted.*

(vii) The following provisions are applicable to military officers in civil employ:—

- (1) Officers of the late Indian Medical Service must retire from civil employ at the age of 55 years, provided that—
 - (i) Director-General, Health may remain in service up to the age of 60 years.
 - (ii) Surgeons-General and Inspectors-General of Civil Hospitals may remain in Civil employ up to the age of 57 years; and
 - (iii) Deleted [By G.P., M.F., Notification F.3(1)-R(S)/ 64, dated the 23rd June, 1964].

- (2) **Military officers in the Survey of Pakistan Department cease to be in civil employ on reaching the age of 55 years unless granted an extension by the ⁷⁴President.**
- (3) **Military commissioned officers serving in the Public Works or Railway Department cease to be in civil employ under the same conditions as govern the retirement of civil engineers of those departments. ⁷⁵[]**
- (4) **Military officers serving in any department, other than those mentioned in (1) to (3) of this sub-clause, cease to be in civil employ on reaching the age of 55 years; but any such officer, being a military commissioned officer and having held his post for less than five years, may for special reasons with the sanction of the ⁷⁶President be permitted to retain it until he has held it for that period.**

(d) **Notwithstanding anything contained in clauses (a), (b) and (c), a Government servant under suspension on a charge of misconduct shall not be required or permitted to retire on reaching the date of compulsory retirement but shall be retained in service until the enquiry into the charge is concluded and a final order is passed thereon by competent authority.**

Note 1. Deleted.

NOTE 2.—For the purpose of sub-clauses (i), (vii) (3) and (vii) (4) of clause (c) of this rule officiating tenure of a post shall be included in calculating the period of five years.

NOTE 3.—The grant, under Rule 86, of leave extending beyond the date on which a Government servant must compulsorily retire, or beyond the date up to which a Government servant has been permitted to remain in service shall be treated as sanctioning an extension of service up to the date on which the leave expires.

Secretary of State's ruling.—Deleted.

Government orders.—

(1) Under Fundamental Rule 2, the Governor-General has declared, in so far as Government servants under his administrative control or in a Chief Commissioner's Province are concerned, that Fundamental Rule 56 (a) shall not apply to a Government servant in class IV service.

⁷⁴Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

⁷⁵Omitted by G.P., M.F., Notification No.F.3(1)-R(S)/64, dated the 23rd June, 1964.

⁷⁶Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

[G.I., F.D., No.723-C.S.R., dated the 16th May, 1923.]

(2) *Deleted.*

Audit Instructions.—

(1) Clauses (a) and (b) of Fundamental Rule 56 apply to all Government servants to whom the Fundamental Rules as a whole apply, whether they be holding temporary or permanent posts substantively or in an officiating capacity. When a Government servant holding a permanent post substantively is officiating in another post, Fundamental Rule 56 (a), (b) and (c) (iii) should be applied according to the character of the post in which he is officiating and not according to the character of the permanent post held substantively by him.

[Para. 1, Chap. IX, Sec. I of Manual of Audit Instructions (Reprint).]

(2) When a Government servant is required to retire, revert or cease to be on leave, on attaining a specified age, the day on which he attains that age is reckoned as a non-working day and the Government servant must retire, revert, or cease to be on leave (as the case may be) with effect from and including that day. This rule applies to all Government servants (Civil, Military or Naval.)

[Para. 2, Chap. IX, Sec. I of Manual of Audit instructions (Reprint).]

(3) F. R. 56 [clauses (a) and (b)] is generally applicable to re-employed personnel, and the rules in Chapter XXI of the Civil Service Regulations are subject to the conditions laid down in F. R. 56. Article 520, Civil Service Regulations, however, from the nature of its concession and conditions, puts the re-employment of a person in receipt of a superannuation or retiring pension in a special class outside F. R. 56 and subject to the conditions stated in the Article itself which must be observed with every renewal of sanction.

[Para. 3, Chap. IX, Sec. I of Manual of Audit Instructions (Reprint).]

(4) In view of the occurrence of the word "ordinarily" in F. R. 56 (b), a ministerial Government servant can be retired from Government service between the ages of 55 and 60 years on grounds other than those of efficiency, and in such a case he has no claim to be retained in service up to the age of 60 years, nor is he entitled to any compensation for loss of appointment. The purpose of F. R. 56 is not to confer upon Government servants any right to be retained in service up to a particular age, but to prescribe the age beyond which they may not be retained in service

[Para. 4, Cup. IX, Sec. I of Manual of Audit Instructions (Reprint).]

(5) The date on which a ministerial Government servant must compulsorily retire is ordinarily the date on which he attains the age of 60 years, but in the case of a ministerial servant who is required to retire between the ages of 55 and 60, the date of compulsory retirement is the date from which he is required to retire. It follows from this ruling that the restriction imposed by F. R. 86 does not operate in the case of a ministerial servant between the ages of 55 and 60 unless an order is passed requiring him to retire.

[Para. 5, Chap. IX, Sec. I of Manual of Audit Instructions (Reprint).]

(6) *Deleted.*

⁷⁷F. R. 56-A.—(a) Notwithstanding anything contained in clause (a), clause (b) and sub-clauses (iv) and (vii) of clause (c) of rule 56 and except as otherwise provided in clause (b) of this rule, the date of compulsory retirement of a Government servant shall be the date on which he attains the age of 60 years:

Provided that nothing in this clause shall affect any term or condition of service applicable to any person who immediately before the 8th June, 1962, was entitled to retire before his attaining the age of 60 years, or could be permitted to serve for a limited period beyond the date of compulsory retirement otherwise applicable to him.

(b) No Chief Engineer of the Public Works or Railway Department, and no officer in the Superior Revenue Establishment of the Railways, corresponding in rank to a Chief Engineer, nor any officer holding the post of Consulting Engineer to the Government of Pakistan, shall, without re-appointment, hold the post for more than five years, but re-appointments to the posts may be as often, and in each case for such period not exceeding five years, as the President may decide, provided that the term of re-appointment shall not extend beyond the date on which the Government servant attains the age of 60 years.

F. R. 57. *Deleted.* (With effect from the 26th April, 1927).

⁷⁷Inserted by G.P., M.F. Notification No.F.5(8)RI(RWP)/62, dated the 1st December, 1962.

PART - IV

CHAPTER X.—LEAVE.

Section I—EXTENT OF APPLICATION

F. R. 58. Unless in any case it be otherwise distinctly provided in section VI of this chapter, the rules in sections I to V of this chapter apply to all Government servants to whom the fundamental rules as a whole apply; provided that it shall be open to any person who is in Government service, at the time when the fundamental rules come in to force to exercise the option of remaining under the leave rules to which he has hitherto been subject. The intention of exercising this option must be specifically declared to the local Government or the ⁷⁸President, as the case may be, within six months, of the date on which the fundamental rules come into force or, if the Government servant be on leave on that date, within six months of his return from leave. Every Government servant who does not make such a declaration will become subject to the rules in sections I to V of this chapter. The option once exercised is final.

Note.— A similar option may be exercised by the Government servants mentioned in rules 99 and 100.

[For the Revised Leave Rules, 1980, See Appendix 7-A in Volume II of the Compilation.]

Audit Instructions—

(1) The words "Government servants to whom the Fundamental Rules as a whole apply" used in this rule are intended to mean Government servants referred to in Fundamental Rule 2.

[Para. I, Chap. X, Sec. I of Manual of Audit Instructions (Reprint)]

F. R. 59. Leave is earned by a Government servant under sections I to V of this chapter if he holds a lien on a permanent post in civil employ or would hold a lien on such a post had his lien not been suspended.

F. R. 60. Leave is earned by duty only. For the purpose of this rule a period spent in foreign service count as duty if contribution towards leave-salary is paid on account of such period.

Audit Instruction. - Sec item (4) of the Audit Instructions below F. R.9 (6) in this Section.

⁷⁸Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

F. R. 61. A military commissioned officer appointed to a post in civil employ becomes subject to these rules under the following conditions:-

(a) (i) An officer subject, before such appointment, to the Military Leave Rules, becomes subject to these rules, from the date of first substantive appointment to a post in civil employ or from the date of completion of three years continuous officiating duty in such service, whichever is earlier. In reckoning continuous duty-

(1) any period of foreign service to which transfer was made direct from a civil post, may be included, and

(2) leave does not operate to break continuity unless the officer has to revert to military employ in order to obtain such leave.

NOTE. -- This rule also applies to commissioned officers transferred from the Army Veterinary Department to the Civil Veterinary Department.

(ii) Deleted. [By G.P., M.F. Notification No.F.3(1)-R(S)/64, dated the 23rd June, 1964]

(iii) Deleted. [By G.P., M.F. Notification No.F.3(1)-R(S)/64, dated the 23rd June, 1964].

(b) Transfer from military service to a post in civil employ, the tenure of which is limited to a definite period, does not entitle an officer to leave under these rules unless it is a condition of such transfer that he will not return to military employment at the expiry of his tenure of the said or any subsequent post in civil employ.

(c) Deleted. [By G.I., F.D. Notification No.F.7.(81-b)R.1/39, dated the 27th March, 1941].

Audit Instructions.— (1) When a Military Officer is appointed substantively on probation to a permanent post in civil employ, his appointment to the post is substantive appointment, within the meaning of Fundamental Rule 61(a)(i), and his service from the date of such appointment counts for leave under Sections I to V of Chapter X of the Fundamental Rules.

(This instruction takes effect from the 14th May, 1937).

[Para. 4(ii), Chap. X. Sec. I. Of Manual of Audit Instructions (Reprint) as inserted by correction slip No.37, dated the 1st June, 1939.]

(2) No leave can be treated as duty for the purpose of Fundamental Rule 61 or for the purpose of any other Fundamental Rule unless the contrary is expressly stated therein.

[Para. 4(iii), Chap. X. Sec. I. Of Manual of Audit Instructions (Reprint) as inserted by correction slip No.38, dated the 1st June, 1939.]

Auditor General's decisions—

(1) For purposes of clause (a)(i) of Fundamental Rule 61 the substantive appointment of a person to a Service or a branch of a Service means substantive appointment to a post borne on the cadre of that service or of that branch of the service, which may not necessarily be the particular post actually held by him at the time.

(Ar. G's endorsement No.219-Admn.I/206-37, dated the 7th April, 1938.)

(2) It has been decided by the Auditor General with the concurrence of the Government that no attempt should be made to recalculate the leave under Fundamental Rule 100 in respect of their probationary service or to revise their leave accounts now in the case of Military officers appointed and confirmed in the political service before 14th May, 1937. In the case of all those appointed before 14th May, 1937 but confirmed later or those appointed on or after that date leave should be recalculated under Fundamental Rule 100 in respect of the probationary service from the date of their appointment, and their leave accounts should be revised accordingly; but no recoveries in respect of leave salaries paid prior to that date should be enforced and the leave enjoyed before that date should be allowed to stand.

[Ar. G's endorsement No. 475-A/193-38, dated the 15th November, 1938.]

F. R. 62. Except as provided in rule 61, a military officer in civil employ remains subject to Military Leave Rules.

F. R. 63. When a military commissioned officer subject to these rules is temporarily transferred to military duty, but retains a lien on his post in civil employ, the period of his absence counts as duty for leave under these rules.

F. R. 64. Unless in any case it be otherwise expressly provided by or under these rules, a Government servant transferred to a service or post to which these rules apply, from a service or post to which they do not apply is not ordinarily entitled to leave under these rules in respect of duty performed before such transfer but a Government servant reverting from duty as Judge of a High Court ⁷⁹[. .] may count such duty for leave as though it were duty performed in a vacation department, all leave taken during the service concerned being treated as taken under these rules.

F. R. 65. (a) If a Government servant, who quits the public service on compensation or invalid pension or gratuity, is re-employed and if his gratuity is thereupon refunded or his pension held wholly in abeyance, his past service thereby becoming pensionable on ultimate retirement, he may, at the discretion of the

⁷⁹Omitted by G.P., M.F. Notification No.F.3(1)-R(S)/64, dated the 23rd June, 1964.

authority sanctioning the re-employment and to such extent as that authority may decide, count his former service towards leave.

(b) A Government servant who is dismissed or removed from the public service, but is reinstated on appeal or revision, is entitled to count his former service for leave.

Audit Instructions--

(1) The re-employment of a person who has retired on a Superannuation or Retiring Pension is generally an exceptional and temporary expedient. In such cases, the service of the re-employed pensioner should be regarded as temporary and his leave during the period of reemployment should be regulated by the rules applicable to temporary Government servants.

[Para. 5(i), Chap. X, Sec. I of Manual of Audit Instructions (Reprint)]

(2) Resignation of the public service, even though it is followed immediately by re-employment, should entail forfeiture of past service for the purpose of leave under the Fundamental Rules and should, therefore, constitute an interruption of duty for the purpose of Supplementary Rule 286.

[Para. 5 (ii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint) inserted by correction slips No. 56, dated the 2nd December, 1940.)

Section II.--GENERAL CONDITIONS.

F. R. 66. A local Government may make rules specifying the authorities by whom leave, other than special disability leave under rule 83, may be granted.

(For rule made under Fundamental Rule 66, see Supplementary Rules 206-208).

F. R. 67. Leave cannot be claimed as of right. When the exigencies of the public service so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

*Government decision.--*The Government have held that under F. R. 87 (a) the nature of the leave due and applied for by a Government servant cannot be altered at the option of the sanctioning authority and that under F. R. 67 while it is open to the sanctioning authority to refuse or revoke the leave due and applied for, it is not open to him to alter the nature of such leave.

(F.A., P. and T's letter No. Es. B. 51-6/32, dated the 20th September, 1932.)

F. R. 68. Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day preceding that on which charge is resumed. When

joining time is allowed to a Government servant returning from leave out of Pakistan, the last day of his leave is the day before the arrival of the vessel in which he returns at her moorings or anchorage in the port of debarkation or, if he returns by air, the day on which the aircraft in which he returns arrives at its first regular port in Pakistan. A local Government may, however, make rules defining the circumstances in, and the conditions on, which Sundays or other recognized holidays may be prefixed to leave or affixed to leave or joining time.

[For rules made under F. R. 68, see Supplementary Rules 209-211.]

Audit Instructions.--

(1) The joining time of a Government servant who returns from leave out of Pakistan and disembarks, not at the first port of call in Pakistan, but at another such port, should be reckoned from the day of arrival of the vessel at the second or subsequent port at which he actually disembarks, whether the sea journey from the first port of call in Pakistan to the subsequent port of disembarkation is made in the same steamer which takes him to the first port of call or in some other steamer.

[Para.6 (i), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(2) All days which are within the definition of holidays in S. R. 2(12) and are also allowed to the individual concerned but no other days shall be treated as 'recognised holidays' for the purpose of F. R. 68. The effect will be that a so-called sectional holiday in the Government Secretariat will be treated as a recognised holiday for the purpose of F. R. 68 if it is a public holiday in terms of the Explanation to Section 25 of the Negotiable Instruments Act, 1881, and is admissible as a sectional holiday to the individual concerned but not otherwise.

A holiday, which is a closed holiday for the Government Secretariat and its attached and subordinate offices but is not notified as a Negotiable Instruments Act holiday shall also be treated as 'recognised holiday' for the purpose of F.R. 68.

(3) The provision in this rule - that when joining time is allowed to a Government servant returning from leave out of Pakistan, the last day of his leave is the day before the arrival of the vessel in which he returns at her moorings or anchorage in the port of disembarkation or if he returns by air, the day on which the aircraft in which he returns arrives at its first regular port in Pakistan - applies only to cases falling under F. R.105(c) in which joining time is granted to a Government servant returning from leave out of Pakistan of more than four months' duration.

[Para. 6 (iii), Chap. X. Sec. I of Manual of Audit Instructions (Reprint).]

F. R. 69. A Government servant on leave may not take any service or accept any employment without obtaining the previous sanction of -

- (a) the ⁸⁰President, if the proposed service or employment lies elsewhere than in Pakistan, and
- (b) the ⁸¹President, or any lower authority empowered to appoint him, if the proposed service or employment lies in Pakistan.

Provided that a Government servant who has been granted permission to take any service or accept any employment under this rule, during leave preparatory to retirement, shall be precluded, save with the specific consent of the ⁸²President, or any lower authority empowered to appoint him, from withdrawing his request for permission to retire and from returning to duty.

Note.— This rule does not apply to casual literary work, or to service as an examiner or similar employment; nor does it apply to acceptance of foreign service which is governed by Rule 110.

Secretary of State's decisions.—

(1) The employment of officers who are on leave preparatory to retirement in trading concerns in Pakistan is *prima facie* open to grave objection and should be permitted only in very exceptional cases. All applications to take up private employment with trading concerns in Pakistan while on leave preparatory to retirement, which may be received from officers in Pakistan, who are on leave preparatory to retirement or who are contemplating premature retirement in Pakistan should, therefore, be very carefully examined and forwarded to the Government of Pakistan with full explanation of the views of the local Government in the case of members of the all-Pakistan Services. No reference to the Government of Pakistan is necessary in the case of persons appointed by the local Government or any lower authority.

(2) It has been decided that officers on leave preparatory to retirement, desiring to take up Government employment, shall be given the option of retiring forthwith, or of remaining on leave, until they have exhausted the leave admissible to them, on condition that, so long as they are employed under the Government, leave salary will be restricted to the amount of the pension admissible to them on retirement.

[G.I., F.D., endorsement No. F.7(58)R.I/39, dated the 21st September, 1939.]

Government order.--The principle underlying the orders contained in item (1) of the Secretary of State's decisions above applies to all services, but the sanction of the Government is required only in the case of members of All-Pakistan Services. No

⁸⁰Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

⁸¹Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

⁸²Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

reference to the Government is necessary in the case of persons appointed by the local Government or any lower authority.

Government decision.-- The Governor-General has had under consideration the question of the terms and conditions of service to be offered to Government servants (other than Railway employees) who may be permitted to accept appointments in civil departments of the Central Government, during leave preparatory to retirement. He has now decided as follows:-

(a) If a Government servant who is on leave preparatory to retirement is required for further service in his parent department or office in or outside Pakistan, his leave should be cancelled and he should be recalled to duty.

(b) If the re-employment is in a post other than in his parent department, or office, the Government servant concerned will be given the option of -

(i) retiring forthwith; or

(ii) remaining on leave, while performing duty in that post until he has exhausted the leave granted to him or chooses to retire.

(c) If the Government servant elects to remain on leave under clause (b) (ii) above, he will, during the period of such leave, draw in addition to the pay of the new post to which he is appointed, his leave salary as follows:-

I. If the re-employment is in Pakistan the leave salary shall not exceed —

(i) In the case of a member of a Class I or Class II Central Service whose service is pensionable, the amount of pension, which it is anticipated will be admissible to him on retirement. No subsequent readjustment of such anticipatory pension will be made on the basis of actual pension.

(ii) In the case of all non-pensionable Government servants and pensionable Government servants of the Central Subordinate Services, half of leave salary admissible in respect of leave on full pay or full average pay, as the case may be.

II. If the re-employment is outside Pakistan, the full leave salary admissible to him under the rules shall be granted during the period of the present hostilities; and on the termination of hostilities leave salary will be restricted in the same way as if the re-employment were in Pakistan.

In a case where option to remain on leave has been exercised under clause (b) (ii) above, the pay of the officer shall on retirement be re-fixed in accordance with the rules applicable to re-employed pensioners.

[G.I., F.D., Endorsement No.F.7(29)-RI/44, dated the 25th July, 1944]

Audit Instruction.--Although the grant of permission to take up private employment during leave on medical certificate is technically covered by the provisions of F. R. 69, such an arrangement is clearly contrary to the spirit of the regulations, as it is not the intention that the leave which can be obtained on the strength of a medical certificate should be allowed to a Government servant the state of whose health enables him to earn a competence by private employment. F. R. 69 should not therefore be construed as permitting a Government servant who avails himself of leave on medical certificate to undertake regular employment during such leave.

[Para. 7, Chap. X. Sec. I of Manual of Audit Instructions (Reprint)]

F. R. 70. All orders recalling a Government servant to duty before the expiry of his leave should state whether the return to duty is optional or compulsory. If the return is optional, the Government servant is entitled to no concession. If it is compulsory, he is entitled:-

- (a) **If the leave from which he is recalled is out of Pakistan-**
 - (i) **to receive a free passage to Pakistan and provided that he has not completed half the period of his leave by the date of leaving for Pakistan on recall, or three months, whichever period is shorter, to receive a refund of the cost of his passage from Pakistan;**
 - (ii) **to count the time spent on the voyage to Pakistan as duty for purposes of calculating leave; and**
 - (iii) **to receive leave-salary during the voyage to Pakistan, and for the period from the date of landing in Pakistan to the date of joining his post to be paid leave-salary at the same rate at which he would have drawn it had he not been recalled but returned in the ordinary course on the termination of his leave and for the latter period travelling allowance under rules made in this behalf under rule 44.**
- (b) **If the leave from which he is recalled is in Pakistan, to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw travelling allowance under rules made in this behalf under rule 44 for the journey, but to draw until he joins his post, leave-salary only.**

[For rules governing the drawal of travelling allowance for a journey on recall from leave, see Supplementary Rules 142 and 143.]

Government order.-- Orders recalling a Government servant from leave should state whether the return to duty is optional or compulsory.

Government decision—

(1) The 'Concession' referred to in the second sentence of F. R.70 is concession of the category permitted by that rule. The concessions under F.R. 70 are clearly not intended to affect the privileges of Government servants which are admissible under other rules; the concession may be availed of when they happen to prove additional to, or better than, the ordinary privileges.

[G.I., F.D. letter No. F. 12(55)-R.I/31, dated the 22nd September, 1931 to the A.G. Punjab Lahore.]

(2) In consultation with the Auditor-General the Government have decided that vacation should be treated as leave for the purposes of F.R.70 (a) (i) only up to the extent to which it operates to reduce the amount of leave which could otherwise have been granted as leave proper. In the case of an officer of a vacation department, the maximum amount of leave that can be granted throughout his service under Fundamental Rules 81 (a) and 81 (b) is subject to the reduction prescribed in Fundamental Rule 82 (b). Once the maximum amount of leave admissible to such an officer has thus been determined each time leave is applied for, it is subject to no further reduction by reason of the fact that vacation is combined with leave. The only occasion when vacation operates to reduce the amount of leave that may be granted under Fundamental Rule 81 is provided in Fundamental Rule 82 (d) which requires that the period of vacation when combined with leave shall be reckoned as leave, in calculating the maximum amount of leave on average pay which may be included in the particular period of leave. The intention of this rule is that the combination of vacation with leave on average pay should be so regulated as to limit the total period to the maximum prescribed in Fundamental Rule 81 (b) and that when the amount of leave on average pay due plus the period of vacation exceeds this maximum, i.e., 4 or 8 months, as the case may be, vacation should operate to reduce the amount of such leave so as to restrict the total period to the prescribed maximum. Consequently in such cases vacation should be treated as leave for the purpose of Fundamental Rule 70 (a) (i) only to the extent it operates by virtue of Fundamental Rule 82 (d) to reduce the amount of leave on average pay ordinarily admissible. The same principles will apply where the vacation of District and Sessions Judges is treated as recognised holidays but its combination with leave on average pay is subject to the same condition as in Fundamental Rule 82 (d).

[G.I., F.D. letter No. F.7(48),R.I/40, dated the 12th August, 1940.]

Audit Instructions.--

(1) The expression "on the termination of his leave" in clause (a) (iii) of F.R. 70 means "on the termination of the period of leave as determined by his recall as opposed to the whole of the leave he was originally granted". The effect of this interpretation will be to make the same leave salary admissible for the period of transit in Pakistan as would be admissible had the return to duty been voluntary and the period of voyage been leave

proper and the period of transit in Pakistan been leave proper or joining time under F. R. 105, as the case may be.

[Para. 7-A, Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(2) Application of F. R. 70 (a) (ii) to Judges governed by the High Court Judges Order in Council of 1937.-- The concession admissible under F.R. 70(a)(ii) of counting the time spent on the voyage to Pakistan as duty for purposes of calculating leave is repugnant to the provisions of the Order in Council in so far as the earning of leave is concerned, since under paragraph 7 of this Order leave is earned by "actual service" and not by "duty" as defined in the Fundamental Rules and "actual service" as defined in paragraph 2 of the Order does not include time spent by a Judge on voyage to Pakistan on being compulsorily recalled from leave out of Pakistan. Thus, under paragraph 26 of the Order in Council read with F. R. 70 a Judge on compulsory recall from leave out of Pakistan is entitled to count the period of his voyage to Pakistan as duty for all purposes of leave (e.g., determining the amount of leave taken and debiting it in the leave account, calculating the aggregate amount of leave admissible to a Judge during his whole period of service, etc.) except that of earning leave.

[Para. 2, Sec. IV-D of the Manual of Audit Instructions (Reprint).]

F. R. 71. No Government servant who has been granted leave on medical certificate may return to duty without first producing a medical certificate of fitness in such form as the ⁸³President may by order prescribe. A local Government may require similar certificate in the case of any Government servant who has been granted leave for reasons of health, even though such leave was not actually granted on a medical certificate.

[For rules made under Fundamental Rule 71, see Supplementary Rules 212 and 213.]

Secretary of State's order.--The Secretary of State has ordered that a Government servant who has taken leave on medical certificate out of Asia, elsewhere than in Europe, North Africa, America or the West Indies, may not return to duty until he has produced a medical certificate of fitness from two medical practitioners in the following form:-

"We certify we have carefully examined C. D. of the.....
Department and find that he is in good health and fit to return to his duty in Pakistan.

Date

Place "

⁸³Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

If the certificate be signed by foreigners, it should be attested by an officer of the Pakistan Mission or other authority as bearing the signature of qualified medical practitioners.

F. R. 72. Unless he is permitted to do so by the authority which granted his leave, a Government servant on leave may not return to duty more than fourteen days before the expiry of the period of leave granted to him.

F. R. 73. A Government servant who remains absent after the end of his leave is entitled to no leave-salary for the period of such absence and that period will be debited against his leave account as though it were leave on half average pay unless his leave is extended by the local Government. Willful absence from duty after the expiry of leave may be treated as misbehaviour for the purpose of rule 15.

F. R. 74. (a) Subject to any instructions which may be given by the⁸⁴President in connection with the control of the issue of money from treasuries or by the Auditor-General in order to secure efficiency and uniformity of audit, a local Government may make rules prescribing the procedure to be followed in Pakistan-

- (i) in making application for leave and for permission to return from leave,**
- (ii) in granting leave,**
- (iii) in the payment of leave-salary, and**
- (iv) in the maintenance of records of service.**

(b) The procedure to be followed elsewhere than in Pakistan will be prescribed by the⁸⁵President.

[For rules made under Fundamental Rule 74(b), see Supplementary Rules 242 to 262.

For rules made under Fundamental Rule 74(a) (i) and (ii), see Supplementary Rules 214 to 241.

For Rules made under Fundamental Rule 74(a) (iv), see Supplementary Rules 196 to 205.]

Auditor General's Instructions.--The instructions issued by the Auditor General under Fundamental Rule 74(a), are given in Appendix No. 8 in Volume II of this Compilation.

⁸⁴Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

⁸⁵Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

Section III.-- SPECIAL AND ORDINARY LEAVE RULES.

F. R. 75. (1) All Government servants who are not hereinafter declared to be subject to the special leave rules shall be subject to the ordinary leave rules.

(2) The following Government servants shall be subject to the special leave rules, namely:-

(a) Any Government servant having at the time of his appointment his domicile elsewhere than in Asia:

Provided that no such Government servant shall be entitled to the benefits of the special leave rules who prior to such appointment, has, for the purpose of his appointment to any office under the Government or of the conferment upon him by the Government of any scholarship, emoluments, or other privilege, claimed and been deemed to be of Pakistan or Indian domicile.

(b) Deleted. [By G.P., M.F. Notification No. F.3(1)-R(S)/64 dated the 23rd June, 1964].

(c) Deleted. [By G.P., M.F., Notification No. F.3(1)-RS, 64, dated the 23rd June, 1964].

Audit Instructions.--

(1) A Government servant who becomes eligible to the Special Leave Rules while he is on leave under the Ordinary Leave Rules may from the date he becomes so eligible, change the balance of his leave to leave under the Special Leave Rules.

[Para. 9(i), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(2) The expression "at the time of his appointment" occurring in Fundamental Rule 75 (2) (a) means the date of an officer's appointment to a service or post to which the provisions of the Fundamental Rules apply.

[Para.9(ii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

Auditor-General's decision.—A question arose whether an officer of Asiatic domicile who was appointed as a probationer in a Service on 21st March, 1923 and confirmed in that service on 21st March, 1925 should be governed by the Special Leave Rules under F.R. 75 (2) (c) read with Article 310 (2) (c) of the Civil Service Regulations. As the officer was a probationer in the Service prior to the 24th July, 1923 and as a probationer is to be considered as having the attributes of a substantive status - *vide* Audit Instruction 2(c) below F.R. 9(6), it was decided with the concurrence of the Government

that the officer should be entitled to the benefit of the Special Leave Rules from the date his Pay was raised to Rs.900 per month.

[Ar. G's. endorsement No. 308-A/199-40, dated the 27th September, 1940.]

F. R. 75-A. For the purpose of sub-rule 2 of rule 75 the domicile of a person shall be determined in accordance with the provisions set out in the Schedule to these rules:

Provided that a person who was born and has been educated exclusively in Asia and has not resided out of Asia for a total period exceeding six months shall be deemed to have his domicile in Asia unless in the case of a person to whom the proviso in sub-rule 2(a) of rule 75 does not apply it is proved to the satisfaction of the appointing authority that he did not have his domicile in Asia on that date.

Secretary of State's decision. - See entry below F.R. 9 (20).

F. R. 75-B. No Government servant who, after his appointment to a service or post acquires a new domicile, shall there-by lose his right to, or become entitled to, admission to the benefits of the special leave rules.

F. R. 75-C. If any question arises as to the domicile of any Government servant at the time of his appointment, the decision thereon of the ⁸⁶President in the case of persons appointed by him, or of local Government in the case of persons appointed by them, shall be final.

Auditor-General's decision.--The special leave rules in Fundamental Rules 75 to 75C are based on a recognition of the principle that officers serving out of their own country can legitimately be given more generous leave terms than officers serving in their own country. Thus, any Government servant, whether gazetted or not, even though he might have been subject to the Indian Services Leave Rules under the Civil Service Regulations, is entitled under Fundamental Rule 75(2)(a) to the benefits of the special leave rules with effect from the 24th July 1923, provided the criterion for the eligibility is fulfilled, *i.e.*, if at the time of his appointment he had his domicile elsewhere than in Asia. This decision also applies to such Government servants as elected to remain under the leave rules in the Civil Service Regulations.

[Ar. G's. No. 1158-A.-187-23, dated the 16th November 1923.]

Section IV.--GRANT OF LEAVE.

F. R. 76. A leave account shall be maintained for each Government servant in terms of leave on average pay.

⁸⁶Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

Secretary of State's order.—A separate account should be kept of the leave earned by a Government servant serving under a Government and then transferred to another Government and all leave taken after the date of transfer should be debited to this account so long as the balance under it is not exhausted, and the allowances drawn during all leave, which is so debited, should be charged to that Government.

[S. of S's. telegram No. 59-C.S.R., dated the 12th January, 1921, received with G.I., F.D. No. 970-C.S.R., dated the 22nd September, 1921.]

Government decision.--The Government have decided that the rate of leave-salary actually received by an absentee by the operation of the further proviso to F.R. 87 should not be taken into account in recording the leave granted to class IV servants in their leave accounts but that the accounts should be debited with the kind of leave granted irrespective of the leave salary.

[G.I., F.D. letter No. F.56-R.I/28, dated the 9th April, 1928.]

Audit Instruction.--Fractions of a day should not appear in the leave accounts, fractions below half should be ignored, and those of half or more should be reckoned as one day.

[Para. 10, Chap. X, Sec. I of Manual of Audit Instructions (Reprint)]

F. R. 77. (a) In the leave account of a Government servant who on his entry into Government service becomes subject to these rules, shall be credited:-

- (i) **If he be under the special leave rules, five-twenty seconds of the period spent on duty; and**
- (ii) **If he be under the ordinary leave rules, two elevenths of the period spent on duty.**

(b) In the leave account of a Government servant other than a military commissioned officer who is already in Government service when he becomes subject to these rules, shall be credited:-

- (i) **If he be under the special leave rules -**
 - (1) **the privilege leave which it would, on the date on which he becomes subject to these rules, be permissible to grant to him under the rules in force prior to that date; *plus***
 - (2) **one-twelfth of the period prior to that date spent on duty or on privilege leave while subject to the Indian Service Leave Rules of the Civil Service Regulations; *plus***

(3) one-eighth of the period prior to that date spent on duty or on privilege leave while subject to the European Service Leave Rules; *plus*

(4) five-twenty-seconds of the period spent on duty subsequent to that date.

(ii) If he be under the ordinary leave rules -

(1) the privilege leave which it would, on the date on which he becomes subject to these rules be permissible to grant to him under the rules in force prior to that date; *plus*

(2) one-twelfth of the period spent on duty or on privilege leave prior to that date; *plus*

(3) two-elevenths of the period spent on duty subsequent to that date.

Provided that in the case of a Government servant (other than a Government servant who became subject to these rules before the 10th April, 1934) who becomes subject to these rules in the calendar year in which he was transferred from military to civil employ, and who before transfer was subject to Military leave rules, the credit under this clause shall be reduced by 1/11th of the duty intervening between the date of his becoming subject to these rules and the termination of the calendar year of transfer, but this reduction shall not be made if privilege leave under the military rules is not admissible in respect of the calendar year of transfer because the officer has not actually performed duty in the Military Department during that year.

(c) In the leave account of a military commissioned officer who becomes subject to these rules shall be credited:-

(1) (i) The privilege leave which, on the date on which he becomes subject to these rules, it would be permissible to grant to him under the rules applicable to him prior to that date, or

(ii) the leave on average pay which, on the date on which he becomes subject to these rules, it would be permissible to grant him under rule 100, *plus*

(2) One-eighth of the period prior to that date spent on duty or on privilege leave during the following periods of service:-

(i) Service under the European Service Leave Rules of the Civil Service Regulations;

- (ii) **Service in Pakistan under Military Leave Rule or the British Army Leave Rules, and**
- (iii) **Service out of Pakistan under the Military Leave Rules subsequent to the date of first arrival in Pakistan, plus**
- (3) **five-twenty-seconds or two-elevenths of the period spent on duty subsequent to that date according as he is subject to the special leave rules or the ordinary leave rules:**

Provided that in the case of an officer (other than an officer who became subject to these rules before the 4th of December, 1928) who becomes subject to these rules in the calendar year in which he was transferred to civil employ, the credit under this clause shall be reduced by 1/11th of the duty intervening between the date of his becoming subject to these rules and the termination of the calendar year of transfer, but this reduction shall not be made if privilege leave under the military rule is not admissible in respect of the calendar year of transfer because the officer has not actually performed duty in the Military Department during that year.

Note.-- A commissioned officer transferred from the Army Veterinary Department to the Civil Veterinary Department shall be considered, for the purposes of this rule, to have been subject to the Military Leave Rules from the date of his arrival in Pakistan on his last tour of service.

(d) Any other Government servant transferred permanently from military to civil employ is entitled to a credit to his leave account based on such portion of his military duty as, under the rules for the time being in force, is permitted to count for pension:

Provided that in the case of a Government servant (other than a Government servant who became subject to these rules before the 10th April 1934) who becomes subject to these rules in the calendar year in which he was transferred from military to civil employ, and who before transfer was subject to Military leave rules, the credit under this clause shall be reduced by 1/11th of the duty intervening between the date of his becoming subject to these rules and the termination of the calendar year of transfer but this reduction shall not be made if privilege leave under the military rules is not admissible in respect of the calendar year to transfer because the officer has not actually performed duty in the Military Department during the year.

(e) A Government servant who is subject, at the time when these rules come into force, to the Indian Service Leave Rules which were in force in January, 1920, is entitled to credit to his leave account, in addition to the periods admissible under clause (b) above, one-third of any period of leave on medical certificate taken under the former rules.

Government decisions.--

- (1) to (3) *Deleted.*

Audit Instructions.--

- (1) See Audit Instruction below F.R.76 in this Section.
- (2) Five-twenty-seconds of the period spent on duty should be calculated thus:-

The amount of duty as expressed in terms of years, months and days should be multiplied by five and the product divided by twenty-two. In this process of multiplication and division a month should be reckoned as equal to 30 days.

Two-elevenths of the period spent on duty should also be calculated similarly.

[Para. 11(i), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(3) In calculating the leave admissible to Government servants subject to the ordinary leave rules for a part of their service and to the special leave rules for the remainder of their service, the periods spent on duty under each of those rules should be taken separately and the calculation of the leave admissible in respect of each of those periods should be made separately. According to this interpretation of the rule, the amount of leave that will be credited to the leave account of a Government servant who was originally under the Indian Service Leave Rules and then came under the European Service Leave Rules, will, under Fundamental Rule 77 (b) be - (i) the privilege leave which it would, on the date on which he becomes subject to the Fundamental Rules, be permissible to grant to him under the rules in force prior to that date, *plus* (ii) one twelfth of the period spent on duty or on privilege leave during the period he was under the Indian Service Leave Rules, *plus* (iii) one eighth of the period spent on duty or on privilege leave during the period he was subject to the European Service Leave Rules prior to the date of his coming under the Fundamental Rules *plus* (iv) five-twenty-seconds of the period spent on duty subsequent to the date of his coming under the Fundamental Rules. The concession in Fundamental Rule 77 (e) should also be allowed subject to the proviso that the total leave so credited under Fundamental Rule 77 (b) (ii) should not exceed what would have been admissible had the Government servant been under the European Service Leave Rules from the beginning of his service.

[Para. II (ii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(4) The expression "period spent on duty" in clause (b) (i) (2), (b) (i) (3) and (b) (ii) (2) of this rule includes also periods of subsidiary leave taken under the rules in force prior to the 29th July, 1920.

[Para. 12 (i), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(5) The leave of a Government servant, who has hitherto been in the employ of the Defence Department and Subject to the Civil Service Regulations, should, on his permanent transfer to the Civil Department, be regulated under F.R. 77 (b) and not under F.R. 77 (d). Any temporary service rendered by such a Government servant under the Civil Service Regulations counts for leave under S.R. 286.

[Para. 12 (ii), Chap. X, Sec. I, of Manual of Audit Instructions (Reprint).]

(6) The full pay leave admissible annually to the Sub-Assistant Surgeons of the late Indian Medical Department under paragraph 79 (ii) of the Regulations for the Medical Services of the Army shall, on their substantive appointment to permanent posts in Civil employ, be treated as privilege leave for the purposes of the Fundamental Rules.

[Para.12 (iii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(7) *Leave Account of Military Commissioned Officers in permanent civil employ who revert permanently to the Defence Department and are again transferred to the Civil Department and become subject to Fundamental Rules.* –The net amount of leave in the officer's leave account under the Fundamental Rules on the date of his reversion to the Defence Department shall be credited to his leave account when he again becomes subject to those rules and his leave account should be drawn up in the following manner:-

- (i) Net amount of leave under Fundamental Rules at credit on the date of reversion to the Defence Department; *plus*
- (ii) the leave on average pay under F.R. 100 at credit on the date on which he again becomes subject to the Fundamental Rules; *plus*
- (iii) one-eighth of the period spent on duty and on privilege leave from the date of reversion to the Defence Department to the date on which he again becomes subject to these rules; *plus*
- (iv) five-twenty-seconds or two-elevenths of the period spent on duty subsequent to that date, according as he is subject to the special or the ordinary leave rules.

[Para. 13 (i), Chap. X, Sec. I of the Manual of Audit Instructions (Reprint).]

(8) Temporary service in the late Indian Medical Service, which is not service under the Military Leave Rules, does not count for the purpose of leave under Fundamental Rules 77 (c).

[Para. 13 (ii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint) as inserted by correction slip No. 51, dated the 1st April, 1940.]

(9) In calculating the amount of leave that should be credited to the leave account of a Government servant, other than a Military Commissioned Officer, on his permanent transfer from Military to Civil employ, clause (d) of Fundamental Rule 77 should be *read* with the provisions of the preceding clauses, of that rule, so that such portion of the Government servant's military duty as, under the rules for the time being in force, count for pension should be reckoned as duty for the calculation of the amount of leave to be credited under clause (b) of the rule.

In the same connection, a further point for consideration is whether, in cases where a portion of the Military Service, which is allowed to count for civil leave under clause (d), was rendered prior to the 24th July 1923, the date on which "domicile" was adopted as the sole criterion for eligibility for admission to the benefits of the special Leave Rules, the proportion for the calculation of the credit in respect of that portion of the Military service should be one-eighth or one-twelfth. This point will be decided by the ⁸⁷President in each case as it arises on its merits.

[Para. 14, Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

F. R. 78. The amount of leave debited against a Government servant's leave account is--

- (a) **the actual period of leave on average pay including any furlough on average pay taken under rules previously in force but excluding special disability leave on average pay under rule 83(7), and**
- (b) **half the period of leave on half average pay (other than special disability leave) or on quarter average pay or on leave-salary equal to subsistence grant under the Note to rule 88, or of special disability leave on average pay under rule 83(7) (b).**

Note 1.— No privilege leave taken under the former Civil Leave Rules, or by a military officer under the British or Military Leave Rules before coming under Civil Service rules, is to be debited under (a) above.

Note 2.— Under (b) above are to be debited -

- (a) Furlough, leave on medical certificate and special leave with allowances taken under either the European Service Leave Rules or the Indian Service Leave Rules as they stood before these rules came into force.
- (b) In the case of military commissioned officer who becomes subject to these rules, leave in and out of Pakistan on less than full pay actually taken during the following periods of service:-

⁸⁷Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

- (1) service in Pakistan under the Military Leave Rules or the British Army Leave rules, and
- (2) service out of Pakistan under the Military Leave Rules subsequent to the date of first arrival in Pakistan.

Provided that the debit on this account shall not exceed the credit given in respect of such service under rule 77 (c).

Note 3.—In cases covered by rule 77(d) the leave taken during the period of duty on which the credit to the leave account is based is to be debited as prescribed in Notes 1 and 2 above.

Audit Instructions.- Leave on average pay taken under Fundamental Rule 100 should not be debited against the leave account under Fundamental Rule 78 (a).

[Para. 15, Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

F. R. 79. When a Government servant who has previously been subject to the ordinary leave rules, is admitted to the benefits of the special leave rules, no change shall be made in the amount of leave previously credited and debited to his account, but he shall be entitled to the maximum amount of leave prescribed in rule 81 (a) (i).

F. R. 80. The amount of leave due to a Government servant is the balance of leave at his credit in the leave account.

F. R. 81. Leave may be granted to a Government servant at the discretion of the authority entitled to grant the leave, subject to the following restrictions:-

- (a) The maximum amount of leave which may be granted, expressed in terms of leave on average pay, is the privilege leave which it would be permissible to grant to the Government servant in question, on the date on which he becomes subject to these rules, under the rules applicable to him prior to that date; *plus* one-eleventh of the period spent on duty subsequent to that date; *plus*
 - (i) in the case of Government servants under the special leave rules, three years; or
 - (ii) in the case of Government servants under the ordinary leave rules, two and a half years.

Provided that special disability leave on half average pay or on average pay under rule 83(7) (a) shall not be taken into account in calculating the maximum prescribed by this clause, and, in the case of such leave taken

on average pay under rule 83(7) (b), account shall be taken of only half the period thereof.

- (b) The maximum amount of leave on average pay including any furlough on average pay taken under rules previously in force but excluding special disability leave on average pay under rule 83(7) (a) which may be granted is:-

- (i) To a Government servant under the special leave rules, eight months at any one time, and, in all -

the privilege leave which it would, on the date on which he comes under these rules, be permissible to grant to him under the rules applicable to him prior to that date; *plus*

one-eleventh of the period spent on duty subsequent to that date; *plus* one year.

- (ii) To a Government servant under the ordinary leave rules, four months ⁸⁸[or to such Government servant attached to the Kashgar Consular-General, six months at any one time,] and, in all -

the privilege leave which it would, on the date on which he comes under these rules, be permissible to grant to him under the rules in force prior to that date; *plus*

one-eleventh of the period spent on duty subsequent to that date;

Provided that, in the case of a Government servant other than a class IV Government servant subject to the ordinary leave rules, who either takes leave on medical certificate other than leave preparatory to retirement or spends his leave elsewhere than in Pakistan, India, Ceylon, Nepal, Burma or Aden the maxima prescribed in sub-clause (i) of this clause shall apply.

Note 1. - In the case of a Government servant who is entitled, under orders previously in force, to privilege leave for more than four months, the number of months to be taken at one time as prescribed in sub-clauses (i) and (ii) above may be increased, on the first occasion when leave is taken under these rules, by the number of months by which the amount of privilege leave due exceeds four months.

Note 2. - The leave on average pay which on the date on which he becomes subject to these Rules it would be permissible to grant to a Military Commissioned officer under rule 100 should, when he becomes so subject, be treated as privilege leave for the purposes of sub-rules (a) and (b) of this rule.

⁸⁸Inserted vide Min./Finance Correction No.F.23(18)-RI(2)/55, dated the 24th June, 1955.

- (c) **Save in the case of leave preparatory to retirement leave not due may be granted subject to the following conditions:-**
- (i) **on medical certificate, without limit of amount; and**
 - (ii) **otherwise than on medical certificate, for not more than three months at any one time and six months in all, reckoned in terms of leave on average pay.**

Note.--In case where a Government servant who has been granted leave not due under ⁸⁹[sub-clause (ii) of] this clause applies for permission to retire voluntarily the leave not due shall, if the permission be granted, be cancelled and his retirement shall have effect from the date on which such leave commenced.

- (d) **The maximum period of continuous absence from duty on leave granted otherwise than on medical certificate is twenty-eight months, this period shall in no circumstances be exceeded by a Government servant who is on leave preparatory to retirement.**
- (e) **When a Government servant returns from leave which was not due and which was debited against his leave account, no leave will become due to him until the expiration of fresh period spent on duty sufficient to earn a credit of leave equal to the period of leave which he took before it was due.**

Government orders.--

(1) Any period of leave on average pay not exceeding four months, the first four months of any period of leave on average pay in excess of four months, or any longer period, to which Government servant may be entitled under the operation of the [present Note 1] under Fundamental Rule 81 (b), shall count as privilege leave whether in the calculation of pensions, proportionate pensions or additional pensions.

Any other period of leave during which leave salary is drawn shall count as leave with allowance.

Leave on average pay alternating with deputation out of Pakistan should not be split up into different periods but treated as one continuous spell of leave and not more than 4 months in all should count for pension.

[G.I., F.D. Res. No.1260-C.S,R., dated the 21st December, 1921 and No. F./252-C.S.R./26, dated the 19th August, 1926.]

(2) *Deleted.*

⁸⁹Inserted by G.P., M.F. Notification No.8(12)Reg.(4)/60, dated the 6th April, 1961.

(3) The Governor-General has decided that in cases governed by item (1) of the Audit Instructions below this rule, the balance of the un-enjoyed leave should be worked out before the deputation intervenes and the amount of leave to be enjoyed subsequently on the expiry of the deputation should be restricted to this available balance.

[G.I., F.D. letter No. F.7(5)-R.1/39, dated the 6th February, 1939.]

(4) As the proviso to sub-clause (ii) of clause (b) of Fundamental Rule 81 has effect from the 12th May 1936, it should govern all leave which commences after that date, even though such leave may have been sanctioned before that date.

When average pay is drawn by virtue of a medical certificate under the proviso to sub-clause (ii) of clause (b) of Fundamental Rule 81, it is reasonable that Government should have the opportunity to recover the difference between average pay and half average pay for the period of leave on average pay which would not have been admissible had the proviso to F. R. 81 (b) (ii) not been applied. An undertaking to this effect should, therefore, be taken from those officers who take advantage of the proviso referred to above, but the question whether the officer concerned should be called upon to refund the amount drawn in excess as leave salary should be decided on the merits of each case, *i.e.*, if the retirement is voluntary, refund should be enforced, but if the retirement is compulsorily thrust upon an officer by reason of ill-health incapacitating him for further service, no refund should be taken.

The leave on average pay on medical certificate granted under the proviso to Fundamental Rule 81(b)(ii) to a Government servant who subsequently retires should be commuted into leave on half average pay and should count for pension as leave on half average pay even though the Government servant concerned is not called upon to refund the amount drawn in excess as leave salary.

Article 157 (a) of the Audit Code, Volume I [Art. 254 (a), Audit Code, First Edition, 1939] applies to the decision contained in paragraph 1 above. The interpretation should have effect from the 10th August, 1937 and the excess amount of leave salary or pension already paid before that date will not be recovered. The new interpretation should be applied only to cases in which pension was sanctioned on or after 10th August, 1937 and pension in other cases should not be recalculated.

[G.I., F.D. No. F.7(47)-R.I/35, dated the 10th August, 1937 and G.I.,F.D. letter No.D.-559-R. II/38, dated the 25th March, 1938.]

NOTE-- The above instructions should be followed *mutatis mutandis* in respect of officers of the Central Government (Civil) whose leave is regulated under Article 235-A of the Civil Service Regulations.

[These orders take effect from the 26th July, 1939 and any overpayment of leave salary already made before that date will not be recovered.]

[G.I., F.D. Endorsement No. F.7(39)R-I/39, dated the 26th July, 1939.]

(5) In the case of Pakistan Army Reservists employed in Government Departments who are recalled to the colours, leave on average pay up to four months admissible under the Fundamental Rules, should be treated as privilege leave for the purpose of Rule 634, Pay and Allowance Regulations, Volume I.

The pecuniary benefit admissible in the case of such leave under Rule 634, Pay and Allowance Regulations, Volume I, should be calculated in terms of full or half average pay worked out on the basis of the civil emoluments that were actually drawn or that would have been drawn but for the reservist being called to the colours, during a period of 12 months immediately preceding the commencement of the leave.

[G.I, Defence Department (Army Branch), letter No. B.-59037/I/A.G-10, dated the 2nd August, 1940, received with the Auditor General's endorsement No.79-A/K.W 124-40, dated the 28th August, 1940.]

Audit Instructions.--

(1) Subject to the consideration of special cases, when a Government servant is placed on deputation in Europe or America while on leave out of Pakistan, the deputation should be regarded as an interruption of the leave already granted. In ordinary circumstances the leave of such a Government servant will be extended by the period of the deputation, but the deputation will not entitle him to a fresh grant of leave. The expression "at any one time" in F. R. 81 (b) should be interpreted as meaning "in each separate period of leave granted".

[Para. 4, Chap. VII, Sec. I of Manual of Audit Instructions (Reprint).]

(2) If leave on average pay is applied for after a Government servant has had leave on half average pay in continuation of a period of leave on average pay, either by the production of a medical certificate or by a Government servant proceeding out of Pakistan, India, Ceylon, or Nepal, the period of leave on average pay that may then be granted should be limited to the period actually covered by the medical certificate or spent elsewhere than in Pakistan, India, Ceylon or Nepal. The grant of the leave should also be so regulated that the total period of leave on average pay during that spell of leave does not exceed 8 months. In such cases, the total period of leave on average pay shall be treated as one continuous spell of leave on average pay in order to determine whether the first four months of the leave should be treated as privilege leave for purpose of pension.

[Para. 16 (i), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

[The above Audit Instruction does not require alterations of the original entries in the service book, leave account etc. Thus the intervening period of leave on half average pay, which has not been converted into leave on average pay under the operation of the proviso to Fundamental Rule 81 (b) (ii) should remain unchanged.]

[Ar. G's No.115-A/30-24, dated 16th February, 1925.]

(3) In addition to leave on average pay for four months under Fundamental Rule 83 (7) (a) which is not debit to the leave account, the maximum amount of leave on average pay that can be taken whether under Fundamental Rule 83 (7) (b) or under Fundamental Rule 81(b), or both can be only eight months. This follows from a consideration of the wording in Fundamental Rule 83(7) (b), under which a Government servant is allowed to draw leave salary equal to average pay for a period not exceeding the period which would otherwise be admissible to him as leave on average pay. Under Fundamental Rule 81 (b) this period is limited to eight months under clause (i) or four months under clause (ii) which may be extended by another four months in certain circumstances [vide proviso to clause (ii)]. In case leave on average pay for eight months, if admissible under Fundamental Rule 81 (b), is all taken under Fundamental Rule 83 (7) (b), no further leave on average pay can be taken under the provisions of the former rule. The total leave on average pay that can be granted to a Government servant therefore, is only twelve months, viz., four months under Fundamental Rule 83(7) (a) and eight months under Fundamental Rule 83(7) (b) or under Fundamental Rule 81 (b) or both.

Under Fundamental Rule 83 (4) special disability leave can be combined with leave of any other kind. There is no objection to the interpolation of ordinary leave between periods of special disability leave provided that the limits laid down in Fundamental Rule 81 (b) are not exceeded in respect of leave on average pay other than special disability leave taken under Fundamental Rule 83 (7) (a). An amplification of Fundamental Rule 83 (4) has not been considered to be necessary as Fundamental Rule 81 (b) indicates clearly that for the calculation of the maximum leave on average pay other than such leave taken under Fundamental Rule 83 (7) (a) should not be excluded.

[Para. 16(ii), Chap. X, Sec. I of Manual of Audit Instructions(Reprint)]

(4) If under the operation of the proviso to F. R. 81 (b) (ii) the maximum amount of leave on average pay admissible at a time (i.e., the period of leave at credit in column 6 of the leave account subject to a maximum of four months) is increased, further leave on average pay may not be granted in continuation, unless such leave is taken on medical certificate or is spent elsewhere than in Pakistan, India, Ceylon or Nepal, but such leave on average pay which may be taken on medical certificate or outside Pakistan, India, Ceylon or Nepal, up to a maximum of 12 months in a Government servant's whole service, if due, does not consume the leave on average pay which may be taken without medical certificate.

[Para. 16(iii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint)]

(5) The ⁹⁰President has ruled -

- (1) that leave not due may in no case be granted unless the sanctioning authority is satisfied that, as far as can be reasonably foreseen, the officer will return to duty and earn it; and

⁹⁰Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

- (2) that except as provided in the Note to Fundamental Rule 81(c), the leave when granted should in all cases (subject to the Government servant's wishes) be allowed to stand, including cases in which the officer fails to earn it by subsequent duty.

[Para. 17 (i), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

- (6) See item (2) of the Audit Instructions below F. R. 85 in this Section.
 (7) See item (2) of the Audit Instructions below F. R. 87 in this Section.

(8) The limit of 28 months of continuous absence prescribed in Rule 81 (d) includes the period of vacation, if any, with which leave is combined.

[Para. 18, Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(9) The expression "continuous absence from duty on leave" occurring in Rules 81 (d) and 88 does not include absence on extra-ordinary leave.

[Para. 19(i), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(10) Deleted.

Auditor-General's decisions.-

(1) A Government servant under the ordinary leave rules can have leave on full average pay without medical certificate or without proceeding outside Pakistan, India, or Ceylon, only to the extent of privilege leave at his credit on 1st January, 1922 *plus* one eleventh of the period spent on duty subsequent to that date in all and up to a maximum of 4 months at one time [but see note present Note I - under Fundamental Rule 81 (b)]. If, however, he produces a medical certificate or spends his leave outside Pakistan, India or Ceylon, leave on full average pay may be granted to him up to the maximum prescribed in sub-clause (i) of clause (b) of Fundamental Rule 81, provided that he has sufficient leave at his credit in his leave account.

[Ar. G.'s. No. 1136-A/398-23, dated the 16th November 1923.]

- (2) A Government servant subject to the ordinary leave rules -
- (a) may be granted leave on average pay *at one time* on medical certificate or on the condition that the leave is spent elsewhere than in Pakistan, India or Ceylon, up to the amount due but not exceeding 8 months;
 - (b) may be granted leave on average pay in all equal to the privilege leave which it would, on the date on which he comes under the Fundamental Rules, be permissible to grant to him, under rules applicable to him prior to that date *plus* one-eleventh of the period spent on duty subsequent to

that date, plus any period of leave on average pay taken on medical certificate or spent elsewhere than in Pakistan, India or Ceylon, subject to a maximum of one year.

[Ar. G.'s, No, 372-A/69-23, dated the 10th March, 1923.]

(3) When the privilege permitted by Fundamental Rule 82 (c) is exercised, the additional leave permissible under that clause becomes "leave due", and thus acquires a character different from the leave not due which may be granted under Fundamental Rule 81 (c). Leave under this rule and under Fundamental Rule 82 (c) may be granted in conjunction.

[Ar. G.'s. No, 648-A/172-23, dated the 16th May, 1923.]

(4) Leave "not due" can be granted under Fundamental Rule 81 (c) to an officer whose leave account shows a debit balance in consequence of the grant of leave "not due" on a previous occasion. It was the avowed object in framing the new leave rules in the Fundamental Rules to remove from the rules themselves restrictions which could be applied by the administrative action of the authorities and consequently the authority competent to sanction leave can always refuse to grant a fresh period of leave "not due" if the application to such leave is not supported by a medical certificate.

[Ar. G.'s. No. 98-A/492-23, dated the 28th January, 1924.]

(5) For the purpose of the proviso to F. R. 81(b) (ii) Aden should be taken as being within India. This decision has the concurrence of the Government.

[Ar. G.'s. letter No. T-792-A/134, dated the 12th July, 1930.]

(6) A Government servant, who is subject to the ordinary leave rules, was on leave on average pay without medical certificate from the 15th September, 1935 to the 31st October, 1935, after the expiry of which he was placed under suspension from 1st to 27th November, 1935, pending the result of a departmental inquiry against him. His case was dealt with under F. R. 54 (b) and he was reinstated on reduced pay but instead of resuming duties, he applied for and was granted leave on average pay without medical certificate from the 28th November, 1935 to the 13th December, 1935. This was followed by a further application for extension of leave on medical certificate.

A question arose whether the total absence on leave right from the commencement, *viz.*, the 15th September, 1935, should be treated as one spell of leave for purposes of grant of leave on average pay for 8 months or whether the period of suspension should be treated as an interruption and the two periods of leave before and after the suspension should be treated as different spells of leave and the former excluded from consideration for this purpose. It was decided in consultation with the Government that in this case the effect of the leave on average pay following the period of suspension was to postpone the reduction of pay and doubtless that was why the leave was taken and as such for the purpose of the maximum limit of leave on average pay that might be granted "at any one time" the period of suspension should be ignored and the two periods of leave treated as one continuous spell of leave.

[Ar. G.'s, letter No.T.180-A/90-30, dated the 22nd May, 1936.]

(7) 'Whenever a Government servant subject to the Special Leave Rules, applies for leave, the amount of leave at credit has to be arrived at each time [vide instruction (3) for filling up the F. R. Form No. 9] by calculating the amount of leave earned up to the date of handing over charge and adding to it the last previous balance, if any, of leave at his credit. Similarly calculation of leave on average pay at 1/11th of duty should be worked out separately on a side of the leave account. In doing so, calculations should be made and rounding of fractions effected each time an officer proceeds on leave. The method adopted should thus be exactly the same as applicable to Government servants subject to the Ordinary Leave Rules.

It is, however, not the intention that all the leave accounts of officers, subject to the Special Leave Rules, should be overhauled and the small difference of a day or two resulting from the adoption of the new procedure regularised. In cases in which subsidiary leave accounts on average pay have not yet been opened under the revised procedure, such accounts should now be opened as and when the occasion arises in accordance with the procedure as indicated below, the revised method of calculation of one-eleventh of duty being given effect to from the 1st September, 1939 and the credits already given in the leave account up to 31st August, 1939 under the old procedure being left undisturbed:-

Privilege Leave on 1st January, 1922.....	
Additional one year.....	
1/11th of duty from 1st January, 1922 to 31st August, 1939.....	

Total	-----
Furlough on average pay prior to Fundamental Rules (show dates and period).....	
Leave on average pay under Fundamental Rules (up to 31st August, 1939)	
(show dates and period)	
Balance on 1st September, 1939.....	
Less Leave on average pay taken from 1st September, 1939 to -----	

Balance.....	-----
Add 1/11th of duty from to	

Total	-----
Less Leave taken.....	

Balance.....	-----
and so on.....	-----

[Auditor-General's endsts. No. 439-A/293-39, dated the 25th Oct., 1939 and No. 187-Adm./8/40, dated the 24th June, 1940.]

F. R. 82. The following provisions apply to vacation departments only:-

- (a) **A local Government may make rules specifying the departments or parts of departments which should be treated as vacation departments, and the conditions in which a Government servant should be considered to have availed himself of a vacation.**
- (b) **Vacation counts as duty, but the periods of total leave in rules 77, 81(a) and 81 (b) should ordinarily be reduced by one month for each year of duty in which the Government servant has availed himself of the vacation. If a part only of the vacation has been taken in any year, the period to be deducted will be a fraction of a month equal to the proportion which the part of the vacation taken bears to the full period of the vacation.**
- (c) **In cases of urgent necessity, when a Government servant requires leave and no leave is due to him, the periods in rules 77 and 81 (a), as reduced by clause (b) of this rule, may be increased by one month for every two years of duty in a vacation department.**
- (d) **When a Government servant combines vacation with leave, the period of vacation shall be reckoned as leave in calculating the maximum amount of leave on average pay which may be included in the particular period of leave.**

Government order.--In the case of a Government servant who, at the time of going on leave, has not completed a full year of duty and has not for that reason enjoyed any portion of a vacation but who enjoys the next vacation in continuation of the leave it has been decided that, for the purpose of clause (b) of this rule as explained in item (3) of 'Audit Instructions' a deduction of 1/12th may be made for the period for which 1/11th is credited. If subsequently it is found that the vacation has not been enjoyed, the deduction already made can be suitably corrected.

[Ar. G.'s letter No. 170-A/109-32, dated the 22nd July, 1932.]

Audit Instructions.--

(1) The restrictions on the combination of leave and vacation which were imposed by Article 278, Civil Service Regulations are not perpetuated under the Fundamental Rules. Such combination is, however, under the latter rules, subject to the condition mentioned in F. R. 82 (d), and it is thus permissible to allow a vacation to intervene between two periods of leave. Similarly vacations may be prefixed or affixed to leave or both prefixed and affixed.

[Para. 20 (i), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(2) The reduction by one month for each year of duty in which the Government servant has availed himself of the vacation as required to be made under Rule 82 (b) is intended to be made in respect of leave earned and vacation taken from 1st January, 1922.

Thus, in the case of Government servants of vacation departments, the leave credited to their leave account under Fundamental Rule 77 will be -

- (1) privilege leave at their credit on 1st January 1922, *i.e.*, privilege leave earned under Articles 272 to 275, Civil Service Regulations, *plus*
- (2) one-eighth (or one-twelfth) of the period spent on duty or vacation (or privilege leave) up to 31st December 1922, *plus*
- (3) five-twenty-seconds (or two-elevenths) of the period spent on duty or vacation from 1st January, 1922.

From this, a reduction will be made of one month for each year of duty in which the Government servant avails himself of the vacation after 1st January, 1922. Similarly the total leave admissible under Fundamental Rules 81 (a) and 81 (b) will be reduced by one month for each year of duty in which the vacation is taken after 1st January, 1922.

[Para. 20 (ii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(3) The term "each year of duty" should be interpreted to mean, not a calendar year in which duty is performed, but twelve months of actual duty in a vacation department. If the Government servant has enjoyed such vacation as falls within a period of twelve months beginning on the day on which he begins his duty on return from leave or otherwise, then one month should be deducted from his leave account. It does not matter whether the day on which this year ends, falls in a vacation in the succeeding calendar year. The only question is whether the Government servant has enjoyed such vacation as fell within the period of one year as interpreted above.

If, to take an example, a Government servant before going on leave has not completed a full year of duty (including vacation) during the course of the second calendar year, then the fraction of one month which should be deducted from the leave account is the fraction which the period of duty, including vacation, bears to the whole year. If, to take a further complication, he has not enjoyed the whole of the vacation which fell during that period of less than a year, then the amount which should be deducted is the proportion of the period, which the proportion of vacation actually enjoyed bears to the whole period of vacation which fell within that period.

In the case of Government servants who are allowed two vacations in the year instead of one, the periods of the two vacations should be regarded as combined into one.

[Para. 20 (iii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(4) The amount credited to the leave account under Rule 82 (c) as well as that added to the maximum under Rule 81 (a) should be the actual amount of additional leave taken under the former Rule and not the total amount theoretically permissible, *viz.*, one month for every two years of duty.

[Para. 20 (iv), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(5) A Government servant of a vacation department may be granted the additional leave which is credited under Fundamental Rule 82(c) even though he has a debit balance in his leave account due to the fact that leave not due has not been liquidated as required by Fundamental Rule 81 (e).

The credit of one month under Fundamental Rule 82(c) is for every completed two years of duty and no fractional credit for a period of less than two years is permissible.

[Para. 20 (v), Chap. X, Sec. I of Manual of Audit Instructions (Reprint) as inserted by C.S. No.7, dated the 1st April, 1938.]

(6) For the purposes of the orders at item (1) of the Government orders below F. R. 81 in this Section, a Government servant of a vacation department who combines vacation with leave on average pay can count as service for pension only a total period of four months on each occasion; except in cases where the total amount of vacation taken is four months or more, in which cases the full amount of vacation and no leave, will count as service.

[Para.16 (ii), Sec. III of Manual of Audit Instructions (Reprint).]

Auditor General's decision.--As under Fundamental Rule 82(d) a Government servant of a vacation department can combine vacation with leave on average pay subject only to the condition that the vacation so combined should be treated as leave for the purpose of determining the maximum period of leave on average pay which can be had in one spell, the limit of leave on average pay ordinarily admissible when it is combined with vacation by a Government servant of a vacation department subject to the ordinary leave rules will be either the credit in column 6 of the leave account *plus* the period of vacation or 4 months whichever is less.

(Ar. G.'s. letter No.T.824-A/199-31, dated the 13th July, 1932.)

F. R. 83. (1) Subject to the conditions hereinafter specified a local Government may grant special disability leave to a Government servant who is disabled by injury intentionally inflicted or caused in, or in consequence of, the due performance of his official duties or in consequence of his official position.

(2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed, and the person

disabled acted with due promptitude in bringing it to notice. But the ⁹¹President, if he is satisfied as to the cause of the disability, may permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

(3) The period of leave granted shall be such as is certified by a medical board to be necessary. It shall not be extended except on the certificate of a medical board, and shall in no case exceed 24 months.

(4) Such leave may be combined with leave of any other kind.

(5) Such leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date but not more than 24 months of such leave shall be granted in consequence of anyone disability.

(6) Such leave shall be counted as duty in calculating service for pension and shall not, except as provided in rule 78(b), be debited against the leave account.

(7) Leave-salary during such leave shall, be equal--

(a) for the first four months of any period of such leave, including a period of such leave granted under clause (5) of this rule, to average pay, and

(b) for the remaining period of any such leave to half average pay, or at the Government servant's option, for a period not exceeding the period of average pay which would otherwise be admissible to him, to average pay:

Provided that ⁹²[• •] the minima specified in the table in Rule 90 shall apply when leave-salary during such leave is equal to half average pay subject to the conditions stated in that rule and in the notes thereunder.

(8) In the case of a person to whom the Workmen's Compensation Act, 1923, applies, the amount of leave-salary payable under this rule shall, with effect from the 1st July 1924, be reduced by the amount of compensation payable under section 4(1) (d) of the said Act.

(9) The provisions of this rule apply to a civil servant disabled in consequence of service with a military force, if he is discharged as unfit for further military service, but is not completely and permanently incapacitated for further civil service, and to a civil servant not so discharged who suffers a disability which is certified by a medical board to be directly attributable to his service with a military force; but in either case, any period of leave granted to such a person under military

⁹¹Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

⁹²Deleted with effect from the 8th May, 1958.

rules in respect of that disability shall be reckoned as leave granted under this rule for the purpose of calculating the period admissible.

Late Secretary of State's decision.--The intention of old Fundamental Rule 83 (c) [corresponds to new F. R. 83 (9)] is not that special disability leave should be given to cover any portion of an officers military service, but that it should be admissible only after the officer's discharge as unfit for further military service.

(G.I., F.D., No. F./21/II-C.S.R./24, dated the 30th July, 1924.)

Government decision.-- Deleted.

Audit Instruction.-- See item (3) of the Audit Instruction below F. R. 81 in this Section.

Auditor General's decision.- The Auditor-General has decided with the approval of the Government that in the case of an officer who has served under more than one Government, the special disability leave granted under Fundamental Rule 83 (7) (b) half of which is debited to the leave account under Fundamental Rule 78(b) should also be debited to the subsidiary leave account and that the actual amount of leave salary for the whole period of the leave should be apportioned between the Governments concerned in accordance with the ordinary rules on the subject.

(Ar. G.'s. endorsement No.554-A.C./169-37, dated the 23rd December, 1937.)

F. R. 83A. The ⁹³President may extend the application of the provisions of rule 83 to a Government servant who is disabled by injury accidentally incurred in or in consequence of the due performance of his official duties or in consequence of his official position, or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the civil post which he holds. The grant of this concession is subject to the further conditions:-

- (i) that the disability, if due to disease, must be certified by a medical board to be directly due to the performance of the particular duty; and**
- (ii) that, if the Government servant has contracted such disability during service otherwise than with a military force, it must be, in the opinion of the ⁹⁴President so exceptional in character, or in the circumstances of its occurrence as to justify such unusual treatment as the grant of this form of leave; and**

⁹³Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

⁹⁴Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

- (iii) that the period of absence recommended by the medical board may be covered in part, by leave under this rule and in part by other leave, and that the amount of special disability leave granted on average pay may be less than four months.

F. R. 83B. (1) A Government servant who has been granted special disability leave under rule 83, and whose domicile is elsewhere than in Asia, may be granted by the authority which sanctioned the special disability leave, free passage by sea for himself, his wife, and children, to the United Kingdom, or to any port in Europe or on a British colony, dominion, or possession, and on the conclusion of such leave return passage to Pakistan, unless he takes leave other than leave on medical certificate in continuation of special disability leave, in which case return passage shall not be granted save with the special sanction of the ⁹⁵President. Provided that the cost of any passages granted under this rule shall not exceed the cost of passages between Pakistan and the United Kingdom.

(2) Passages granted under this rule may include travel by land between port of embarkation and port of debarkation, and shall be of such class as the sanctioning authority in each case may determine.

(3) The ⁹⁶President may extend the application of the provisions of clauses (1) and (2) to a Government servant who has been granted special disability leave under rule 83A, and whose domicile is elsewhere than in Asia, provided that he may, at his discretion, grant free passage to the Government servant only, or to the Government servant and his wife only.

(4) For the purpose of this rule:-

- (i) the domicile of a Government servant is his domicile at the time of his appointment to Government service, as determined in accordance with the provision of clause 2(a) of rule 75 and of rules 75-A, B and C.
- (ii) "child" means a legitimate child (including a step-child) residing with and wholly dependent on the Government servant, who, if a female, is unmarried, or, if a male, is under the age of 16.

F. R. 84. Leave may be granted to Government servants on such terms as the ⁹⁷President may by general order prescribe, to enable them to study scientific, technical or similar problems or to undergo special courses of instruction. Such leave is not debited against the leave account.

⁹⁵Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

⁹⁶Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

⁹⁷Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

Governor-General order.--Rules prescribed by the Governor-General, with reference to this rule to regulate the grant of additional leave to Government servant for the study of Scientific, Technical or similar problems or in order to undertake special courses of instructions are reproduced in Appendix 9 in Volume II of this compilation. It has also been decided that extraordinary leave may be taken in conjunction with study leave without regard to the maximum prescribed in rule 2 of the Study Leave Rules.

Government order.--All officers, whether granted study leave in Pakistan or whether they apply for it in the United Kingdom, should submit their programmes to the High Commissioner *before* embarking on their course of study.

(G.I., F.D., No. F.-20-II-C.S.R.-25, dated the 17th March, 1925.)

Government decisions.--

(1) The Government have decided that the cost of the allowance paid to a Government servant during study leave shall be debited to the Government under which he is employed when the study leave is granted.

(G.I., F.D., No.47-C.S.R., dated the 12th July, 1924.)

(2) The Governor-General has decided that, so far as Government servants under his administrative control are concerned, it is not intended that the Study Leave Rules, should be applied ordinarily in the cases of non-gazetted officers. Any proposal to extend the rules in exceptional cases to such officers should be referred to the Government for orders.

(G.I., F.D., No. F.-20-III-C.S.R.-25, dated the 15th April, 1925.)

Audit Instructions.--

(1) The limit of 28 months of absence from an officer's regular duties prescribed in Rule 2 of the Study Leave Rules includes the period of vacation, if any, with which study leave and other leave may be combined.

[Para. 22(i), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(2) A Government servant of a vacation department can draw study allowance during vacation if he prosecutes his studies during the period. The period of such a vacation will be taken into account in calculating the maximum period of two years for which study allowance is admissible.

[Para. 22(ii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

Audit ruling.- Study leave may be granted to an officer of less than 5 years' service at the discretion of the authority competent to grant the leave.

[Ruling (33), Sec IV of Compilation of Audit Rulings.]

F. R. 85. (a) Extraordinary leave may be granted in special circumstances (1) when no other leave is by rule admissible, or (2) when other leave being admissible, the Government servant concerned applies in writing for the grant of extraordinary leave. Such leave is not debited against the leave account. No leave-salary is admissible during such leave.

(b) The authority which has the power to sanction leave may grant extraordinary leave as in clause (a) in combination with, or in continuation of, any leave that is admissible, and may commute retrospectively periods of absence without leave into extraordinary leave.

(c) When extraordinary leave is granted to a military officer subject to these rules, he will continue to be treated as in civil employ for all purposes until he is placed on military temporary non-effective pay by the order of a medical board. If, after being placed on military temporary non-effective pay, he returns to duty in Pakistan, he will have no claim to re-instatement in civil employ.

(For Administrative Instructions issued by the ⁹⁸President regarding 'CASUAL LEAVE' see Part (2) of Section V of Appendix 3 in Volume II of this Compilation).

Government decision.--The power of commuting retrospectively periods of absence without leave into extraordinary leave under F. R. 85 (b) is absolute and not subject to the conditions mentioned in clause (a) of that rule; in other words such commutation is permissible even when other leave was admissible to the Government servant concerned at the time his absence without leave commenced.

[G.I., F.D. No. F.-7(18) R.I./35, dated the 30th March, 1935.]

Audit Instructions.--

(1) Extraordinary leave without pay granted under the rules of the Civil Service Regulations will not also be debited against the leave account under Note (2) to Fundamental Rule 78.

[Para. 23(i), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(2) 'Leave not due' applied for by a Government servant with or without medical certificate is 'leave admissible under rule' and in cases where 'leave not due' can be granted, the grant of extraordinary leave under Fundamental Rule 85 will be irregular unless the latter kind of leave is specifically applied for in writing.

[Para. 23(ii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

⁹⁸Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

Auditor General's decision. Extraordinary leave may be granted either by itself or in combination with or in continuation of other leave subject only to the provision in Fundamental Rule 18.

[Ar. G's. No. 1091-A/433-23, dated the 31st October, 1923.]

F. R. 86. (a) Leave at the credit of a Government servant in his leave account shall lapse on the date of compulsory retirement provided that if in sufficient time before that date he has--

- (1) formally applied for leave and been refused it, or
- (2) ascertained in writing from the sanctioning authority that leave if applied for would not be granted--

in either case the ground of refusal being the requirements of the public service, then the Government servant may be granted, after the date of retirement, the amount of leave so refused subject to a maximum of six months.

(b) A Government servant retained in service after the date of compulsory retirement shall earn leave on average pay at the rate of 1/11th of duty performed after that date and shall be allowed to add thereto any amount of leave which could have been granted to him under clause (a) had he retired on that date. The total period which he may take on each occasion shall not exceed six months. When his duties finally cease, the Government servant may be granted leave preparatory to retirement, up to a maximum of six months, as follows:-

- (i) the balance after deducting the amounts of leave, if any, taken during the period of extension, from the amount of leave which could have been granted to him under clause (a) had he retired on the date of compulsory retirement, *plus*
- (ii) the amount of leave earned under this clause which is due to the Government servant and which he has, in sufficient time during the period of extension -
 - (1) formally applied for and been refused, or
 - (2) ascertained in writing from the sanctioning authority, would not be granted if applied for,

in either case the ground of refusal being the requirements of the public service.

Government orders.--(1) This rule does not apply to Assistant Surgeons of the late Indian Medical Department in Civil employ.

[G.I., F.D., Endorsement No. F.12(63)-R.I./31, dated the 27th October, 1931.]

(2) Cases have been received in the Ministry of Finance from the various Ministries / Divisions, etc., wherein they had proposed that the Government servants who had been retired from service and were re-employed afterwards should be allowed to avail of the leave refused to them under F.R. 86 after they finally quit service. The grant of the refused leave after the termination of the period of re-employment is not permissible under the rules.

Ministries/Division., etc., while re-employing retired Government servants in continuation of their superannuation should make it clear to them that they will not be allowed to avail of the refused leave, if any, after the termination of the period of their re-employment.

[G.P., M.F., O.M. No.F.3(18)-R.II/52, dated the 27th May, 1952.]

(3) Fundamental Rule 86 unequivocally lays down that refused leave after the date of compulsory retirement can be granted only if in sufficient time before retirement the officer has:-

- (1) formally applied for leave and been refused it, or
- (2) ascertained in writing from the sanctioning authority that leave if applied for would not be granted,

in either case the ground of refusal being the requirement of the public service.

Cases are frequently referred to the Ministry of Finance for the grant of refused leave in individual cases by relaxing the condition of formalities mentioned in Fundamental Rule 86, on the plea that some understanding was made between the individual officer and the sanctioning authority to grant the leave after retirement. Ministry of Foreign Affairs and Commonwealth Relations, etc., are requested that in all such cases the formal requirements of the rule may be observed. No case for the grant of refused leave should be considered unless leave is formally applied for and formally refused or the Government servant concerned ascertained in writing that the leave if applied for will be refused.

Any proposal for the relaxation of the condition specified in Fundamental Rule 86 forwarded by the Ministries and Divisions for special consideration will also not be acceptable to the Ministry of Finance and such references may accordingly be stopped henceforth.

[G.P., M.F., O.M. No. F.27(17)-RI/53, dated the 26th November, 1953.]

(1) The grant of leave under this rule automatically carries with it the extension required, and no formal sanction to the extension is necessary.

[G.I., F.D. No.520-C.S.R., dated the 31st May, 1922.]

(2) A deduction under F.R. 82 (b) on account of vacation enjoyed should also be made in the case of officers whose leave is regulated under F.R. 86 (b).

[G. I., F.D.U.O. No. 3045-R.I., dated 10th January, 1935, to A.G., C.R.]

(3) The present war has, among other things, focused attention upon the position *vis-à-vis* Fundamental Rule 86 of officers compulsorily recalled from leave preparatory to retirement. As matters now stand, such recall involves partial or, if the officer is after recall retained up to normal superannuation or beyond, the complete cancellation of the balance of leave that would otherwise have been available. In order to alleviate somewhat inequitable and adverse effect, therefore, the Governor-General is pleased to decide under Fundamental Rule 8 that compulsory recall from leave preparatory to retirement should be deemed to be a constructive refusal of the balance of leave unenjoyed for the purposes of Fundamental Rule 86.

(G.I., F.D. Endorsement No.F.7(12)-R.I/41, dated the 10th March, 1941.]

Audit Instructions

(1) A Government servant retained in service after the age of compulsory retirement is entitled to earn leave under clause (b) of F.R. 86 and the debit balance, if any, on the date he attained that age should be considered as wiped off.

[Para. 24(i), Chap. X, Sec. I of Manual of Audit Instruction (Reprint).]

(2) See item (2) of the Audit Instructions below Fundamental Rule 56 in this Section.

(3) See item (5) of the Audit Instructions below Fundamental Rule 56 in this Section.

(4) The period of six months mentioned in F.R. 86 includes any period of vacation with which leave is combined.

[Para. 24(iv), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(5) Compulsory recall from leave preparatory to retirement should be deemed to be a constructive refusal of the balance of leave un-enjoyed for the purposes of Fundamental Rule 86.

[Para. 24(v), Chap. X, Sec. I of Manual of Audit Instructions (Reprint) inserted by correction slip No. 62, dated the 2nd June, 1941.]

(6) The leave earned by the period of duty intervening between the refusal of leave pending retirement and the date of compulsory retirement is merged in the common pool in the leave account and forms an indistinguishable part of the total leave at credit the

whole of which, with the exception only of the net amount of leave refused, lapses under clause (a) of Fundamental Rule 86 on the date of compulsory retirement. The grant of any leave between the date from which the 'refusal of leave' took effect and the date of superannuation should, therefore, be held to be a grant of leave against the amount originally refused. The amount of leave admissible under clause (a) after superannuation in such a case is, therefore, the amount of leave originally refused *minus* the amount of the 'post-refusal' leave enjoyed; and this difference is subject to a maximum of 6 months. This principle applies equally to leave available under clause (b), including that earned in respect of duty during a period of refused leave.

[Para. 24(vi), Chap. X, Sec. I of Manual of Audit Instructions (Reprint), as inserted by correction slip No. 64 dated the 1st August, 1941.]

(7) While the amount of the leave refused under F. R. 86 (a) is fixed, the quality of that leave (*i.e.*, on average or half average pay) whether it is taken before or after the date of compulsory retirement or after the date of final cessation of duties, may be varied within the normal leave rules to the advantage of the Government servant concerned in accordance with the leave earned and standing to his credit on the date on which he proceeds on leave prior to the date of compulsory retirement whenever he takes a portion of his refused leave before that date and ultimately on the date of his compulsory retirement, and no second application for leave in sufficient time and its refusal are necessary merely to ensure this variation. Similarly, the character of any period of leave on average pay admissible under F. R. 86(a), original or so modified, may, if the Government servant so desires, be converted within the quantum admissible into a portion on average and the balance on half average pay. No such conversion, however, is admissible in respect of the leave on average pay (not in terms of average pay) earned under clause (b) of this Rule.

[Para. 24(vii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint) as amended by correction slip No.86, dated the 2nd January, 1946.]

Auditor General's decision.--

(1) The rule in Note 3 to Fundamental Rule 56 does not require that the authority sanctioning leave under Fundamental Rule 86 should necessarily be competent to sanction an extension of service also.

[Ar. G's No. 898-A/K.W.79-22, dated the 15th August, 1923.]

(2) The permission given by Fundamental Rule 86, for an officer being granted leave for not more than 6 months beyond the age at which he must compulsorily retire, also carries with it the permission for the officer to retain a lien on his post. As the officer does not continue on duty but merely draws a leave salary by virtue of a privilege extended to him, no formal extension of service is necessary. He retains a lien on his post and as such the post cannot be substantively filled till he actually retires from the service.

[Ar. G's U.O. No.166-Code-1, Ref.-22, dated the 18th May, 1922.]

(3) This rule simply limits the amount of leave that may be granted to Government servants who have reached or are about to reach the date on which they are required to retire. The kind of leave and the leave salary are determined not by this rule, but by the general rules in F. Rs. 81 and 87. The proviso to F. R. 81 (b) (ii) should therefore be held to apply in cases of leave granted under F. R. 86.

[Ar. G's No.314-A-63/24, dated the 22nd April, 1924.]

(4) A Europe Leave-Salary Certificate should contain full particulars of the various kinds of leave that can be granted to a Government servant on leave out of Pakistan. The amount of leave admissible to a Government servant under Fundamental Rule 86 should consequently be entered therein without regard to the question of sanction which will be settled by the competent authority in England in consultation with the authorities in Pakistan, if necessary.

[Ar. G's No.T-576-A/303-23, dated the 1st August, 1923.]

(5) Fundamental Rule 86 (b), necessitates a change in the existing method of maintaining the leave account during the period of extended service. Under the old rule 86 (b), the leave admissible to a Government servant who was retained in service after the date of compulsory retirement, whether during the period of extended service or on the expiry of it, was granted against the total credit of leave due and not separately against the leave refused under clause (a) of the rule and carried over, and the leave earned under clause (b) during the period of extension. Under the amended rule it will, however, be necessary to exhibit in the leave account the two component parts of the total credit as distinct and separate items and to grant leave against the balance of either the one or the other of the two categories of leave. As it would be advantageous to the Government servant to consume first the leave earned during the period of the extended service and then the leave carried forward which would be free from the restriction of application in 'sufficient time', it has been decided with the concurrence of the Government that the leave taken during the period of extension should be debited first against the credit of leave earned during that period, until it is exhausted, and then against any credit of leave refused under Fundamental Rule 86 (a) and carried forward under Fundamental Rule 86 (b).

[Ar. G's letter No.405-A/259-40, dated the 29th November, 1940.]

Section V.--LEAVE-SALARY.

F. R. 87. Subject to the conditions in rules 81, 88, ⁹⁹[], 90 and 91, a Government servant on leave shall, during leave, draw leave-salary as follow:-**

⁹⁹The figure and word '89 and' omitted with effect from the 9th May, 1958.

- (a) **If the leave is due, leave-salary equal to average pay, or to half average pay, or to average pay during a portion of the leave and half average pay during the remainder, as he may elect; and**
- (b) **If the leave is not due, leave-salary equal to half average pay:**

Provided that when a non-gazetted Government servant who was in service on the 24th day of August, 1927 takes leave and--

- (i) **his pay is less than Rs.300, or**
- (ii) **the leave taken does not exceed one month,**

his average pay for the purpose of this rule may be taken to be the pay which he would draw in the permanent post held substantively by him at the time of taking leave if this pay be more than the average pay.

¹⁰⁰[*****].

Government Orders.--

(1) For the purpose of determining the pay of a task-work messenger in a telegraph office (Departmental or Combined) when officiating in or appointed substantively to another post his substantive pay should be taken to be the average pay drawn by him during the 12 complete months immediately preceding the month in which the event occurs which necessitates the calculation of the average pay. The word 'pay' for this purpose should be taken to mean subsistence allowance *plus* task-work earnings. In calculating the 12 months' average, for the purpose of this rule, only the actual period of duty as task-work messenger falling within the period of 12 months immediately preceding the date of the officiating or substantive promotion should be taken into account.

NOTE.-- For the interpretation of the expression, the 12 complete months immediately preceding, *see* Audit Instruction (I) under F.R. 9(2).

[G.I., F.D. No. F/152/R.I./30, dated the 13th November, 1930.]

(2) Class IV servants paid from contingencies can only get leave without any allowances. These orders do not apply to the grant of hospital leave.

[G.I., F.D. No. F.161-C.S.R./27, dated the 25th May, 1927 and No. F. 46-R.I./28, dated the 22nd March, 1928.]

(3) *Deleted.*

(4) *Deleted.*

¹⁰⁰Second proviso omitted by G.P., M.F., Notification No.F.3(1)-R(S)/64, dated 23rd June, 1964.

Government decisions.--

(1) The Government have decided that a Government servant cannot be compelled against his wishes to take leave on half average pay when leave on full average pay is admissible to him. These orders must not be interpreted as interfering with the discretion entrusted to an authority competent to grant leave to determine whether leave should or should not be granted.

[Ar. G's No.588-A/72-23, dated the 26th April, 1923.]

(2) It was not the intention that a Government servant should be permitted to manipulate different arrangements of leave to his own advantage. Fundamental Rule 87 (a) provides that Government servant on leave shall during leave, if the leave is due, draw leave-salary equal to average pay, or to half average pay, or to average pay during a portion of the leave and half average pay during the remainder as, he may elect. The election given by the rule is the election between the three different forms of leave-salary mentioned therein and the rule is not intended to give any choice as to the period during which average pay or half average pay can be drawn if the officer elects the third form. In that case the intention is that the period on average pay should be taken first and should be succeeded by the period on half average pay.

[G.I., F.D., No.604-C.S.R., dated the 26th April, 1924, to the Government of Bihar and Orissa.]

(3) The words "as he may elect" in F.R. 87 (a) imply election once for all and, therefore, debar a Government servant from claiming commutation of leave as of right. The Government, with the concurrence of the Auditor General have therefore decided that though under the Fundamental Rules the authority which granted leave can (if so disposed) commute it retrospectively into leave of a different kind, yet a Government servant does not possess any right to insist that it should be so commuted.

[Ar. G's No.755-A/345-25, dated the 2nd January, 1926.]

(4) Deleted.

(5) See Government decision below S.R. 289 in Section II of this Volume.

Audit Instructions-

(1) Deleted.

(2) Officers who are permitted to retire on proportionate pension after enjoying a period of leave not due on medical certificate should be permitted to retain the leave-salary paid to them while on leave not due and should be retired with effect from the date on which their application for permission to retire is sanctioned.

[Para. 25(ii), Chap. X, Sec I of Manual of Audit Instructions (Reprint).]

(3) A Government servant who holds substantively a non-gazetted permanent post, but proceeds on leave from a gazetted post, should be regarded as a gazetted officer for the purposes of this rule.

[Para. 25 (iii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(4) (i) A Government servant who was not holding substantively a permanent post on the 24th August, 1927, but was holding a temporary post or officiating in a permanent post has no claim under the first proviso.

(ii) A Government servant who was in permanent Government service on or before the 24th August, 1927, and was therefore entitled to the privilege under the first proviso, will retain that privilege when re-appointed after resignation or discharge or re-instated after dismissal, if he is allowed to count his past service for leave under F.R. 65 (a) or (b).

(iii) A Government servant who was holding on probation, a permanent post on the 24th August, 1927, and had no lien on any other post, is not entitled to the concessions admissible under the first proviso, since his leave is absolutely governed by F. R. 104 and not by the rules in Sec. I to V of Chap. X of the Fundamental Rules - *c.f.*, F. R. 58.

[Para. 25 (iv), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(5) The term "pay" in the expression "the pay which he would draw" occurring in the first proviso should be interpreted as including "special pay", whether attached to a post or personal to a particular Government servant, since in either case the Government servant would draw it in the post which he holds substantively.

[Para. 25(v), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(6) *Interpretation of the words "permanent post" occurring in the first proviso.*- The permanent post may be a post on which the Government servant's lien has been suspended, if he holds a lien on no other permanent post.

[Para. 25(vi), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(7) The phrase 'at the time of taking leave' occurring in the first proviso to this rule, denotes a point in time and that point is the moment at which leave begins. If, therefore, a Government servant proceeds on leave with effect from the forenoon of a day on which an increment falls due, this increment cannot be taken into account in the calculation of his leave-salary. His increment does not begin to accrue until the previous mid-night is past, and by that time he is assumed to be on leave and therefore incapable of drawing increment because he is no longer on duty.

[Para. 25(vii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(8) *Scope of the first proviso in the case of Government servant proceeding on leave either during or at the end of foreign service.*

(a) For the purpose of this proviso, the status of a Government servant while on foreign service, *i.e.*, gazetted or non-gazetted, should be determined with reference to the permanent post under Government on which he holds a lien or would hold a lien had his lien not been suspended, or, if during his absence on foreign service he is given any promotion under F. R. 113, with reference to the post under Government to which he is so promoted.

(b) In the case of such a Government servant, the term 'his pay' occurring in item (i) of the proviso should be construed to mean what is prescribed under F. R. 117 (b) for counting his pay for the purpose of F. R. 9(2) *i.e.*, the pay drawn in foreign service at the time leave is taken less, in the case of a Government servant paying his own contribution for leave-salary and pension, such part of the pay as may be paid as contribution.

(c) The expression 'the pay which he would draw in the permanent post held substantively by him at the time of taking leave' occurring in the proviso should, in its application to a Government servant on foreign service, be taken to mean the pay which he would draw in the permanent post under Government on which he holds a lien, or would hold a lien had his lien not been suspended, at the time of taking leave.

[Para. 25(viii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint), as inserted by correction slip No. 77, dated the 1st April, 1944.]

Auditor-General's decision.-

(1) *Deleted.*

(2) An officer who takes after 1st April, 1924 leave on average pay for 4 months (or more if covered by the temporary war concession) for the first time after the introduction of the Fundamental Rules and exercises the option of drawing as leave-salary the pay of the post on which he has a lien instead of his average pay without limit, may draw during such leave both the leave pay and the sterling overseas pay which he drew while holding the post.

[Ar. G's letter No.66-A-- 6-25, dated the 28th January, 1925.]

(3) A question was raised as to whether certain classes of non-gazetted officers to whom the grant of special pay is dependent on the definite completion of certain duties (*e.g.*, machine operators employed in Postal Audit Offices get special pay if they complete a certain number of items per day for a month) are entitled to have their leave-salary calculated on the basis of their pay and special pay. It was decided that the leave-salary of such officers must be calculated on the basis of the pay and special pay to which they are actually entitled immediately prior to proceeding on leave.

[Ar. G's letter No. 2409-E/112-27, dated the 23rd April, 1927.]

(3) Deleted.

(5) Deleted.

(6) In connection with the application of the first proviso to F.R. 87 a question was raised as to whether the special pay attached to a particular post included in a cadre of a service and drawn by the incumbent of the post at the time of taking leave should be included in calculating the amount of leave salary under the proviso.

It has been decided by the Auditor General that when a Government servant belonging to a cadre is actually holding substantively a particular permanent post in the cadre at the time of taking leave he must be considered as the substantive holder of that particular post at the time and that, he may, if he fulfills the other conditions of the first proviso to F. R. 87 draw leave salary equal to his substantive pay *plus* any special pay which he was drawing at the time of taking leave.

[Ar. G's letter No.T-717-A./167-38, dated the 13th July, 1938, to the A.G.C.R., New Delhi.]

F. R. 88. After continuous absence from duty on leave for a period of 28 months, a Government servant will draw leave salary equal to quarter average pay, subject to the ¹⁰¹[] minima prescribed in rule ¹⁰⁰[• •] 90.**

NOTE.--A member of the former Indian Civil Service or a military commissioned officer subject to the special leave-rules is entitled to leave-salary equal to subsistence grant after this period.

Audit Instructions.-

(1) The period of 28 months mentioned in this rule includes the period of vacation, if any, with which leave is combined.

[Para. 26(i), Chap. X. Sec. I of Manual of Audit Instructions (Reprint).]

(2) See item (9) of Audit Instructions under F. R. 81 in this Section.

(3) See item (10) of Audit Instructions under F. R. 81 in this Section.

¹⁰²**F. R. 89. Deleted.**

F. R. 90. Subject to the condition that the leave-salary of a Government servant shall in no case exceed his average pay, leave-salary is subject to the monthly minima shown in the following table: -

¹⁰¹ Deleted with effect from 9th May, 1958 vide Fin. Div. Notification No.F.6(2)-RI(2)/57, dated the 26th November, 1959.

¹⁰² Deleted with effect from 9th May, 1958 by Government of Pakistan, Ministry of Finance Notification No.F.6(2)-RI(2)/57, dated the 26th November, 1959.

	Half Average		Quarter Average	
	Outside Asia	In Asia	Outside Asia	In Asia
	£	Rs.	£	Rs.
Former Indian Civil Service and military commissioned officers subject to the special leave rules	55 1/2	555
Other Government servants subject to the special leave rules	33	333	16 1/2	166
Government servants subject to the ordinary leave rules	25	250	12 1/2	125

NOTE 1.- The minima specified above for Government servants other than members of the former Indian Civil Service and military commissioned officers subject to the special leave rules apply only when leave is taken or extended out of Pakistan elsewhere than in India, Ceylon, Nepal, Burma or Aden.

¹⁰³NOTE 2. - In the case of a military commissioned officer the minimum leave salary during such leave as may be added under rule 77(c) to the leave earned by duty under these rules, shall be that prescribed by the Military Rules to which that officer was subject immediately before he came under these rules.

NOTE 3.- A military commissioned officer subject to these rules, who is granted leave on medical certificate in excess of the amount earned by him under both the civil and military rules, may be allowed the civil minimum rate of leave-salary for the period of leave taken in excess of the amount so earned.

Secretary of State's decision.—Deleted.

Audit Instructions.--

(1) When a portion of the leave-salary is paid in sterling it should, for the purpose of applying the rupee limits of leave-salary prescribed in Fundamental Rule 90, be converted into rupees at the official rate of exchange.

[Para. 28, Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(2) The words "average pay" used in Fundamental Rule 90 should be interpreted in terms of Fundamental Rule 9(2) and not be taken as the pay which a non-gazetted Government servant would draw in the permanent post held substantively by him at the time of taking leave if this pay be more than the average pay.

[Para. 29, Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

¹⁰³Revised by G.P., M.F., Notification No.F.3(1)-R(S)/64, dated the 23rd June, 1964.

Auditor General's, decision.-- A Military Commissioned Officer in civil employ subject to the Fundamental Rules can set off the leave he takes either against the amount of leave earned under the civil rules or against that under the Military leave rules as he pleases with the exception that any period of privilege leave at the credit of the officer under Rule 77(c) out of the first 4 months leave on average pay taken after the officer comes under the Fundamental Rules, will always go against the amount of leave earned under the civil rules.

[Ar. G's, U.O.I. No.T-20-Admn.-44-23, dated the 7th May, 1923.]

F. R. 91. (1) That portion of leave-salary which represents overseas pay drawn in sterling shall be paid in all cases in sterling and unless the Government servant exercises his option under sub-rule (4) of drawing it in a Dominion or Colony alongwith the balance of his leave-salary, the payment shall be made by the High Commissioner for Pakistan in the U.K.

(2) Subject to the provisions of sub-rule (1) leave-salary shall be drawn in rupees if due in respect of leave spent in Asia, and in sterling if due in respect of leave spent out of Asia:

Provided that—

- (a) in the case of leave on average pay not exceeding four months, or of the first four months of such leave if it exceeds four months, leave-salary due in respect of an initial period of such leave spent in Asia may, if the officer proceeds out of Asia during the currency of such leave, or within one month of its termination, be drawn in sterling and leave salary due in respect of an initial period of such leave spent out of Asia may be drawn in rupees;**
- (b) in the case of leave of any other description, or of periods of leave on average pay after the first four months of such leave, if the amount of such leave spent in Asia prior to embarkation does not in all exceed one month, leave-salary in respect of the whole of such leave may be drawn in sterling;**
- (c) in the case of an attachment order having been issued by a court in Pakistan in accordance with Rule 48, Order XXI, First Schedule, Code of Civil Procedure, 1908 (Act V of 1908), that part of leave salary which is attached shall be remitted to the court in rupees by the accounts authority in Pakistan notwithstanding that the leave-salary is due in respect of leave spent out of Asia. The balance of such leave salary shall be drawn in sterling in accordance with the rules in this Section, except that the ¹⁰⁴[• •] minimum rates of leave-salary prescribed in rule ¹⁰⁵[• •] 90**

¹⁰⁴ Deleted with effect from the 9th May, 1958 by G.P., M.F., Notification No.F.9(1)R2(RWP)/62, dated 18-5-62.

shall be reduced by the amount specified in the attachment order, converted into sterling at the rate of exchange prescribed by the ¹⁰⁶President under sub-rule (5) of this rule.

NOTE.-- For the purpose of this rule Cyprus shall be regarded as outside Asia.

¹⁰⁷(3) Leave-salary drawn in rupees shall be drawn in Pakistan.

(4) Leave-salary drawn in sterling shall be drawn in London or, at the Government servants option, in any British Dominion or Colony which the ¹⁰⁸President may by order prescribe for the purpose, provided that the officer spends his leave in the Dominion or Colony in which he has elected to draw his leave salary, but if leave-salary due in respect of any portion of leave out of Asia and payable to the Government servant in sterling remains undrawn for no fault on his part the ¹⁰⁹President may authorise the undrawn amount to be paid in Pakistan at such rate of exchange as the ¹¹⁰President may by order prescribe.

(5) Leave-salary shall be converted into sterling at such rate of exchange as the ¹¹¹President may by order prescribe.

(6) Any leave-salary drawn outside Pakistan shall be subject to deduction of Pakistan income-tax and super-tax at the rate which would have been applicable if that leave-salary had been drawn in Pakistan.

Government orders.-- (1) The amount of compensatory allowances to be drawn during leave can seldom be settled at the beginning of leave as it depends largely not on anticipated expenditure but on proved expenditure. It would, therefore, be generally impossible to include in the original leave-salary certificate the exact amount of allowances to be drawn during leave. For these reasons, it has been decided that compensatory allowances during the first four months of leave should not be paid in England except in cases in which such allowances are from the start included in the calculation of average pay. An officer who wishes to draw his compensatory allowances before he returns from leave in England may leave signed blank bills endorsed to his banker, to be presented in due course and passed for payment into his account, *vide* Audit Instruction under S. R. 6 *et seq.*

¹⁰⁵ Deleted with effect from the 9th May, 1958 by G.P., M.F., Notification No.F.9(1)R2(RWP)/62, dated 18-5-62.

¹⁰⁶ Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

¹⁰⁷ As revised by G.P., M.F., Notification No.F.3(1)-R(S)/64, dated 23rd June, 1964.

¹⁰⁸ Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

¹⁰⁹ Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

¹¹⁰ Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

¹¹¹ Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

[Ar. G's letter No. 77-A/240-30, dated the 13th March, 1931.]

(2) In the case of Officers governed by F. R. 91, leave salary in respect of leave on medical certificate or leave preparatory to retirement may be drawn in Sterling for the period actually spent outside Pakistan and India but not exceeding four months. In respect of leave other than leave on medical certificate or leave preparatory to retirement, spent out-side Pakistan and India, leave salary may not be drawn in sterling for a period exceeding six weeks. The leave salary payable in Sterling, will be subject to the following maxima:-

- (i) Leave on full average pay..... Rs. 3,000 p. m.
- (ii) Leave on half average pay Rs. 1,000 p. m.

This is subject to the condition that the officers who are so allowed to draw leave salary in foreign exchange should be required to surrender their right for the basic travel quota for a period of three years, when the leave salary drawn is equal to or more than £.150. If however, the total leave salary drawn during the last three years is less than £.150, and an officer qualifies for the basic travel quota through ballot, he may be given the basic quota equivalent to the difference between £.150 and the total leave salary so drawn.

[G.P.M.F., O.M. No.F.10(5)-RI/66, dt.5/8/66, read with O.M. No.F.6(7)R.I.(2)/58, dated 29th October, 1958, O.M. No.F.12(13)-R-II(II)/55, dated the 24th August, 1955, No. F.11(4) R-II(II)/57, dated the 22nd October, 1957 and No. F.II(4)-R-II(II)/57, dated 19th December, 1957.]

Government decisions.--

(1) It has been decided that for the purposes of the application of F.R. 91, the period of voyage to or from Pakistan is to be treated as leave out of Asia during which leave-salary is payable in sterling. These orders apply to all direct (*i.e.*, unbroken) voyages between Pakistan and a port outside Asia irrespective of the route followed and the time spent in Asia on the voyage including stoppages incidental thereto (*e.g.* for the purpose of transshipment). But these orders are not to be applied to make the leave-salary payable in sterling when the voyage is broken in Asia at the volition of the officer or when he spends a portion of his leave in Asia before proceeding to another continent or resuming his duties in Pakistan.

(2) It has been decided that since in the case of an officer placed on deputation in interruption of leave out of Pakistan, leave is treated as one spell of leave the leave before and after the deputation should be treated as 'initial period' for the purposes of proviso (a) to Fundamental Rule 91 (2) and the Government servant allowed to draw, if he so desires, leave-salary in Pakistan for the portion of leave immediately following the deputation. As deputation is duty for all purposes, it should not be taken into account in calculating the maximum period of 4 months prescribed in Fundamental Rule 91.

(3) It has been held in consultation with the Auditor General that in the case of leave on average pay not exceeding 4 months or the first four months of such leave if the officer proceeds out of Asia during the currency of such leave or within one month of its termination, leave-salary can be drawn in sterling under proviso (a) to Fundamental Rule 91(2) even when it is combined with any other form of leave. Proviso (b) to that rule will apply only in cases of leave on average pay in excess of 4 months or leave other than average pay whether taken in combination or separately.

[G.P., M.F., letter No.1580-R-II(II)/55, dated the 17th June, 1955 to Comptroller, Sind.]

(4) Notwithstanding any provision to the contrary contained in any rules / order / resolution, such of the leave salary for periods of leave spent outside Pakistan as is payable in a foreign currency to a Government servant, governed by F. R. 91, shall be converted into the foreign currency concerned at the official rate of exchange in force on the date of the payment, irrespective of the considerations of domicile (Pakistan or elsewhere) and Service Cadres (pre or post Independence).

[G.P., M.F., O.M. No. D-817-R 4/73-F 6(15)-RI/72, dated 22-6-1973]

Audit Instructions.--

(1) Vacation should be treated as equivalent of leave on average pay for the purpose of proviso (a) to F. R. 91(2).

[Para. 30(i), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(2) If leave-salary due in respect of any portion of leave out of Asia and payable to a Government servant in sterling remains undrawn through the late arrival of a steamer, it may be held to be non-drawal through no fault of the Government servant concerned and drawal in Pakistan may be permitted as a matter of course.

[Para. 30(ii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint)]

(3) Under F. R. 91(2) (b) read with F. R. 92, a Government servant who spends not more than one month of his leave in Asia prior to embarkation to spend the balance elsewhere is entitled to draw leave salary in respect of the entire period of his leave at the privileged rates and subject to the sterling minima prescribed in F. R. 90.

[Para. 31, Chap. X, Sec. I of Manual of Audit Instructions (Reprint)]

Auditor General's decision--

Terms of reference.-Mr. E., Lecturer in a College prefixed vacation from the 16th December, 1948 to 28th February, 1949 to leave on average pay ex-Pakistan from the 1st March, 1949 to 31st May, 1949. He sailed from Karachi on the 22nd December, 1948. A question arose whether payment of the vacation pay for the period from the 16th

December, 1948 to 21st December, 1948 actually spent in Pakistan could have been made in sterling in London or in a Colony.

Decision.--The Auditor General, with the concurrence of the Government, decided that according to the Audit Instruction No. (1) under this rule, vacation is treated as leave on average pay for purposes of F. R. 91 (2) proviso (a). As the rule stand, therefore, since the officer went out of Pakistan within 4 months from the commencement of the vacation he can exercise the option of drawing his pay for vacation in sterling for the period spent in Pakistan. Note 1 to paragraph 14 of Appendix 8 in Volume II which states that when vacation is combined or not combined with leave and *actually spent out of Pakistan*, the Government servant may be authorised to draw his pay for vacation in England or in a Colony, is not, therefore, applicable to the case under reference in which the vacation is spent in Pakistan.

¹¹²F. R. 91-A. Notwithstanding anything contained in these rules, the Government servants appointed after the 17th May, 1958 shall draw their leave-salary in rupees in Pakistan irrespective of the country where they spend their leave.

F. R. 92. The rupee and sterling ¹¹³[] minima prescribed in rule ¹¹⁴[• •] 90 shall be applied to leave-salaries paid respectively in rupees and in sterling.**

Audit Instructions.-- See item (3) of the Audit Instructions below Fundamental Rule 91 in this section.

F. R. 93. A compensatory allowance should ordinarily be drawn only by a Government servant actually on duty, but a local Government may make rules specifying the conditions under which a Government servant on leave may continue to draw a compensatory allowance, or a portion thereof, in addition to leave-salary. One of these conditions should be that the whole or a considerable part of the expense to meet which the allowance was given continues during leave.

[For rules made under Fundamental Rule 93, see Supplementary Rules 5 - 8.]

Section VI.-- EXCEPTIONS AND SPECIAL CONCESSIONS.

F. R. 93-A. Except as provided by rules 61 and 64 a Government servant transferred to a Service or post to which the rules in Section I to V of this Chapter apply, from a Service or post to which they do not apply, remains under the leave rules to which he was subject prior to his transfer; provided that it shall be open to him at the time of the transfer or any time thereafter to exercise the option of coming under the rules in Sections I to V of this Chapter, subject to the condition that all leave at his credit on the date on which he comes under these rules shall lapse. The

¹¹²Inserted with effect from 17th May, 1958 vide Ministry of Finance Notification No.F.11(2)-R.II(II)/58, dated 17th May, 1958.

¹¹³Deleted with effect from the 9th May, 1958.

¹¹⁴Deleted with effect from the 9th May, 1958.

intention of exercising this option must be specifically declared to the local Government or the ¹¹⁵President as the case may be, and the date of such declaration shall be the date of coming under these rules. The option once exercised is final.

Government decisions.--

(1) 1. The extent and effect of the application of Fundamental Rules 7 and 93-A had recently to be considered in the case of an officer who was governed by the Fundamental Rules of a Provincial Government and who was transferred prior to the 13th of April 1938, the date on which Fundamental Rule 93-A was issued, to a service under the rule-making control of the Governor-General and who on being informed by his accounts officer that it was open to him to elect to the leave rules in Sections I to V or Chapter X of the Governor-General Fundamental Rules did so and was thereby held to have lost under Fundamental Rule 93-A all leave he had at credit on the date of his transfer, notwithstanding the fact that the two sets of rules were identical. It has been decided, that Fundamental Rule 93-A should not be given retrospective effect, and that it applies only to those persons who are transferred from one service to another, as contemplated in that rule, on or after the 13th of April, 1938.

2. All Accounts Officers should, when asking any such officer to elect under Fundamental Rule 93-A, draw his attention to the fact that where the leave rules to which he was subject before his promotion, are identical with those in the Fundamental Rules, he gains no advantage by electing the latter.

3. As regards officers so transferred prior to the 13th of April, 1938 they become compulsorily and automatically subject to the Secretary of State's Leave Rules under Fundamental Rules 58. In their case the question arises whether the unspent balance of leave earned by them under the rules formerly applicable to them should lapse as a result of their coming under the Secretary of State's Rules. As the rules stand, the only provision in the Fundamental Rules, which enables an officer to carry forward the unspent balance of leave earned under rules other than the Fundamental Rules, is Fundamental Rule 77. This rule permits leave earned under the Civil Service Regulations and the Military Leave Rules to be carried forward, but it does not contemplate cases in which the leave rules applicable to an officer before his transfer are identical with those in the Fundamental Rules which became applicable to him after the transfer. The change of leave rules in such cases is purely nominal and the intention was that the balance of leave standing to the credit of the officer on the date of his transfer should be allowed to stand although the intention was not strictly covered by the provisions of the rules (Fundamental Rule 77).

[G.I., F.D. endst. No. F.7(3) R-I/40, dated the 22nd February, 1940.]

(2) The staff employed on "Agency" work may be divided into the following categories:-

¹¹⁵Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

(a) Personnel recruited for an employed in Agency Departments whose pay, leave-salary, allowances and pensions are charged direct to the Central Government, *i.e.* personnel who are paid direct by the Central Government, but who are technically under the administrative control of Provincial Governments.

(b) Personnel recruited and employed in connection with the affairs of the Provinces whose pay, leave-salary, allowances and pensions are charged to Provincial revenues, but whom the Provincial Governments employ temporarily on agency work. For their services the Central Government pays the Provincial Governments an agreed sum and the entire pensionary charges are borne by the latter.

(c) Personnel as in category (b) above whose services are employed by the Provincial Government, part-time or casually, on performing Central Agency duties. For their services the Central Government usually pays an agreed sum to the Provincial Governments which includes pensionary liability.

(d) Personnel falling in either of the three categories given above who have now come under the direct control of the Central Government on resumption by them of the administrative control over certain agency functions.

The Government have decided that, as in the case of pension, officers recruited on or after the 1st April, 1937 for employment in agency Departments, who belong to category (a) in the preceding paragraph should be governed by the leave rules of the Central Government. However, in the case of such officers who are, on the date of issue of the present orders, governed by the leave rules of the Provincial Governments concerned, it has been decided to allow them an option of remaining under the Provincial Government's leave rules or of coming under the Central Government's leave rules on the principles and conditions laid down in Fundamental Rule 93-A and in item (3) of the Government decisions below the Annexure to Appendix 7-A to Volume II of this Compilation as inserted by correction slip No. 281, dated the 28th December, 1940.

The Government have also decided that officers in categories (b) and (c) in para. 1 above (irrespective of dates of recruitment) should remain under the Provincial Government's leave rules and that those in category (d) should be given an option of remaining under the Provincial Government's leave rules or of coming under the Central Government's leave rules on the principles and conditions laid down in the preceding paragraph.

[G.I., F.D., Endorsement No. F-7(62)-R.1/43, dated the 6th January, 1944.]

(3) 1. A question has been raised whether the option given in Fundamental Rule 93-A to a Government servant who is transferred from a service or post to which the rules in Sections I to V of Chapter X in the Fundamental Rules do not apply to a service or a post to which they apply can be exercised by him only when he is so transferred permanently. Fundamental Rule 59 prescribes that leave is earned by a Government servant under Sections I to V of Chapter X, if he holds a lien on a permanent post in civil employ or would hold a lien on such a post had his lien not been suspended. Fundamental

Rule 93-A specifically refers to Sections I to V of Chapter X and subject to certain exceptions as provided for in the rules, the rules in these Sections apply only to those who hold liens on permanent posts. It is, therefore, clear that the option given in Fundamental Rule 93-A can be exercised by a Government servant who is transferred permanently to a service or post to which the rules in Sections I to V of Chapter X apply. In the event of an option being exercised, the leave would be earned by the Government servant either under these Sections or under the Revised Leave Rules, 1933, as the case may be.

2. It has been decided that in such cases, Audit Officers should be responsible for ascertaining the option under Fundamental Rule 93-A in respect of the gazetted officers and that in respect of non-gazetted officers, responsibility will rest with the Heads of the Departments concerned.

[Ministry of Finance No. F. 1(5)-R/51, dated the 15th December, 1951.]

Auditor General's decision.-It has been decided with the concurrence of the Government that the case of a Government servant transferred permanently to a service or post to which the rules in Sections I to V of Chapter X of Fundamental Rules apply, from a service or post to which the Leave Rules in Civil Service Regulations apply, does not fall under F. R. 93-A but under F. R.s 77 and 78 direct, and that the question of exercising the option provided by F. R. 93-A does not, therefore, arise in such a case.

[Auditor General's Endorsement No. 35-A/83-43, dated the 22nd January, 1944.]

F. R. 94. The rules in sections I to V are not applicable to the following Government servants whose leave is governed by the Act or by rule made under other sections of the Act:-

- (a) **Governors during their tenure of office as such.**
- (b) **The Chief Justices and other Judges of the several High Courts.**
- (c) *Deleted.*
- (d) **The Comptroller and Auditor General of Pakistan.**

F. R. 94-A. Deleted. [By G.P., M. F., Notification No.F.3(1)-R(S)/64, dated the 23rd June, 1964.]

F. R. 94-B. Except as provided by rule 61, the rules in Sections I to V are not applicable to Government servants paid from Military Estimates who are temporarily transferred to service paid from Civil Estimates (including service in a tenure post). Such Government servants remain subject to the Rules which applied to them before their transfer.

F. R. 95. Deleted.

F. R. 96. Deleted.

F. R. 97. (1) When a Government servant, who has held the office of Governor, takes leave after vacating such office, there shall be credited in his leave account a period equivalent to the leave which would have been earned under the rules in sections I to V if the duty rendered as Governor, had been rendered, in one of the posts to which these rules apply; and any leave which he has taken during his tenure of office shall be debited to his leave account in the same way as if he had taken leave on half average pay under these rules. ¹¹⁶[]**

(2) When a Government servant holding substantively the office referred to in sub-rule (1) of this rule or the post of Chief Engineer of the Public Works Department takes leave immediately on vacating his office or post, he shall during the leave be left without a lien on any permanent post.

F. R. 98. Deleted. [By G.P., M.F., Notification No.F.3(I)-R(S)/64, dated 23-6-1964.]

F. R. 99. The following law officers are entitled to leave under the rules applicable to members of the former Indian Civil Service, provided that their pay as Government servants is fixed at a definite rate and that their whole time is retained for the service of Government:-

An Attorney General.

A Standing Counsel.

An Official Trustee or Assignee.

A Receiver of a High Court.

An officer of a High Court holding a post which by law can be held by a barrister only.

A Secretary or Assistant Secretary in the Legislative Department of a local Government.

A Remembrancer, Deputy Remembrancer or Assistant Remembrancer of Legal Affairs.

A Government Advocate or Assistant Government Advocate.

A Clerk of the Crown.

A Government Solicitor.

¹¹⁶Deleted w.e.f. the 9th May, 1958 by G.P., M.F. Notification No.F.9(1)-R.2(RWP)/62, dated 18-5-1962.

F. R. 100. The following provisions apply to military officers in civil employ who remain subject to military leave rules (other than military officers serving with such Frontier Irregular Corps as may be specified in this behalf by the ¹¹⁷President) and to non-commissioned officers in civil employ.

(a) A local Government may grant to such an officer leave of the following kinds:-

- (i) Leave on average pay for four months at a time, not exceeding, in all, the privilege leave which it would be permissible to grant to him under the rules applicable to his case on the date on which he became subject to this rule, *plus* 1/11th of the duty performed by him from the beginning of the calendar year following that in which he became subject to this rule:

Provided that, if privilege leave under military rules is not admissible in respect of the calendar year of transfer because the officer has not actually performed duty in the Military Department during that year, duty counting for leave on average pay shall commence on the date on which he becomes subject to this rule:

¹¹⁸[....]

Provided further that in the case of an officer serving in a vacation department the provisions of rule 82 shall apply *mutatis mutandis* to the calculation and grant of leave under sub-clause (i) above:

Provided further that an officer holding substantively a tenure post who is temporarily reverted to military duty, shall be treated as if he had remained subject to this rule throughout the period of his absence from his civil post, any privilege leave taken under Military Leave Rules during that period being treated as leave on average pay taken under this rule.

- (ii) any leave, other than privilege leave, admissible under military rules either alone or in combination with leave on average pay.

NOTE.-- In the case of a Government servant who is entitled, under order previously in force, to privilege leave for more than four months, the number of months to be taken at one time as prescribed in sub clause (i) above may be increased on the first occasion when leave is taken under these rules, by the number of months by which the amount of privilege leave due exceeds four months.

¹¹⁷Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

¹¹⁸Second proviso omitted by G.P., M.F., Notification No.F.3(1)-R(S)/64, dated 23-6-1964.

(b) the total period of leave should be regulated by the limits in force under the military rules to which the officer is subject.

(c) Leave may be retrospectively commuted by the authority which granted it into any other kind of leave which was admissible to the officer concerned at the time when it was granted:

Provided that, except in the case of an officer holding substantively a tenure post no leave under sub-clause (ii) of clause (a) of this rule may be granted to an officer unless the local Government is prepared to re-employ him immediately upon the termination of the leave:

Provided also that in the case of an officer holding substantively a tenure post leave under sub-clause (i) of clause (a) may be granted so as to extend beyond the expiry of such term if the leave has been applied for in sufficient time before the expiry of the fixed term and refused owing to the exigencies of the public service.

Government decisions--

(1) *Deleted.*

(2) Leave on average pay extending beyond the term of civil appointment is not admissible to military officers holding civil appointments of limited tenure even though the military authorities may agree to the grant of leave.

[G.I., F.D., letter No. F-314-C.S.R.-26, dated the 11th October, 1926.]

(3) F. R. 100, sub-clause (i) of clause (a), should regulate the leave taken on or after the 4th December, 1928 by all military officers subject to this rule, irrespective of the date of their transfer to the Civil Department. The words 'An Officer's claim to leave is regulated by the rules in force at the time the leave is granted' occurring in sub-paragraph 2 of article 4 of the Civil Service Regulations refer to the officer's 'claim to leave', which includes the earning of leave, the method of calculation, the admissibility of the leave and its grant. The leave account must be revised as soon as a rule regulating the method of calculation is amended and subsequent leave granted according to the amended leave account.

[Ar. G's, letter No. T 253-A/70-29, dated the 7th May, 1929.]

Audit Instructions.--

(1) In reckoning service for the purpose of calculating leave to military officers in temporary civil employ, a period of six months should be excluded after the expiry of the privilege leave mentioned in Fundamental Rule 100 (a) (i) whether this is taken by itself or combined with other leave.

[Para. 34 (i), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(2) In the case of a military officer to whom privilege leave was granted under the military rules in respect of a particular official year, instead of a calendar year, service for leave under the civil rules should reckon from the first day of the next official year.

[Para. 34 (ii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

F. R.100-A. Deleted. [By G.P., M.F., Notification No.F.3(1)-R(S)/64, dated the 23rd June, 1964.]

F. R. 100-B. Deleted.

F. R. 101. A local Government may make rules regulating the grant to Government servants under its control of --

- (a) **maternity leave to female Government servants, and**
- (b) **leave on account of ill-health to members of subordinate services specified in such rules whose duties expose them to special risk of accident or illness.**

Such leave is not debited against the leave account.

[For rules made under Fundamental Rule 101, see Supplementary Rules 267 to 273.]

F. R. 102. A local Government may make rules regulating the grant of leave on account of ill-health to officers and seamen of Government vessels. Such leave is not debited against the leave account.

[For rules made under Fundamental Rule 102, see Supplementary Rules 274 and 275.]

F. R. 103. A local Government may make rules regulating the leave which may be earned by -

- (a) **temporary and officiating service,**
- (b) **service which is not continuous, and**
- (c) **part-time service, or service which is remunerated, wholly or partially by the payment of honoraria or daily wages:**

Provided that such rules shall not grant more favourable terms than would be admissible if the service were substantively permanent and continuous.

[For model terms regulating the grant of leave to Government officials engaged on contract see Appendix 10 in Volume II of this Compilation.]

[For rules made under Fundamental Rule 103, see Supplementary Rules 284 to 290.]

Government order.--The Governor-General has decided that Fundamental Rule 103 enables him to make rules determining the extent to which, and the conditions under which an interrupted temporary service in the Military Department followed by confirmation in the Civil Department may count for leave under the Fundamental Rules, and that Supplementary Rule 286 may be regarded as a rule framed under Fundamental Rule 103.

[Ar. G's letter No. 161-A/10-28, dated the 24th May, 1928.]

F. R. 104. During their period of probation or apprenticeship, probationers and apprentices are entitled to leave as follows:-

- (a) **If appointed under contract in the United Kingdom with a view to permanent service in Pakistan or if appointed in the United Kingdom to posts created temporarily with the prospect, more or less definite, of becoming permanent:-**
 - (i) **to such leave as is prescribed in their contracts, or, when no such prescription is made,**
 - (ii) (1) **When the period of probation is not less than three years, to the same leave which would be admissible if they held permanent posts, or**
 - (2) **When the period of probation is less than three years to leave on average pay up to one-eleventh of the period spent on duty, to which may be added, on medical certificate, leave on half average pay provided that the total leave granted under this clause shall not exceed three months reckoned in terms of leave on average pay, and**
- (b) **if appointed otherwise, to such leave as is admissible under rules framed in this behalf by the local Government subject to the proviso in rule 103.**

[For rules made under Fundamental Rule 104 (b), see Supplementary Rules 291 and 292.]

[For Administrative Instructions issued regarding "Grant of Leave to PROBATIONERS AND APPRENTICES;" see Part V (1) of Appendix 3 in Volume II of this Compilation.]

CHAPTER XI.—JOINING TIME.

F. R. 105. Joining time may be granted to a Government servant to enable him:—

- (a) to join a new post to which he is appointed while on duty in his old post; or**
- (b) to join a new post--**
 - (i) on return from leave on average pay of not more than four month's duration, or**
 - (ii) when he has not had sufficient notice of his appointment to the new post, on return from leave other than that specified in sub-clause (i); or**
- (c) to travel from the port of debarkation (or, in the case of arrival by aircraft, from its first regular port in Pakistan and organize his domestic establishments when he returns from leave out of Pakistan of more than four months' duration, or**
- (d) (i) to proceed from a specified station to join a post at a place in a remote locality which is not easy of access :**
 - (ii) to proceed on relinquishing charge of a post at a place in a remote locality which is not easy of access to a specified station.**

Government decisions—

(1) *Deleted.*

(2) A question was raised whether a Provincial Government servant who is appointed to a post under the Central Government while on duty in his old post but who joins his new post after termination of his employment under the Provincial Government by resignation or otherwise should be granted joining time, or joining time pay. To ensure uniformity of treatment, in such cases no joining time or joining time pay should be granted except when the employment of a particular Government servant is in the wider public interest. No travelling allowance either will be admissible in such cases.

[G.I., F.D., letter No, F.5 (3)-R.I/40, dated the 16th January, 1940].

(3) The period of joining time admissible to a Government servant who proceeds on leave on average pay not exceeding 4 months from his old post and who is posted to a

new post in another station where he is spending the leave should be calculated under Supplementary Rule 293.

[G.I., F.D., letter No. F.3(2)-R-I/41, dated the 10th March 1941, copy received with the A.G., C. R's letter No.GC-54/50/6402, dated the 28th March, 1941.]

(4) It has been decided that joining time and joining time pay should be granted as follows to Government servants appointed to posts under the Central Government on the results of a competitive examination which is open to both Government servants and others.

- (a) Joining time should ordinarily be permitted for all Government servants serving under the Central Government and for Provincial Government servants who hold permanent posts in a substantive capacity and that,
- (b) no joining time pay should be granted except,
 - (i) when the Government servant holds a permanent post under Government (including a Provincial Government in a substantive capacity,
 - (ii) in the case of appointments through the Cabinet Secretariat to the ministerial establishment of the Government of Pakistan Secretariat and attached or subordinate offices when a candidate originally nominated to a vacancy likely to become permanent if re-nominated to another such vacancy owing to the cessation of the former.

Traveling allowance under Supplementary Rule 114, should also be granted in cases where joining time pay is granted under clause (b) above.

This also applies to a Government servant selected after an interview for appointment to a post under Central Government.

[G.I., F.D., Endorsements No.F.3(4)-R.-II/44, dated the 27th May, 1944 and No.F.3(4)-R-I/44, dated the 17th July, 1945.]

Audit Instructions—

(1) The joining time and travelling allowance of Military Officers in civil employ are governed by the civil rules in virtue of the provisions of paragraph 593 of the Regulations for the Army in India and paragraphs 2 (iii) and 14 of the Defence Services Regulations, India Passage Regulations, respectively read with F. R. 3. These rules admit of the grant of joining time and travelling allowance to Military Officers in civil employ not only on the occasions of their transfer to the civil employ and retransfer to military employ but also when they are actually serving in civil employ. For the purposes of these rules, privilege leave under the military leave rules should be treated as leave on average pay of not more than four months' duration.

[Para. 1, Chap. XI, Sec. I of Manual of Audit Instructions (Reprint) as inserted by correction slip No. 66, dated the 1st April, 1942.]

(2) The time reasonably required for the journeys between the place of training and the stations to which a Government servant is posted immediately before and after the period of training should be treated as part of that period. This ruling is not intended to apply to probationers holding "training posts", which they may be considered as taking with them on transfer. Such probationers are entitled to joining time when transferred.

[Para. I-A, Chap. XI, Sec. I of Manual of Audit Instructions (Reprint).]

(3) The intention of sub-clause (i) of Fundamental Rule 105(b) is that joining time should be allowed to those Government servants who are granted privilege leave or leave on average pay for not more than four months, or those who are granted privilege leave up to a maximum of six months under the special war concession, and who are transferred to a new station on the termination of such leave.

[Para. 2, Chap. XI, Sec. I of Manual of Audit Instructions (Reprint).]

(4) In the case of a Government servant who is appointed while on leave (whether spent in Pakistan or out of Pakistan) on average pay of not more than four months' duration to a post other than that from which he took leave the full joining time calculated under Supplementary Rule 300 is admissible irrespective of the date on which the orders of transfer were received by the Government servant concerned. Should the Government servant join his new appointment before the expiry of such leave plus the joining time admissible, the period short taken should be considered as leave not enjoyed and a corresponding portion of the leave sanctioned should be cancelled without any reference to the authority which granted the leave. If, in any case, the Government servant desires not to avail himself of the full period of joining time admissible, the periods of leave and joining time should be adjusted with reference to such option.

[Para. 3, Chap. XI, Sec. I of Manual of Audit Instructions (Reprint).]

(5) If vacation is combined with leave, joining time should be regulated under clause (b) (i) of Fundamental Rule 105 if the total period of leave on average pay and vacation combined is of not more than four months' duration and under clause (c) if the leave out of Pakistan and vacation combined is more than four months.

[Para 4, Chap. XI, Sec. I of Manual of Audit Instructions (Reprint).]

(6) Joining time under clause (c) of this rule is reckoned from the date of disembarkation at a Pakistan port.

[Para. 5(i), Chap. XI, Sec. I of Manual of Audit Instructions (Reprint).]

(7) Joining time under clause (c) of this rule is admissible to a Government servant for organising his domestic establishment even if he does not make any journey from the port of disembarkation.

[Para. 5(ii), Chap. XI, Sec. I of Manual of Audit Instructions (Reprint).]

(8) A Government servant who returns from leave of not more than four months' duration and who is re-posted to the same 'remote locality' from which he proceeded on leave, or a Government servant who returns from leave, other than on average pay, not exceeding four months and who is posted to a remote locality, must reach the 'fixed point' within the period of his leave and the joining time or the journey from the fixed point onwards is governed by the Supplementary Rules framed under Fundamental Rule 105 (d).

If the Government servant returns from leave out of Pakistan for a period exceeding four month's duration, the termination of his leave is governed by F. R. 68 and the joining time for the journey (a) from the port of disembarkation to the 'fixed point' and (b) from the 'fixed point' to the remote locality irrespective of whether it is the same locality from which he proceeded on leave or not, onwards is governed by the Supplementary Rules framed under Fundamental Rule 105 (c) and Fundamental Rule 105 (d) respectively. The Government servant should be paid under Fundamental Rule 107 (b) for the portion of the joining time regulated under Fundamental Rule 105 (c) and under Fundamental Rule 107 (c) for the portion regulated under Fundamental Rule 105 (d).

[Para. 6, Chap. XI, Sec. I of Manual or Audit Instructions (Reprint).]

(9) A Government Servant sent for medical examination from one station to another for appointment in the Military Department, and returned to the former station as unfit, should be considered to be on joining time during his absence on transfer and re-transfer.

[Ruling (34), Sec. IV of Compilation of Audit Rulings.]

Auditor General's decision.—A question arose whether any joining time is admissible to a Military Officer in civil employ who before reversion to Military duty takes leave under F. R. 100, and if so, whether the civil or the military joining time rules should apply in such cases.

Under Fundamental Rule 3 the officer in such a case is of course to be governed by the Army Regulations in the matter of joining time, but under the last sub-paragraph of paragraph 593 of the Regulations for the Army in India the joining time of an individual transferred from military to civil or foreign employ or on re-transfer to military is to be governed by the rules of the department or government to which he was transferred. It is by virtue of the rule in this paragraph in the Army Regulations that the Civil joining time rules become applicable in such cases, and there is nothing in Fundamental Rule 3 to prevent this result. The Auditor General has therefore decided with the concurrence of the Government that joining time and joining time pay under the civil rules are admissible in such cases and that the joining time pay is chargeable to civil estimates.

[Ar. G's letter No. T.-254 A/123-38, dated the 27th May, 1939]

F. R. 106. A local Government may make rules regulating the joining time admissible in each of the cases mentioned in rule 105 and specifying the places and stations to which clause (d) of that rule shall apply. Such rules should be framed with due regard to the time required for actual transit and for the organization of domestic establishment.

(For rules made under Fundamental Rule 106, See Supplementary Rules 293 to 306-A)

F. R. 107. A Government servant on joining time shall be regarded as on duty and shall be entitled to be paid as follows:

- (a) If on joining time under clause (a) of rule 105, he is entitled to the pay which he would have drawn if he had not been transferred or the pay which he will draw on taking charge of his new post, whichever is less.

(See Audit Instructions under F. R. 20).

- (b) If on joining time under clause (b) or (c) of rule 105 he is entitled—
- (i) When returning from extraordinary leave, other than extraordinary leave not exceeding fourteen days granted in continuation of other leave; if a member of the former Indian Civil Service or a military commissioned officer subject to the civil leave rules, to subsistence grant; otherwise, to no payments at all:
- (ii) When returning from leave of any other kind; to the leave-salary which he last drew on leave at the rate prescribed for the payment of leave salary in Pakistan;

¹¹⁹[***]

Note.—A military officer subject to the military leave rules who retains a lien on his civil post is entitled, on joining time under sub-clause (ii) above, to draw the same amount of leave-salary which he would have drawn had he taken leave under civil leave rules provided that such leave salary shall not be less than that which he actually drew during the last portion of his leave.

- (c) If on joining time under clause (d) of rule 105, he is entitled to pay as though he were on duty in his post.

¹²⁰NOTE.—*Deleted.*

¹¹⁹Proviso deleted with effect from the 9th May, 1958 by G.P., M.F. Notification No.F.9(1)-R-2(RWP)/62, dated the 18th May, 1962.

Government decision.— (1) See item (4) of the Government decision below Fundamental Rule 105 in this Section.

(2) The position under the rules after the deletion of NOTE under Fundamental Rule 107 (c) is that a Government servant is entitled to joining time pay whenever joining time is allowed under Fundamental Rule 105, whether the transfer is made at his own request or in the public interest.

[G.P., M.F., O.M. No.F.2(3)R.II/51, dated the 16th April, 1952.]

Audit Instructions—

(1) No extra pay (where the transfer involves the grant of extra pay) can be drawn in any case by a relieving Government servant until the transfer is complete, but as far as ordinary pay and allowances are concerned, an exception may be made to the general rule in all cases in which the charge to be transferred (whether a division, a sub-division or other charge) consists of several scattered works which the relieving and relieved Government servants are required, by the orders of a superior officer to inspect together before the transfer can be completed. The relieving Government servant will be considered as on duty if the period taken in carrying out these inspections is not considered by the Superintending Engineer to be excessive. While so taking over charge, the relieving Government servant will draw:—

- (i) if he is transferred from a post which he holds substantively his presumptive pay in that post,
- (ii) if he is transferred from a post which he has held in an officiating capacity, the officiating pay admissible in that post provided it is not more than the pay he would draw after the transfer is complete; otherwise, his presumptive pay in the permanent post on which he had a lien prior to transfer,
- (iii) if he returns from leave, his presumptive pay in the post on which he retained a lien during the leave.

NOTE.—1. Deleted.

NOTE.—2. Deleted.

[Para. 7(i) Chap, XI, Sec. I of Manual of Audit Instructions (Reprint).]

(2) The words "if he had not been transferred" in clause (a) to F. R. 107 should be interpreted in the sense "if he had continued in the old post."

¹²⁰ Deleted by G.P.M.F. Resn. No. F. 13(2)R.-II/51, dated the 16th November, 1951.

[Para. 7(ii), Chap. XI, Sec. I of Manual of Audit Instructions (Reprint).]

(3) The words "in his post" occurring in clause (c) of F. R. 107 mean "in his post in the remote locality" even in the case of a Government servant on straight transfer.

[Para. 7 (iii), Chap. XI, Sec. I of Manual of Audit Instructions (Reprint).]

Auditor General's decisions—

(1) A military commissioned officer subject to the civil leave rules is entitled during joining time under clause (b) and (c) of Fundamental Rules 105, to leave-salary at the rate prescribed for payment of leave-salary in Pakistan subject to the Military minimum prescribed for leave spent in Pakistan. vide NOTE 2 read with NOTE 1 under Fundamental Rule 90, i.e., at the rates in Rule 760 (iii) Pay and Allowance Regulations, Vol. I, Revised Edition, 1st January, 1938.

(2) A question arose whether during the period occupied in handing over and taking over charge of scattered works referred to in item (1) of the Audit Instructions above both the relieved and relieving officers are entitled to free quarters or house rent allowance in lieu thereof. It has been decided by the Auditor General, in consultation with the Government that the concession of house rent allowance or free quarters ordinarily admissible to an officer should be treated as "ordinary pay and allowances" within the meaning of the first sentence of the above Audit Instruction and is admissible to both the relieved and the relieving officers in the circumstances explained above.

[Ar. G's letter No. T-128-A/II-35, dated the 9th May, 1935.]

F. R. 108. A Government servant who does not join his post within his joining time is entitled to no pay or leave salary after the end of the joining time. Willful absence from duty after the expiry of joining time may be treated as misbehavior for the purpose of rule 15.

F. R.108-A. A person in employment other than Government service or on leave granted from such employment, if in the interest of Government he is appointed to a post under a local Government, may, at the discretion of the local Government, be treated as on joining time while he prepares for and makes the journey to join the post under Government, and while he prepares for and makes the journey on reversion from the post under Government to return to his original employment. During such joining time he shall receive pay equal to the pay, or in the case of joining time immediately following leave granted from the private employment, to the leave-salary, paid to him by his private employer prior to his appointment to Government service, or pay equal to the pay of the post in Government service, whichever is less.

PART V

CHAPTER XII.—FOREIGN SERVICE

F. R. 109. The rules in this chapter apply to those Government servants only who are transferred to foreign service after these rules come into force. Government servants transferred previously will remain subject to the rules in force at the time of transfer.

Audit Instructions—

(1) The rules in Chapter XII of the Fundamental Rules apply to those Government servants only who are transferred to foreign service after the 1st January, 1922. Those transferred previously remain subject to the rules in force at the time of transfer. Government servants of the latter class are, however, entitled to take the benefit of the other rules in the Fundamental Rules and will be adjudged to have elected to do so if they do not exercise the option given by Fundamental Rule 58. To cover cases in which such Government servants come under the new leave rules it has been ruled—

- (1) that their pay in foreign service shall be treated as pay for the purpose of calculating leave-salary, and
- (2) that the obligation of foreign employers to pay a portion of leave allowances during privilege leave shall be held to continue during the first four months of any period of leave on average pay.

[Para. I(i), Chap. XII, Sec. I of Manual of Audit Instructions (Reprint).]

(2) Extensions, of foreign service ending on and after the 1st January, 1922, of Government servants who were transferred to foreign service prior to that date, should be treated as fresh transfer and dealt with under the Fundamental Rules.

[Para. 1(ii), Chap. XII, Sec. I of Manual of Audit Instructions (Reprint).]

F. R. 110. (a) No Government servant may be transferred to foreign service against his will.

(b) A transfer to foreign service outside Pakistan may be sanctioned by the ¹²¹President.

NOTE.— *Deleted.*

¹²¹Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

(c) Subject to any restrictions which the ¹²²President may by general order impose in the case of transfer to the service of a State which has acceded to Pakistan, a transfer to foreign service in Pakistan may be sanctioned by the local Government under which the Government servant transferred is serving.

Government decision.—The restrictions imposed by or under clauses (b) and (c) of F. R. 110 and sub-rule (2) of rule 45 of the C.S. (Classification, Control and Appeal) Rules on the powers of the Provincial Government in relation to Government servants under their rule-making control are inconsistent with the new Constitution and cannot now be regarded as valid. The Provincial Governments are accordingly competent to transfer persons under their rule-making control to foreign service outside Pakistan without the previous sanction of the Governor-General, and are not bound by the restrictions imposed by him on transfer to the service of a State which has acceded to Pakistan. The Auditor General concurs in this view.

The Central Government may, however, be consulted before hand in regard to any request for the loan of the services of Provincial Officers from a foreign country and from a State which has acceded to Pakistan respectively, in order that they may have an opportunity of considering the proposal from the point of view of their respective responsibilities. The Provincial Government will doubtless give full weight to any views which the ¹²³Federal Government may express on such consultation.

(2) The Government which would be entitled to recover pension contribution on behalf of a Government servant lent to foreign service should be regarded as the local Government competent to sanction his transfer to foreign service for the purpose of Fundamental Rule 110 (c)

[Para.2(ii), Chap. XII, Sec. I of Manual of Audit Instructions (Reprint).]

F. R. 111. A transfer to foreign service is not admissible unless

- (a) the duties to be performed after the transfer are such as should, for public reasons, be rendered by a Government servant, and**
- (b) the Government servant transferred holds, at the time of transfer, a post paid from general revenues, or holds a lien on a permanent post, or would hold a lien on such a post had his lien not been suspended.**

Government orders.—If in any case a proposal is made that a Government servant should be lent to a private undertaking it is necessary that the principles of this rule should

¹²²Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

¹²³Substituted by Ministry of Law Notification No.F.24(2)/75-Pub., dated 01-8-1975, Gaz. Of Pak., Extra., Pp.435-436, dated 01-8-1975.

be applied most rigorously, and generally the loan of a Government officer to a private undertaking should be regarded as a very exceptional case requiring special justification.

[G.I., F.D., No. F.I(i) R.I/30, dated the 17th January, 1930.]

Government decision.—Under this rule, the transfer of a temporary Government servant to foreign service is permissible.

[G.I., F.D., No. F/66-C.S.R., dated the 22nd July, 1924.]

F. R. 112. If a Government servant is transferred to foreign service while on leave, he ceases, from the date of such transfer, to be on leave and to draw leave-salary.

Secretary of State's order.—The Secretary of State had recently under consideration the question of removing the existing differentiation in treatment between officers who take up employment in States during the period of leave preparatory to retirement and those who are already on foreign service and to whom leave preparatory to retirement with permission to continue on duty in the service of the same employer during leave is not allowed. The Secretary of State has directed that at the present juncture the existing arrangements for the treatment of officers who take up employment in a State during leave preparatory to retirement should be maintained subject to the reservation that in order to prevent abuse the concession of drawing leave-salary during leave preparatory to retirement in addition to pay from a State should not be granted to officers retiring on proportionate pension or before reaching the age of superannuation, if they take such leave after being offered, or having made arrangements for employment in a State and that in such cases they should be required either to retire or go on foreign service terms.

[G.I., F.D., Endorsement No.F.1(1)-R.I/34. dated the 26th January, 1934.]

Government decision—

(1) The treatment of service in a State which has acceded to Pakistan in the case of an officer on leave preparatory to retirement on proportionate pension as foreign service while the time so spent is simultaneously regarded as leave, would not be in accord with the spirit and intentions of the Foreign Service procedure. Further it would ordinarily have the effect of increasing the officer's difficulties in obtaining fresh employment. * * *

The service in question, if permitted should be treated as being private employment, unless in any special case the circumstances are such that the Government think it right to treat the officer as one for whom an alternative career has been found by them, * * * In the latter case the officer, would not be on leave, the service should be treated as foreign service counting for pension, contribution should be taken from the State concerned, and the proportionate pension should remain in suspense.

Officers about to retire on ordinary pension would be treated on similar lines, i.e.,—

- (a) in the case (e.g., that of an officer who has reached or is approaching the age of superannuation) the officer, notwithstanding his employment in a State which has acceded to Pakistan should be allowed to take any leave which would be admissible to him had he not accepted such employment, and pension contribution should not be required;
- (b) in exceptional cases, which justify such a course, acceptance of the employment might be made conditional on the officer remaining in their service and being placed on the usual foreign service terms.

[G.I., F.D., No.602-C.S.R dated the 26th April 1923, and enclosure.]

(2) The decision communicated in the previous paragraph may be taken as applying to all foreign service, and not only to service in a State which has acceded to Pakistan.

[G.I., F.D., No.957-C.S.R., dated the 13th June, 1923.]

(3) The concession of treating employment in a State during leave preparatory to retirement as private employment, should not be granted to officers, who are in foreign service at the time they apply for such leave and propose to continue on duty in the service of the same employer during the leave.

(4) The expression "the concession of drawing leave-salary should not be granted to officers retiring on proportionate pension, or before reaching the age of superannuation" in the Secretary of State's orders under this rule (quoted above) means that the concession should not be granted (a) to officers retiring on proportionate pension and (b) to officers retiring before the age of superannuation, i.e., in effect, the concession is inadmissible only where the following ingredients occur (i) premature retirement, and (ii) the previous offer, or arrangement, of employment in a State.

The concession of drawing leave-salary as well as pay from a State is permissible when the leave is the last leave taken before or after reaching the age of superannuation, except when the officer is already in foreign service when he applies for such leave.

[G.I., F.D., letter No. F.I-(24)-R.I/35, dated the 30th October, 1935.]

(5) The Government having considered the question whether an officer, who is under F.R. 56 (c) (IV) (3), compelled to retire from active service after 5 years tenure of his post (unless re-appointed) even though he has not reached the age of superannuation, is debarred from drawing leave-salary in addition to pay from a State during leave preparatory to retirement, if he takes such leave after having been offered or having made arrangements for employment in a State, have decided that in such a case there is no

objection to the drawing of leave-salary in addition to pay from a State provided the leave is the last leave taken before the date of such compulsory retirement.

[G.I., F.D., Endorsement No. F.I(11)-R.I/36, dated the 18th June, 1936.]

F. R. 113. (i) A Government servant transferred to foreign service shall remain in the cadre or cadres in which he was included in a substantive or officiating capacity immediately before his transfer and may be given such substantive or officiating promotion in those cadres as the authority competent to order promotion may decide. In giving promotion, such authority shall take into account--

- (a) the nature of the work performed in foreign service, and
- (b) the promotion given to juniors in the cadre in which the question of promotion arises.

(ii) Nothing in this rule shall prevent a member of a Subordinate Service from receiving such other promotion in Government service as the authority who would have been competent to grant the promotion had he remained in Government service may decide.

Audit Instruction—See item (8) of Audit Instructions below Fundamental Rule 87 in this Section.

F. R. 114. A Government servant in foreign service will draw pay from the foreign employer from the date on which he relinquishes charge of his post in Government service. Subject to any restrictions which the ¹²⁴President may by general order impose, the amount of his pay, the amount of joining time admissible to him and his pay during such joining time will be fixed by the authority sanctioning the transfer in consultation with the foreign employer.

[For orders issued under this Rule, See Appendix 11 in Volume II of this Compilation.]

Government order.—

Cases have come to notice in which Government servants on foreign service with Corporations and other non-Government bodies have been allowed by the foreign employers bonus, gratuity, etc., out of their profits which are normally allowed to their own employees. This is contrary to the Government orders under F. R. 114 (c f Appendix 11 to Fundamental and Supplementary Rules, Vol. II) in as much as it allows monetary

¹²⁴Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

benefits to Government servants on foreign service over and above what have specifically been sanctioned for them.

The foreign service terms are settled in advance in consultation with the foreign employers and the Government servants concerned, and the basic conditions for such settlement are that no Government servant shall be permitted to receive any remuneration or enjoy any concession which is not specifically settled, and that if the sanctioning order is silent as to any particular benefit, it must be assumed that it shall not be enjoyed. The consideration that the extra payment in the form of annual bonus etc. are normally made to the other employees of Corporations does not affect Government servants transferred to foreign service.

In view of the petition stated above Government servants transferred to foreign service cannot be allowed to receive any bonus, gratuity., etc. from the foreign employers and Ministries/Division, etc. are advised not to entertain any proposals in this respect.

[G.P., M.F., O.M. No.F.12(3)R-II(II)/58, dated the 16th August, 1958.]

Government decisions.—

(1) The Government have had under consideration the question whether, if an officer on foreign service in Pakistan is sent by his employer out of Pakistan on duty, the nature of his employment should be considered to have been changed, and he should be treated as on foreign service out of Pakistan for the period in question. It has been decided with the concurrence of the Auditor-General that the service in question should continue to be treated as foreign service in Pakistan, but both in this case and in the converse case of an officer on foreign service out of Pakistan deputed by his employer to Pakistan, on duty, who similarly continues to be on foreign service out of Pakistan the fact of the officer's being so deputed should be brought to the notice of the lending authority as it might be necessary to reconsider the question of his emoluments.

[G.I., F.D., No.1010-EB., dated the 21st August, 1922.]

(2) The Government have had under consideration the question of the possibility of officers transferred to foreign service admitted to the concession of sterling overseas pay to which they would have been entitled under the Superior Civil Services Rules, had they not been so transferred. After due consideration they have decided that it is impossible to express any part of the pay of an officer on foreign service in sterling. The question whether such officers should be given a corresponding increase in their rupee pay is one for settlement in each case in consultation with the foreign employer. If it is decided after such consultation, that an increase should be granted, the calculation of the rupee value of a sterling pay will be made at the current rate of exchange on the date the officer is transferred to foreign service. In the case of officers already in foreign service, the rate will naturally be the rate on the date with effect from which their pay is revised.

It is understood that in certain cases the pay of officers in foreign service is fixed as the pay they would receive in Government service of such pay plus a certain percentage thereof. In such cases, the Government consider that the foreign employer can equitably be called upon to pay the equivalent of sterling overseas pay according to the terms of the arrangement though even in such cases his concurrence should be obtained. The sterling pay will then be converted monthly to rupees at the "current rate".

[G.I., F.D., letter No. F/211-C.S.R./25, dated the 6th July, 1925.]

(3) Paragraph 2 of Government decision (2) above should be taken as applicable to all cases in which the pay of an officer in foreign service is fixed as the pay which he would receive from time to time in Government service or the pay of a post in Government service, with or without: an addition thereto in the form of percentage of such pay and/or of a fixed sum.

The decision that overseas pay should not be paid in sterling was based mainly on a consideration of the complications which would arise from an accounts point of view if Government were to make payments in sterling through the High Commissioner in the United Kingdom and recover the amount from the foreign employers. If, however, a foreign employer prefers to make his own arrangements to disburse the overseas pay in sterling and the employee agrees to it, the Government have no objection to the adoption of such a procedure; in that case, for the purpose of calculating contribution, the amount paid in sterling should be converted to rupees at the "current rate of exchange".

[G.I., F.D., letter No. F/221-C.S.R. 25, dated the 19th January, 1926.]

(4) *Deleted.*

(5) *Deleted.*

(6) The Government have decided that where an officer in receipt of overseas pay is granted, on transfer to foreign service in Pakistan or on the occasion of extension of period thereof, or on appointment to a temporary Government post, an increase over his substantive pay in the regular line and the increase is expressed as a percentage of substantive pay, the percentage should be applied only to the basic pay drawn by the officer in the regular line and not to his overseas pay. This decision applies equally to sterling and rupee overseas pay and to officers of Asiatic and non-Asiatic domicile.

[G.I., F.D. letter No. F.I(29)-R.I/39, dated the 21st September, 1939.]

(7) *Deleted.*

(8) *Deleted.*

(9) *Deleted.*

(10) Deleted.

(11) A question has been raised whether, for a Government servant whose services have been loaned to a foreign employer in Pakistan, it is permissible to undertake any work on behalf of some other foreign employer and to receive remuneration there-for. The position under the rules on this point does not seem to be quite clear and is accordingly clarified as under:—

Subject to the sanctioned foreign service terms, the Government servant transferred to foreign service continues to be a Government servant for purposes other than those for which that transfer has been sanctioned vide FR 113. It follows that, in matters pertaining to his undertaking of any work in addition to the work for which the above transfer has been sanctioned, he has to be governed, *mutatis mutandis*, by the relevant rules of the Government. Accordingly, in cases in which the foreign employer, to whom the services of the Government servant have been loaned, has no objection to the latter's undertaking an additional work, on behalf of some other agency, it is permissible that additional work be undertaken or any remuneration therefore be accepted, but only with the prior permission of the competent authority in the Government and in accordance with the relevant rules of the Government.

Such remuneration would be treated as "fee" within the meaning of the term as defined in FR 9(6-A) and a portion thereof credited to Government in terms of SR 12.

[G.P., M.F., O.M.No.F-16(l) RI/72, dated 20-01-1972]

Audit Instructions.—(1) When any Government servant lent on foreign service conditions retires from Government service without, at the same time, retiring from the service of his foreign employer, the Audit Officer shall communicate to the foreign employer through the usual authorities a statement showing the date of retirement and the amount of pension drawn from Government so as to give the foreign employer the opportunity, if he be so inclined, of revising the existing terms of employment.

[Para. 3(1), Chap. XII, Sec. I of Manual of Audit Instructions (Reprint).]

(2) Government servants transferred to foreign Service continue to remain subject to the provisions of Fundamental Rules as a whole except where they conflict with the specific instructions issued by the Governor-General under F.R. 114. Consequently, Government servants on foreign service cannot accept any reward or remuneration not covered by the terms of their transfer to foreign service unless it is specifically sanctioned subsequently by the authority competent to sanction their transfer to foreign service. The position regarding ex-officio duties, however, is that such of them as are attached to the post, should be regarded as covered by the original sanction for transfer to foreign service and by remuneration already fixed for such duties may be drawn by the officer concerned without further permission. Any changes in such duties and or in the remuneration therefore should be brought to the notice of the authority competent to sanction the transfer

and such additional duties should be performed and/or the enhanced remuneration drawn by the officer concerned only after obtaining sanction of that authority.

[Para. 3(2) Section I of Manual of Audit Instructions (Reprint) as inserted by correction slip No. I, dated the 20th January, 1955.]

F. R. 115. (a) While a Government servant is in foreign service contribution towards the cost of his pension must be paid to general revenues on his behalf.

(b) If the foreign service is in Pakistan contributions must be paid on account of the cost of leave-salary also.

(c) Contributions due under clauses (a) and (b) above shall be paid by the ¹²⁵[Foreign employers]. They shall not be payable during leave taken while in foreign service.

(d) By special arrangement made under rule 123 (b), contributions on account of leave-salary may be required in the case of foreign service out of Pakistan also, the contributions being paid by the foreign employer.

NOTE—Pensions, throughout this chapter, include Government contribution, if any, payable to a government servant's credit in a provident fund.

[For Administrative Instructions issued by the ¹²⁶President regarding "Procedure FOR PAYMENT OF CONTRIBUTION" see Part VI (I) of Appendix No.3 in Volume II of this Compilation.]

Government decision.—For the purposes of the rules communicated in G. I. F. D. letter. No. 479-C. S. R., dated the 15th April 1921, and in supersession of the rule in Article 774, Civil Service Regulations, the pension contributions recovered on behalf of an officer in foreign service will in all cases be credited to and the foreign service treated as service under the Government (Central or Provincial) under which he was permanently employed at the time of his transfer to foreign service.

This decision will apply to all foreign service rendered from and after the 24th October 1921, the pension contributions received in respect thereof being adjusted accordingly by the local Accountant General.

Foreign service rendered prior to the 24th October, 1921 will perforce be required to be treated as service under the Government which has already received the

¹²⁵Substituted by S R O 402 (I)/ 81 [F.5(5)-Reg.7/79], dated 5-5-1981 [No.5(5)-Reg.7/79], Gaz. of Pakistan. Extr. Part II, Page No.717, dated 9th May, 1981.

¹²⁶Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

contributions, and the ultimate apportionment of pensionary charges in certain cases will be worked out accordingly under the rules promulgated with the letter under reference.

The principles enunciated above shall also apply to the contributions recovered towards the leave-salary of officers on foreign service in Pakistan. That is, all such contributions received in respect of foreign service rendered from and after the 24th October, 1921 will be credited to the Government (Central or Provincial) under which the officers were permanently employed at the time of their transfer to foreign service and all those received in respect of foreign service rendered prior to that date will remain on the books of the Government which has already received them. The foreign service will thus be treated as service for leave under the Government which has received the contributions and such Government will bear its share of leave-salary in accordance with the paragraph of the rules promulgated with the letter under reference.

[G.I., F.D., No.1255-E.B, dated the 24th October 1921, and No.1316-C. R, dated the 22nd November, 1922.]

Auditor General's decision.—Deleted.

F. R. 116. The rate of contributions payable on account of pension and leave-salary shall be such as the ¹²⁷President may by general order prescribe.

(The rates to contributions prescribed by the ¹²⁸President with reference to Fundamental Rules 116 and 117, are given in Appendix 11-A to Volume II of this Compilation.)

Government orders.—

(1) The Governor-General has decided that in case of officers transferred to foreign service after the date of this Resolution, to whom the Fundamental Rules do not apply, the rules regarding contributions for leave-salary and pension shall be the same as those applicable to Government servants whose employment on foreign service is governed by the Fundamental Rules. For the purpose of this Resolution, a transfer to foreign service includes an extension of the term of employment of an officer who is already on foreign service.

[G.I., F.D., Res. No. 323-C.S.R, dated the 28th February. 1924.]

(2) The rate of foreign service contribution in respect of Class IV servants, prescribed in Article 770 (c), Civil Service Regulations, still holds good. The non-recovery of contribution for leave-salary in the case of Class IV Government servants transferred on foreign service, should be deemed to be a remission of such contribution under

¹²⁷Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

¹²⁸Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

Fundamental Rule 119 (a). Such non-recovery will not affect the title of a Class IV Government servant to leave and leave-salary under Fundamental Rules 60 and 117 (b).

The contribution for pension in the case of a Class IV Government servant transferred on foreign service should be levied at the rate prescribed in Article 770 (c), Civil Service Regulations, on the maximum monthly pay of the grade held by the Class IV Government servant in temporary, officiating or substantive capacity.

[G. I., F. D., letters No. D/3252-C.S.R., dated the 25th June 1925 and No. F.I(20)R.I/36, dated the 17th September, 1936 and endorsement No. F.1(12)-R.I/42, dated the 20th April, 1942 and No. F.1(24)-R.1/42, dated the 5th January, 1943 & Min. of Fin. No.F.10(11)-R.II(II)/57, dated the 28th January, 1960.]

(3) *Deleted.*

(4) In view of the number of Government servants being deputed on foreign service ex-Pakistan with International and Regional Organizations, the question of laying down some general principles for deciding questions of recovery or remittance of pension contributions in such cases has been considered by Government and it has been decided that, while each case will continue to be considered on merits as heretofore, the following broad principles should be observed in dealing with such cases:-

- (a) Ordinarily, the foreign employer is expected to pay the pension contribution and such contribution should be recovered from him in accordance with the rules;
- (b) Where the Government is satisfied that there is good and sufficient reason for not making such recoveries from the foreign employer--
 - (i) The contribution should, as a rule, be recovered from the Government servant if the transfer is of his own seeking and/or mainly in his own interest.
 - (ii) As an exception to (i) above, the recovery of the contribution may be waived in consultation with the Ministry of Finance if the Government is satisfied that the transfer is in the public interest and recovery of contribution from the Government servant would cause financial hardship.

2. The Ministries and Divisions, are requested to keep the above principles in view while dealing such cases.

3. These instructions shall not apply to Government servants transferred on foreign service to the Central Treaty Organization and the South East Asia Treaty Organization regarding which orders will be issued separately.

[G.P., M.F., O.M.No.F.22(1)-R-2(RWP)/60, dated the 10th August 1961.]

(5) The question of payment of pension contribution by Pakistani personnel seconded to the Central Treaty Organization and the South East Asia Treaty Organization was under consideration for some time. It has now been decided that all officers and members of staff seconded to the above mentioned Organizations will be exempted from payment of pension contribution.

[G.P., M.E.A., O.M. No. Pol. II(B)-3/7/60, dated the 4th December, 1961.]

Audit Instructions—

(1) The leave-salary contribution for the period of joining time taken by a Government servant in continuation of leave under clause (b) of F. R. 105 before reversion from foreign service should be calculated on the pay he was getting immediately before he proceeded on leave.

[Para. 4, Chap. XII, Sec. I of Manual of Audit Instructions (Reprint).]

(2) When a Government servant is transferred to Foreign Service, or when the period of Foreign Service of a Government servant is extended, it should be stipulated that the contributions for pension and leave-salary or for pension alone, as the case may be, will be recoverable at the rates in force from time to time in accordance with the orders issued by the Governor-General under F. R. 116. Similarly, if the officer is on a non-pensionable footing and is subscribing to a Contributory Provident Fund, it should also be stipulated that the monthly subscription to the Fund, as well as the periodical contribution to be made to the Fund account, will be recoverable in accordance with such orders of the ¹²⁹President as may be issued from time to time in this behalf.

[Para. 5(i), Chap. XII, Sec. I of Manual of Audit Instructions (Reprint).]

(3) *Deleted.*

F. R. 117. (a) The rates of pension contribution prescribed under rule 116 will be designed to secure to the Government servant the pension that he would have earned by service under Government if he had not been transferred to foreign service.

(b) The rates of contribution for leave-salary will be designed to secure to the Government servant leave-salary on the scale and under the conditions applicable to him. In calculating the rate of leave-salary admissible the pay drawn in foreign service, less in the case of Government servants paying their own contributions, such

¹²⁹Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

part of pay as may be paid as contribution, will count as pay for the purpose of rule 9 (2).

(The rates of contributions prescribed by the ¹³⁰President with reference to Fundamental Rules 116 and 117, are given in Appendix 11-A in Volume II of this Compilation.)

Audit Instructions.—

(1) *See item (8) of Audit Instructions below Fundamental Rule 87 in this Section.*

(2) *See item (2) of Audit Instructions below Fundamental Rule 116 in this Section.*

Auditor General's decisions—

(1) *Deleted.*

(2) Under (old) Fundamental Rule 116 (New Fundamental Rule 117), contribution is to be calculated on the pay actually drawn by the employee in foreign service excluding that part of it which represents contribution.

[Ar. G's. No. 945-A/K-W66-22, dated the 1st September 1923.]

(3) *Deleted.*

F. R. 118. *Deleted.*

F. R. 119. **Subject to any general orders of the ¹³¹President a local Government sanctioning a transfer to foreign service may--**

(a) remit the contributions due in any specified case or class of cases, and

(b) make rules prescribing the rate of interest, if any, to be levied on overdue contributions.

[For rule made under Fundamental Rule 119 (b), See Supplementary Rule 307.]

Government orders—

(1) The Government do not propose to issue any order under Rule 119 (a).

¹³⁰Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

¹³¹Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

[G.I., F.D., No.1360-E.B., dated the 10th December, 1924.]

(2) *See* item (2) of the Government orders under Fundamental Rule 116 in this Section.

(3) *See* items (4) and (5) of Government orders below Fundamental Rule 116 in this Section.

F. R. 120. A Government servant in foreign service may not elect to withhold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ. The contribution paid on his behalf maintains his claim to pension, or to pension and leave salary, as the case may be, in accordance with the rules of the service of which he is a member. Neither he nor the foreign employer has any right of property in a contribution paid and no claim for refund can be entertained.

F. R. 121. A Government servant transferred to foreign service may not without the sanction of the local Government, accept a pension or gratuity, from his foreign employer in respect of such service.

F. R. 122. A Government servant in foreign service in Pakistan may not be granted leave otherwise than in accordance with the rules applicable to the service of which he is a member and may not take leave or receive leave-salary from Government unless he actually quits duty and goes on leave.

[For Administrative Instructions issued by the ¹³²President regarding LEAVE AND THE GRANT OF LEAVE TO GOVERNMENT SERVANT IN FOREIGN SERVICE IN PAKISTAN See Part VI (2) of Appendix 3 in volume II of this Compilation].

F. R. 123. (a) A Government servant in foreign service out of Pakistan may be granted leave by his employer on such conditions as the employer may determine. In any individual case the authority sanctioning the transfer may determine beforehand, in consultation with the employer, the conditions on which leave will be granted by the employer. The leave-salary in respect of leave granted by the employer will be paid by the employer and the leave will not be debited against the Government servant's leave account.

(b) In special circumstances, the authority sanctioning a transfer to foreign service out of Pakistan may make arrangement with the foreign employer, under which leave may be granted to the Government servant in accordance with the rules applicable to him as a Government servant if the foreign employer pays to general revenues leave contribution at the rate prescribed under rule 116.

¹³²Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

Audit instruction—

(1) *See item (8) of Audit Instructions below F. R. 87 in this Section.*

(2) For the purpose of pension the period of leave granted by foreign employers out of Pakistan to Government servants lent to them under F. R. 123 (a) should be treated as "leave" and not as "duty". Any such leave if taken on full or average pay or equivalent terms should up to a limit of four months on any one occasion, be treated as privilege leave for the purpose of Article 407, Civil Service Regulations, and all other leave with leave allowances should be dealt with as in Article 408, Civil Service Regulations.

[Para. 17(i), Sec. III, of Manual of Audit Instructions (Reprint).]

F. R. 124. A Government servant in foreign service if appointed to officiate in a post in Government service, will draw pay calculated on the pay of the post in Government service on which he holds lien or would hold a lien had his lien not been suspended and that of the post in which he officiates. His pay in foreign service will not be taken into account in fixing his pay.

Audit Instruction.—See item (8) of Audit Instructions below Fundamental Rule 87, in this Section.

F. R. 125. A Government servant reverts from foreign service to Government service on the date on which he takes charge of his post in Government service; provided that if he takes leave on the conclusion of foreign service before rejoining his post, his reversion shall take effect from such date as the local Government on whose establishment he is borne may decide.

*Government decision.—*When a Government servant on foreign service in or out of Pakistan applies for leave preliminary to retirement, coupled with permission to remain in the service of the foreign employer, leave may be granted only on the condition that the Government servant's reversion to Government service will, under F. R. 125, take effect from the date of taking leave. He will then get the concession of adding leave-salary from Government to pay drawn from the foreign employer, just as if he had been permitted to take up private employment during leave preliminary to retirement, but he will not be able to increase his pension, because his pension will thereafter be calculated on the pay which he would have got on resuming duty in Government service. The question of the Government servant's reversion to Government service need not be pressed if he agrees not to continue to work under the foreign employer for the period of leave, that is, he may have leave without reverting to Government service, and may have his pension calculated on the pay which he would have drawn on foreign service.

Where, however, a Government servant has been on foreign service whether in or out of Pakistan for a considerable period, a claim to be granted by Government leave preparatory to retirement and to draw leave-salary in respect of such leave should be

carefully scrutinized and such leave should not ordinarily be granted on the principle that leave preparatory to retirement may be justified in cases where a Government servant desires to establish himself in new conditions and possibly in new employment but cannot be justified where he is already well established by length of service in employment on foreign service.

Audit Instruction.—See item (8) of Audit Instructions below Fundamental Rule 87 in this Section.

F. R. 126. When a Government servant reverts from foreign service to Government service, his pay will cease to be paid by the foreign employer, and his contributions will be discontinued, with effect from the date of reversion.

F. R. 127. When an addition is made to a regular establishment on the condition that its cost, or a definite portion of its cost, shall be recovered from the persons for whose benefit the additional establishment is created, recoveries shall be made under the following:-

- (a) **The amount to be recovered shall be the gross sanctioned cost of the service, or of the portion of the service, as the case may be, and shall not vary with the actual expenditure of any month.**
- (b) **The cost of the service shall include contributions at such rates as may be laid down under rule 116, and the contributions shall be calculated on the sanctioned rates of pay of the members of the establishment.**
- (c) **A local Government may reduce the amount of recoveries or may entirely forego them.**

[G.I., F.D., letter No. F.I-XI-R-I/29, dated the 17th May, 1929.]

Government orders—

(1) As regards pension contribution, the Governor-General has decided that in the case of members of the former Indian Civil Service the amount to be recovered as contribution should be the average of the rates prescribed in columns 2 and 3 of the Annexure to the Appendix 11-A in Volume II of this Compilation and in the case of members of other Superior Services the average of the rates laid down in columns 4 and 5 of that table.

In the case of members of Provincial/Subordinate Services, a fraction of the total maximum monthly pay of all the sanctioned posts equal to the average of the percentages, laid down in column (2) / (3) of the table in Section II of the Annexure to the Appendix 11-A *ibid*, should be levied as contribution.

As regards contributions for leave-salary recoveries should be made by levying, in the case of members of superior services subject to the special and ordinary leave rules the average of the percentage rates and in the case of members of Provincial and Subordinate services the actual percentage prescribed in Section III of the Annexure to the Appendix 11-A *ibid*, on the total sanctioned cost, or in the case of time-scales of pay on the average cost, of all the posts concerned.

[G.I., F.D., No. F.I-XI-R.I/29, dated the 17th June, 1929 and even No. dated the 4th September, 1929.]

(2) (a) *Deleted.*

(b) *Deleted.*

(c) *Deleted.*

(d) Renewal of sanctions to additions to regular establishments should be treated as new sanctions.

[G.I., F.D., letter No. F.I.-XI-R.I/29, dated the 30th July, 1929.]

(3) *Deleted.*

(4) *Deleted.*

Audit Instruction.—The words ‘its cost’ in line 2 of F. R. 127 refer to an ‘addition’ in line 1 of that rule. The underlying intention of the rule is to recover the cost of the additional establishment sanctioned. Contributions for leave-salary and pension leviable under clause (b) of this rule should, therefore, be based on the rates of pay, old and /or revised, as the case may be, on which that establishment is actually sanctioned, irrespective of whether the person employed on the work for which it is sanctioned is an old or new entrant.

[Para. 7, Chap. XII, Sec. I of Manual of Audit Instructions (Reprint) as inserted by correction slip No.70, dated the 1st August, 1942.]

Auditor General's decision.—In calculating the pensionary contribution leviable under F. R. 127, on account of a post in the clerical grade with new scales of pay, the question arose whether the maximum pay of the Selection grade or the average of the maximum of the Selection grade and that of the ordinary time-scale of pay should be taken into account. The Auditor General has decided, with the concurrence of the Government, that the maximum of Grade I (i. e., the Selection grade) should be taken into account as the maximum monthly pay of the clerical grade.

[Ar. G's Endorsement No.229-A/235-35. dated the 29th November, 1935.]

CHAPTER XIII.— SERVICE UNDER LOCAL FUNDS.

F. R. 128. Government servants paid from local funds which are administered by Government are subject to the provisions of Chapters I to XI of these rules.

Audit Instructions.—

(1) Employees of local funds administered by Government who are not paid from general revenues and are, therefore, not Government servants are subject to the provisions of Chapters I to XI of the Fundamental Rules.

[Para. 1(i), Chap. XIII, Sec. I of Manual of Audit Instructions (Reprint).]

(2) The expression 'Local funds which are administered by Government' means funds administered by bodies which by law or rule having the force of law come under the control of Government *in regard to proceedings generally* and not merely in regard to specific matters, such as the sanctioning of the budget or sanction to the creation or filling up of particular posts or the enactment of leave, pension or similar rules; in other words it means funds over whose expenditure Government retains complete and direct control.

[Para. 1(ii), Chap. XIII, Sec. I of Manual of Audit Instructions (Reprint).]

F. R. 129. The transfer of Government servants to service under local funds which are not administered by Government will be regulated by the rules in Chapter XII.

F. R. 130. 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 will not count as duty performed. A local Government may, however, allow previous service in such cases to count as duty performed on such terms as it thinks fit.

THE SCHEDULE

(Fundamental Rule 75-A)

Provisions for the determination of Domicile.

1. A person can have only one domicile.
2. The domicile of origin of every person of legitimate birth is the country in which at the time of his birth his father was domiciled, or, if he is a posthumous child, in the country in which his father was domiciled at the time of the father's death.

3. The domicile of origin of an illegitimate child is in the country in which at the time of his birth his mother was domiciled.

4. The domicile of origin prevails until a new domicile has been acquired and a new domicile continues until the former domicile has been resumed or another has been acquired.

5. (1) A person acquires a new domicile by taking up his fixed habitation to a country which is not that of his domicile of origin.

(2) Any person may, if the law of any country so provides, and subject to any such provisions, acquire a domicile in that country by making, in accordance with the said provisions, a declaration of his desire to acquire such domicile.

Explanation 1.—A person is not to be considered as having taken his fixed habitation in a country merely by reason of his residing there in Government's civil or military service or in the exercise of any profession or calling.

Explanation 2.—A person does not acquire a new domicile in any country merely by reason of residing as part of the family or as a servant of any ambassador, consul, or other representative of the Government of another country.

6. The domicile of a minor follows the domicile of the parent from whom he derives his domicile of origin:

Provided that the domicile of a minor does not change with that of his parent if the minor is married or holds any office or employment in the service of Government or has set up with the consent of the parent in any distinct business.

7. After marriage a woman acquires the domicile of her husband if she had not the same domicile before and her domicile during the marriage follows the domicile of her husband:

Provided that if the husband and wife are separated by the order of a competent court or if the husband is undergoing a sentence of transportation, the wife becomes capable of acquiring an independent domicile.

8. Save as otherwise provided above a person cannot during minority acquire a new domicile.

9. An insane person cannot acquire a new domicile in any other way than by his domicile following domicile of another person.

SECTION II

SUPPLEMENTARY RULES

(Made by the President under the Fundamental Rules)

PART I.—GENERAL.

Division I.—Extent of application.

S. R. 1. These rules may be called the Supplementary Rules. They apply to those Government servants only who are subject to the Fundamental Rules, whose pay is debitable to ¹³³Federal revenues and who are not under the administrative control of a Governor acting as the agent of the ¹³⁴President. Except where it is otherwise expressly stated in the rules, they apply to all Government servants fulfilling these conditions.

Note 1.—Government servants under the administrative control of the ¹³⁵President, whether paid from ¹³⁶Federal or Provincial Revenues, will be governed by these rules. Provided that the travelling allowance of Divisional Accountants whether their pay is debitable to ¹³⁷Federal or Provincial Revenues, will be governed by the Supplementary Rules framed by the respective Provincial Governments.

Note 2.—*Deleted.*

Government orders.—

(1) The proviso to Note 1 above does not apply to Divisional Accountants attached to Telegraph Engineering Divisions. Their travelling allowance should be governed by the Supplementary Rules framed by the Governor-General.

[G.I., F.D., letter No.D-7619-Ex.I, dated the 5th November, 1931.]

(2) *Deleted.*

¹³³Substituted by Ministry of Law Notification No.F.24(2)/75-Pub., dated 01-8-1975, Gaz. Of Pak., Extra., Pp.435-436, dated 01-8-1975.

¹³⁴Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

¹³⁵Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

¹³⁶Substituted by Ministry of Law Notification No.F.24(2)/75-Pub., dated 01-8-1975, Gaz. Of Pak., Extra., Pp.435-436, dated 01-8-1975.

¹³⁷Substituted by Ministry of Law Notification No.F.24(2)/75-Pub., dated 01-8-1975, Gaz. Of Pak., Extra., Pp.435-436, dated 01-8-1975.

Audit Instructions—

(1) A Government servant's claims to travelling allowance should be regulated by the rules in force at the time the journey in respect of which they are made was undertaken.

[Para. 1(i), Sec. II of Manual of Audit Instructions (Reprint).]

(2) *Deleted.*

(3) *See* item (1) of the Audit Instructions below Fundamental Rule 105 in Section I of this Volume.

(4) The ¹³⁸President has declared that in respect of Divisional Accountants whose travelling allowance is governed by the Supplementary Rules framed by the respective Provincial Governments the officers of the Pakistan Audit Department shall exercise in regard to the Supplementary Rules of Provincial Governments all the powers which they, in the case of other classes of Government servants, exercise in respect of the Supplementary Rules of the ¹³⁹Federal Government, where there is no inconsistency between the former and the latter rules.

[Para. 2, Sec. II of Manual of Audit Instructions (Reprint).]

Division II.—Definitions.

S. R. 2. Unless there is something repugnant in the subject or context, the terms defined in this division are used in the rules in the sense here explained:-

- (1) *Actual travelling expenses* means the actual cost of transporting a Government servant with his servants and personal luggage, including charges for ferry and other tolls and for carriage of camp equipment, if necessary. It does not include charges for hotels, travellers' bungalows or refreshments or for the carriage of stores or conveyances or for presents to coachmen and the like; or any allowance for such incidental losses or expenses as the breakage of crockery, wear and tear of furniture and the employment of additional servants.

Government decision—

The term "servants" refers to domestic servants.

[G.I., F.D., letter No. F-5(29)-R.I/36, dated the 20th March, 1936.]

¹³⁸Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

¹³⁹Substituted by Ministry of Law Notification No.F.24(2)/75-Pub., dated 01-8-1975, Gaz. Of Pak., Extra., Pp.435-436, dated 01-8-1975.

- (2) *Apprentice* means a person deputed for training in a trade or business with a view to employment in Government service, who draws pay at monthly rates from Government during such training but is not employed in or against a substantive vacancy in the cadre of a department.
- (3) *Audit officer* means such audit officer as the Auditor General may by general or special order designate in each case.
- (4) *Camp equipage* means the apparatus for moving a camp.
- (5) *Camp equipment* means tents and the requisites for pitching and furnishing them or, where tents are not carried, such articles of camp furniture as it may be necessary, in the interest of the public service, for a Government servant to take with him on tour.
- (6) *Competent authority* in relation to the exercise of any power, means the ¹⁴⁰President or any authority to which the power is delegated by or under these rules.

(A list of authorities which exercise the powers of a competent authority under the various Supplementary Rules made by the ¹⁴¹President is given in Appendix No. 13, Volume II of this Compilation.)

- (7) *Day* means a calendar day, beginning and ending at midnight; but an absence from headquarters which does not exceed twenty-four hours shall be reckoned for all purposes as one day, at whatever hours the absence begins or ends.
- (8) *Family* means a Government servant's wife, legitimate children and step-children, residing with and wholly dependent upon him. Except in rules 109A, 116, 141A, 155A, 155B and 163, it includes in addition his parents, sisters and minor brothers, if residing with and wholly dependent upon him. Not more than one wife is included in a family for the purpose of these rules.

Government decisions.—(1) The Government have decided that the term ‘children’ used in this rule includes major sons and married daughters so long as they are residing with and wholly dependent on the parent (the Government servant).

[G.P., M.F., Corr. No. F.1(43)-R.I(2)/58, dated the 20th March, 1959.]

¹⁴⁰Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

¹⁴¹Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

(2) It has been decided that, subject to the following conditions, an adopted child of a Government servant not subject to Hindu Law shall be treated as a member of the Government servant's family for the purpose of the travelling allowance rules:—

- (i) the Government servant has no legitimate or step-child of his own;
- (ii) prior approval of the Head of the Ministry/Division concerned is obtained for adopting child:
- (iii) Government's liability will be restricted to one adopted child only; and
- (iv) an adopted child will cease to be a member of the family if, after his adoption, the Government servant has a legitimate or step-child of his own.

[G P., M.F., O.M. No. F(27)-R 2(RWP)/63, dated 27-12-1965, read with O.M. of even No. dated 14-06-1966.]

Audit Instruction.—The term 'legitimate children' in the rule does not include adopted children except those adopted under the Hindu Law.

[Para. 3, Sec. II of Manual of Audit Instructions (Reprint).]

¹⁴²(9) Deleted.

- (9A) Grain compensation allowance is a form of compensatory allowance which may be granted to low paid Government servants on account of a temporary and abnormal rise in prices of food-grains in the locality where they serve.**
- (10) Head of a department means any authority which the ¹⁴³President may by order declare to be the head of a department for the purposes of these rules.**

(For a list of Heads of Departments, See Appendix No. 14 in Volume II of this Compilation.

Government decision.—The authority declared to be the Head of a Department under this rule, is also considered to be the Head of a Department for purposes of Fundamental Rules.

¹⁴²Deleted by G.P., M.F. Notification No.F.1(5)-R.2(RWP)/62, dated the 18th May, 1962.

¹⁴³Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

[Government of India, Finance Department u/o No.5050-E, N./46, dated the 18th September 1946, to the Auditor-General of India.]

(11) Hill Station means any place which a competent authority may declare to be a hill station.

Government order.—It has been declared that, in respect of territories administered by a local Government except the former North West Frontier Province, any place, which has been declared by that local Government to be a hill station for the purposes of their travelling allowance rules, should be regarded as a hill station for the purposes of the Supplementary Rules also. The under mentioned places have also been declared to be hill stations in the former North-West Frontier Province and Baluchistan.

North-West Frontier Province.

- (1) Nathiagali.
- (2) Dungagali.
- (3) Changlagali.
- (4) Thandiani.
- (5) Cherat.
- (6) Fort Lockhart.
- (7) Para Chinar.
- (8) Razmak.
- (9) Sheikh Budin.
- (10) Abbottabad.

Baluchistan

Quetta.

[G.I., F.D., Reso. No.F-5(118)-R.I./34, dated the 6th December 1934.]

(12) Holiday means—

- (a) a holiday prescribed or notified by or under section 25 of the Negotiable Instruments Act, 1881, and
- (b) in relation to any particular office, a day on which such office is ordered, by notification of Government in the Gazette, to be closed for the transaction of Government business without reserve or qualification.

- (13) ¹⁴⁴[*Class IV service* means any kind of service which may be specially classed as such by order of the President and any other kind of service on pay not exceeding Rs.116]
- (14) *Local Administration* means the local Government of any province other than a Governor's province.
- (15) *Probationer* means a Government servant employed on probation in or against a substantive vacancy in the cadre of a department.
- (16) *Public conveyance* means a train, steamer or other conveyance which plies regularly for the conveyance of passengers.
- (17) *Superior Service* means any kind of service which is not Class IV service.
- (18) *Transfer* means the movement of a Government servant one headquarter station in which he is employed from to another such station, either
- (a) to take up the duties of a new post, or
- (b) in consequence of change of his headquarters.

Division III.—Medical certificates of fitness on first entry into Government Service.

(Rules made under Fundamental Rule 10)

S. R. 3. A medical certificate of fitness for Government service shall be in the following form:—

“I hereby certify that I have examined A. B, a candidate for employment in the _____ Department, and cannot discover that _____ has any disease communicable or otherwise, constitutional weakness, or bodily infirmity except _____. I do not consider this a disqualification for employment in the office of _____. A. B. 's age is, according to his own statement, _____ years, and by appearance about _____ years ”.

Government orders—

(1) When a candidate for appointment in a non-gazetted post is sent for medical examination the examining Medical Officer or Board should be asked to obtain on the

¹⁴⁴Substituted w.e.f. 1-12-62, vide G.P., M.F., Notification No.F.8(1)-R2/67, dated 7-3-1967.

medical certificate the thumb and finger impressions of the candidate. These last impressions should afterwards be verified by the head of the office with those in the Service Book.

[G.I., C.I.D., No.5463-183, dated the 5th January, 1909.]

(2) While the existing practice, described in item (1) of "Government orders" under this rule, must continue so far as illiterate persons are concerned, in the case of literate persons who can sign in English, it will be sufficient if the examining Medical Officer or Board is asked to obtain on the medical certificate the signature of the candidate in his or its presence, and if this is afterwards verified by the head of the office by comparison with that in the Service Book.

[G.I., F.D., letter No. F.67-R.I./28, dated the 19th May, 1928.]

S. R. 4. Such a certificate shall be signed by a commissioned medical officer of Government, or by a medical officer in charge of a civil station, or, in the case of a candidate for employment on a State railway, by a medical officer of the railway; provided that—

- (1) **in the case of a female candidate, a competent authority may accept a certificate signed by any female medical practitioner,**
- (2) **in the case of a candidate to be appointed on pay which at the time of his confirmation is not likely to exceed fifty rupees, appointing authority may accept a certificate signed by a medical graduate or licentiate in Government medical service, or failing such, by any other medical graduate or licentiate, and**
- (3) **a candidate who is likely to be employed in a temporary capacity continuously for three months or more ¹⁴⁵[but not more than one year,] shall produce either before, or within a week from the date of his employment, a certificate from the authorized medical attendant; but, if the latter is doubtful whether or not the candidate is fit for Government service, he shall refer the case to the Civil Surgeon. When, however, a Government servant initially employed in an office in a temporary capacity for less than three mouths is subsequently retained in that office or is transferred without a break to another office and the total period of continuous service under Government is expected to last for three months or more¹⁴⁶[but not more than one year] he shall produce such a certificate within a week from the date of the orders sanctioning his retention in that office or joining the new office.**

¹⁴⁵Inserted by G. P. M. F. Resolution No.F.10(12)-R. I. (I)/58, dated the 5thSeptember, 1958.

¹⁴⁶Inserted by G. P. M. F. Resolution No.F.10(12)-R. I. (I)/58, dated the 5thSeptember, 1958.

NOTE—*A certificate signed by the Chief or Principal Officer of a State (which has acceded to Pakistan) who is in possession of any of the qualifications included in the Schedules to the Pakistan Medical Council Act, 1933 (XXVII of 1933) may be regarded as equivalent to one signed by a Commissioned Medical Officer of Government or by a Medical Officer-in-charge of a Civil Station for the purposes of this rule.*

Government decisions—

(1) *Deleted.*

(2) A Government servant who, on his first appointment in a temporary capacity, obtained a certificate of fitness from his authorised medical attendant and who is subsequently appointed in a permanent vacancy in the same office or elsewhere without a break in his service should at the time of his confirmation, obtain a certificate of fitness from a Civil Surgeon or a Commissioned Medical Officer unless on his first appointment in a temporary capacity he was examined medically by a Civil Surgeon or a Commissioned Medical Officer. This, however, does not apply to persons mentioned in provisos (1) and (2) to Supplementary Rule 4.

[G.I., F.D., endorsement No.F.44(16)-Est. V./46, dated the 27th April, 1946.]

(3) The question of medical examination of candidates appointed direct to gazetted posts under the Central Government has been considered and the following decisions have been taken:

- (i) All persons not already in service under the Central Government should be required to undergo medical examination. The examination should be by a Medical Board if the post is permanent or quasi-permanent or is likely to last for more than a year and by a Civil Surgeon if the post is likely to last for not more than a year. If an appointment initially made for a period not more than a year is subsequently extended beyond that period, the person concerned should be required to undergo medical examination by a Medical Board.
- (ii) Persons already in temporary service under Central Government whether in gazetted or non-gazetted posts will also be subject mutatis mutandis to the general rules in (i) above; provided that any person appointed to a post not likely to last for more than a year who has already been medically examined by an authority not lower than a Civil Surgeon in respect of a previous post need not undergo examination again until and unless the period of the post is extended beyond one year. If such a person has already been examined by a Medical Board in respect of his previous appointment and if standard of medical examination prescribed for the new post is the same, then he need not be required to undergo a fresh medical examination before confirmation.

- (iii) A person who is already permanent or quest-permanent in a post under the Central Government need not be medically examined on an appointment to a gazetted post; provided that if the new appointment is not in the normal line of promotion of the person concerned and requires a different medical standard from that required in his permanent or quasi-permanent appointment, or the rules for recruitment to the new appointment prescribe a fresh medical examination in respect of all candidates, he shall undergo a fresh medical examination by the prescribed standard and by the prescribed medical authority.

The above decisions do not apply to the medical examination of persons recruited through competitive examinations held by the Federal Public Service Commission, the rules for which make separate provision for the purpose.

[G.P., M.F., O.M.No.20 F.38(1)-R.I(2)/54, dated the 17th August, 1954.]

S. R. 4-A.- Except where a competent authority by general or special order directs otherwise, the following classes of Government servants are exempted from producing a medical certificate of health:—

- (1) (i) *Deleted.*
- (ii) **A Government servant recruited through a competitive examination who had to undergo medical examination in accordance with the regulations prescribed for appointment to service under Government.**
- (2) *Deleted.*
- (3) **A Government servant in superior service appointed in a temporary vacancy of less than three months duration.**
- (4) **A Government servant in Class IV service appointed in a temporary vacancy of less than six months' duration.**
- (5) **A temporary Government servant, who has already been medically examined in one office, if transferred to another office without a break in his service.¹⁴⁷**
- (6) **A retired Government servant re-employed immediately after retirement.**

¹⁴⁷The person concerned should obtain a certificate from the Head of the office from which he is transferred to the effect that he had already produced the requisite medical certificate of health.

[G.I., F.D., endorsement No.F.6(22)-R.II/42, dated the 19th July, 1943.]

- ¹⁴⁸(7) **A person appointed as Ambassador, Minister, High Commissioner, Deputy High Commissioner or Commissioner for Pakistan in a foreign country.**

NOTE—(a) *The production of a medical certificate is necessary when—*

- (1) a Government servant is promoted from non-qualifying service paid from local fund to a post in superior Government service;
 - (2) a person is re-employed after resignation or forfeiture of past service;
- (b) When a person is re-employed in circumstances other than those referred to in clause (a)(2) above, the appointing authority will decide whether a medical certificate should be produced.

Government orders—

(1) The ¹⁴⁹Federal Government have decided that before appointments are made to Class IV posts in the Ministries and Divisions of the Government of Pakistan and their attached and subordinate offices the prospective appointees should be required to produce a medical certificate in the form prescribed in S. R. 3 from one of the Civil Surgeons at headquarters. This order applies not only to substantive appointments to permanent posts but also to appointments on temporary vacancies likely to last more than six months.

(2) *Deleted.*

(3) *See Government orders below Fundamental Rule 10.*

¹⁵⁰**Division IIIA.-- Medical certificates of continued fitness for Government Service.**

[Rule made under Fundamental Rule 10-A.]

S. R. 4-AA.-- A Government servant who is sent for medical examination or second medical examination under F. R. 10-A shall be examined by a medical board, who shall submit their findings to the referring authority in one of the following forms, whichever is applicable:—

¹⁴⁸Inserted by G.P., M.F., Notification No.20(4)-R.II/53, dated the 29th April, 1953.

¹⁴⁹Substituted by Ministry of Law Notification No.F.24(2)/75-Pub., dated 01-8-1975, Gaz. Of Pak., Extra., Pp.435-436, dated 01-8-1975.

¹⁵⁰Inserted by G.P., M.F. Resolution No.F.5(2)R2/60, dated the 6th January, 1962.

FORMS OF MEDICAL CERTIFICATES

- (i) We have examined Mr. _____ of _____ Ministry /Department / office, whose signature appears below, and find that he is not suffering from any disease which is communicable and likely to endanger the health of other Government servants or a disease which renders him temporarily unfit for duty or permanently unfit for Government service.**

- (ii) We have examined Mr. _____ of _____ Ministry/Department/ Office, whose signature appears below, and find that he is suffering from _____, which is a communicable disease and is likely to endanger the health of other Government servants/which renders him temporarily unfit for duty, and we recommend that he may be granted leave for a period of _____ for treatment and rest.**

- (iii) We have examined Mr. _____ of _____ Ministry/Department/ office, whose signature appears below, and find that he is suffering from _____, which renders him permanently unfit for Government service and we recommend that he may be invalided from Government service.**

PART II.— ADDITIONS TO PAY.

Division IV— Drawing of compensatory allowances.

[Rules made under Fundamental Rule 44 and 93.]

S. R. 5. Save as provided by the rules in this Division ¹⁵¹[or by any general orders of the ¹⁵²Federal Government,] a compensatory allowance attached to a post will cease to be drawn by a Government servant when he vacates the post.

S. R. 6. In this Division—

(a) *Leave* means leave taken for a period not exceeding four months, other than leave preparatory to retirement. The title to compensatory allowance will remain intact:-

- (i)** When the original leave not exceeding four months is not subsequently extended, or, if extended, the total period does not exceed four months, throughout the period;
- (ii)** When the original, or extended leave not exceeding four months referred to in sub-clause (i) is subsequently extended and the total period exceeds four months,—up to the date of expiry of the original or extended leave not exceeding four months or the date of sanction to the first subsequent extension which causes the total period of leave to exceed four months, whichever is earlier.

(b) *Temporary transfer* means a transfer to duty in another station which is expressed to be for a period not exceeding four months. For the purpose of this Division it includes deputation. Subject to the limit of four months, the title to compensatory allowance, if the temporary duty is subsequently extended beyond four months in all, will remain intact up to the date of the orders of extension.

NOTE.—*Unless in any case it be otherwise expressly provided in these rules joining time may be added to the period of four months provided in this rule.*

Government decisions.-- Deleted.

Audit Instructions—

(1) When vacation is combined with leave, the entire period of vacation and leave should be taken as one spell of leave for the purpose of S. R. 6(a).

¹⁵¹Inserted by G. P. M. F. Notification No. F. 2(5)-R. 8/60, dated the 18th December, 1961.

¹⁵²Substituted by Ministry of Law Notification No.F.24(2)/75-Pub., dated 01-8-1975, Gaz. Of Pak., Extra., Pp.435-436, dated 01-8-1975.

[Para.4(i), Sec. II of Manual of Audit Instructions (Reprint).]

- (2) "Leave" as defined in Supplementary Rule 6 (a) includes extraordinary leave.

[Para. 4 (ii) Sec. II of Manual of Audit Instructions (Reprint).]

(3) The drawing during leave of the compensatory and house rent allowances sanctioned in the G.I., F.D., Resolution No. D-5067/ C.S.R., dated the 10th October, 1924, should be regulated by Supplementary Rules 6, 6-B, and 6-C.

[Para. 6, Sec. II of Manual of Audit Instructions (Reprint).]

S. R. 6-A. A competent authority may sanction the grant of grain compensation allowance, up to a maximum of Rs.3 a month, to a whole time Government servant whose pay does not exceed Rs.30 a month, whenever from temporary causes there is a material rise in prices above the normal in the particular locality in which the servant is employed. A Government servant whose headquarters are stationed within the territories administered by a local Government or Administration which has granted grain compensation allowance to Government servants under its administrative control may draw the allowance on the same terms and conditions as those prescribed by that local Government or Administration.

The allowance may be drawn—

(a) during leave, if the authority sanctioning the leave certifies that the Government servant is likely, on the expiry of the leave, to be appointed to a post to which a grain compensation allowance is attached;

(b) during temporary transfer, if--

(i) the authority sanctioning the transfer certifies that the Government servant is likely, on the expiry of the temporary duty, to be appointed to a post to which a grain compensation allowance is attached; and

(ii) the Government servant draws no grain compensation allowance in the post to which he is transferred.

NOTE 1.—A Government servant whose pay exceeds Rs.30 a month may be granted by a competent authority grain compensation allowance subject to the condition that the total of his pay and grain compensation allowance shall not exceed the total amount admissible to an officer whose pay is Rs.30.

NOTE 2.—Overtime payments, fees and pension shall be treated as pay for the purpose of this rule.

NOTE 3.—*The Allowance is to be determined with reference to the total emoluments drawn in a month and not with reference to the rate at which pay for the month or any part of it, is drawn.*

NOTE 4.—*In the case of establishments on tour, the rate of grain compensation allowance should be that sanctioned for the locality in which their headquarters lie.*

Audit Instruction.—To obviate all misunderstanding, the authority sanctioning the leave or transfer should invariably embody in the sanctioning orders, in terms of S. Rs. 6-A, 6-B, 6-C, 6-D, 7 and 7-B, a certificate regarding the likelihood of the Government servant returning to the post or station, as the case may be.

[Para. 5, Sec. II of Manual of Audit Instructions (Reprint).]

Auditor General's decisions.—

(1) The Auditor General has decided with the concurrence of the Government that a certificate regarding the likelihood of the Government servant returning to the post or station which is not originally embodied in the original order sanctioning the leave or transfer should not be considered as a valid certificate acceptable to Audit except in cases where such an order is revised before the Government servant actually hands over charge to proceed on leave or temporary transfer.

[Ar. G's letters No. 15-A/236-34, dated the 17th January, 1935 and No. 581-A/211-43, dated the 4th November, 1943.]

(2) If an original sanction to leave is in fact given after the event i. e., after the close of the leave then sanctioned, the certificate regarding likelihood of return, which must logically be in the past tense, would be no less acceptable to Audit on that account. What is wanted by Audit is a written assurance by the competent authority that not later than the time he formally sanctioned the original leave, he then intended to repost the grantee to a qualifying post. The fact that the grantee was so posted on return from leave is logically corroborative but not conclusive evidence of this intention, because the sanctioning authority may have intended otherwise when he first became aware of the fact of absence, but changed his mind before the leave itself ended. Hence the contention that the fact of return to a qualifying post dispenses with the need for a declaration of intention is not correct, nor would Audit be entitled to demur if a sanction not in itself unreasonably delayed does logically contain a certificate worded in the past tense.

[Ar. G's Endorsement No.151-A/40-41, dated the 21st March, 1941.]

S. R. 6-B. An allowance granted owing to the expensiveness of living, other than a grain compensation allowance or a house rent allowance, may be drawn—

(a) during leave, if—

- (i) **the authority sanctioning the leave certifies that the Government servant is likely, on the expiry of the leave, to return to duty at the station from which he proceeds on leave or at another station in which he will be entitled to a similar allowance; and**
 - (ii) **the Government servant certifies that he or his family or both reside, for the period for which the allowance is claimed, at any of the stations mentioned in sub-clause (i) above;**
- (b) **during temporary transfer, if;**
- (i) **the authority sanctioning the transfer certifies that the Government servant is likely, on the expiry of the temporary duty, to return to the station from which he is transferred;**
 - (ii) **the Government servant draws no allowance of the same kind in the post to which he is transferred; 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 transfer.**

NOTE.—Deleted.

Government decision.—The question was raised whether a compensatory (including house-rent) allowance attached to a post can be drawn by a Government servant officiating in that post when he proceeds on leave, if it is certified by the authority sanctioning leave that he is likely, on the expiry of the leave, to return to duty at the station from which he proceeds on leave or to another station in which he will be entitled to a similar allowance. At the time of going on leave, a Government servant drawing a compensatory allowance is expected to return, on the expiry of his leave, either

- (i) to the same post from which he proceeds on leave and to which the allowance is attached, or
- (ii) to another post in the same or another station carrying a similar allowance at the same rate, or
- (iii) to another post in the same or another station carrying a similar allowance at a reduced or enhanced rate, or
- (iv) to another post in the same or another station not carrying a similar allowance.

It has been decided by the Governor-General that, subject to the fulfillment of the requisite conditions laid down in Supplementary Rules 6-B and 6-C such a Government servant will draw during leave,

- (a) if his case falls under (i) and (ii) above, the allowance at the same rate as he was drawing immediately before proceeding on leave,
- (b) if his case falls under (iii) above, the allowance at the same rate at which he was drawing it immediately before proceeding on leave or at the rate admissible for the post to which he is expected to return, whichever is less, and
- (c) if his case falls under (iv) above, no allowance.

This decision will apply uniformly in all cases, irrespective of whether the post to which the allowance is attached is held by the Government servant in a substantive or officiating capacity.

[G.I., F.D., Endorsement No.F.2(18)-Ex. I/42, dated the 27th June, 1942.]

Audit Instructions.—See item (3) of the Audit Instructions below Supplementary Rule 6 and the Audit Instruction below Supplementary Rule 6-A.

Auditor General's decisions.—See Auditor General's decisions below Supplementary Rule 6-A.

S. R. 6-C. A house rent allowance may be drawn during leave or temporary transfer, if—

- (a) **the authority sanctioning the leave or transfer certifies that the Government servant is likely, on the expiry of the leave or temporary transfer, to return to duty at the station from which he proceeds on leave or is transferred, or at another station in which he will be entitled to a similar allowance; and**
- (b) **the Government servant certifies either—**
 - (i) **that he or his family or both continued to reside, for the period for which the allowance is claimed, in the station from which he proceeded on leave or was transferred, or**
 - (ii) **that he continued, for the period for which the allowance is claimed, to incur the whole or a considerable part of the expenditure on rent for which the allowance was granted.**

NOTE 1—(a) when a certificate is given under sub-clause (ii) above, the authority sanctioning the leave or transfer may direct that a part only of the allowance shall be drawn, and, when a certificate is given under either sub clause (i) or sub-clause (ii) such authority may require the Government servant to satisfy it that he was unable, or could not

reasonably be expected, to avoid the expenditure and may, if it is not so satisfied, direct that no part of the allowance shall be drawn.

(b) For the purposes of this certificate any expenditure on rent which is covered by receipts from a sub-lease shall not be deemed to have been incurred.

NOTE 2.—*Deleted.*

NOTE 3.—*This rule does not apply when leave is granted to members of the Signaling establishment, Deputy Superintendents and members of the second division of the Superior Traffic Branch, and members of the corresponding Engineering and Wireless Branches of the Pakistan Posts and Telegraphs Department, and State Railway employees. For these classes of Government servants the grant of house-rent allowances during leave shall be regulated by the following principles:—*

- (1) The head of the office will decide in each case who shall draw the allowances, the only requirement being that no extra expenditure shall be caused to Government.
- (2) The absentee will draw the full allowance, when, in the chain of officiating arrangements, no house allowance is given to any Government servant who would not otherwise be in receipt of it.
- (3) The absentee will draw nothing if the whole of his allowance is absorbed in the house allowances granted in the chain of arrangements to officiating Government servants.
- (4) The absentee will draw the difference between his allowance and that portion of it which is absorbed in the grant of house-rent allowances in the chain of arrangements to officiating Government servants.
- (5) The grant of the allowance or of any part of it is in all cases subject to the condition that the absentee continues to incur during leave the whole or a considerable part of the expense on house accommodation. In cases in which a considerable part only of such expense continues to be borne by the absentee it is left to the discretion of the authority sanctioning the leave to decide whether and by how much the allowance admissible under clauses (1), (2) and (4) should be reduced.

NOTE 4.—*A Telegraph Master, a Telegraphist, a Wireless Operator, an Engineering or Electrical or Wireless Supervisor, a Deputy Superintendent of Traffic, an Officer of the second division of the Superior Traffic Branch, a Deputy Assistant or Assistant Engineer or an Electrician who takes leave and although he desires to continue in occupation of the quarters allotted to him while on duty, is required to vacate them may be permitted to*

draw compensation in lieu thereof, if Government is not put to extra expense by the concession.

NOTE 5.—(a) *In the Posts and Telegraphs Department the head of a Circle is empowered to sanction the grant of house rent in addition to free quarters to members of the Signaling Establishment in cases of temporary transfer for a maximum of three months generally and for a maximum period of four months in the case of Telegraphists temporarily transferred to Lyallpur, for training as Baudot supervisors irrespective of the actual period of duration of the transfer, subject to the condition that the concession is granted in the following cases only:—*

- (i) When the accommodation available in the Telegraphists' quarters i. e., the station to which the Government servant is temporarily transferred is less than as admissible to a Government servant of his class under the rules of the Department, and the Government servant concerned is thereby compelled to engage additional quarters; or
- (ii) When a Government servant is temporarily transferred from a station or a post in which he was in receipt of house rent in lieu of quarters, at the rate admissible to a Government servant of his class under the rules of the Department, to a station or a post in which free quarters are provided, in such circumstances that accommodation previously engaged cannot be given up owing to the short period of the transfer. In such a case the amount of house rent that may be granted during the temporary transfer must not exceed the amount drawn by the Government servant concerned prior to the transfer.

(b) When a Government servant is temporarily transferred under clause (a) (ii) he is entitled to draw house rent allowance in lieu of free quarters at the new station in addition to his house-rent allowance at the old station; but the house-rent allowance at the new station should be at the rate admissible for a Government servant of his rank without family under the rules of the Department.

NOTE 6.—*Deleted.*

Government decisions.—

(1) to (3) *Deleted.*

(4) *See Government decision below Supplementary Rule 6-B.*

Audit Instructions.—See item (3) of the Audit Instructions below Supplementary Rule 6 and the Audit Instructions below Supplementary Rule 6-A.

Auditor General's decisions.—

(1) *See Auditor General's decisions below Supplementary Rule 6-A.*

(2) *Deleted.*

S. R. 6-D. A portion, not exceeding Rs.45 of an allowance granted on condition that a motor car or motor cycle is maintained, may be drawn during leave or temporary transfer, if

- (i) **the substantive pay of the Government servant during the period of claim does not exceed Rs.1,500;**
- (ii) **the authority sanctioning the leave or transfer certifies that the Government servant is likely, on the expiry of the leave or temporary duty, to return to the post from which he proceeds on leave or is transferred, or to be appointed to a post in which the possession of a motor car or motor cycle, as the case may be, will be advantageous from the point of view of his efficiency; and**
- (iii) **the Government servant certifies that he continued to maintain the vehicle, that the amount claimed was spent by him on garage hire or wages to staff or both for the period which the amount is claimed and that the vehicle was not during the period in use by anybody.**

NOTE.—The maximum allowance for a motor cycle is limited to Rs.10.

Audit Instruction.—See Audit Instruction below Supplemental Rule 6-A.

*Auditor General's decisions--.*See Auditor General's decision below Supplementary Rule 6-A.

S. R. 7. An allowance granted on condition that a horse or other animal is maintained may be drawn during leave or temporary transfer, if—

- (i) **the authority sanctioning the leave or transfer certifies that the Government servant is likely, on the expiry of the leave or temporary duty, to return to the post from which he proceeds on leave or is transferred or to be appointed to a post in which the possession of the animal will be advantageous from the point of view of his efficiency; and**
- (ii) **the Government servant certifies that he continued to maintain the animal and that he spent the amount claimed on its upkeep during the period for which the claim is submitted.**

Audit Instruction.—See Audit Instruction below Supplementary Rule 6-A.

Auditor General's decisions.--See Auditor General's decision below Supplementary Rule 6-A.

S. R. 7-A. A conveyance allowance to which the obligation of maintaining a motor vehicle or a horse or other animal is not attached is not admissible during leave or temporary transfer.

S. R. 7-B. (1) A compensatory allowance other than an allowance for the regulation of which provision is made in any of the rules 6-A to 7-A and rule 23 may be drawn during leave or temporary transfer, if—

- (a) the authority sanctioning the leave or transfer certifies that the Government servant is likely, on the expiry of the leave or temporary transfer, to return to the post to which the allowance is attached or to another post carrying a similar allowance; and
- (b) the Government servant certifies that he continued, for the period for which the allowance is claimed, to incur the whole or a considerable part of the expenditure for which the allowance was granted.

NOTE.—The authority sanctioning the leave, or transfer may direct that a part only of the allowance shall be drawn and may require the Government servant to satisfy it that he was unable, or could not reasonably be expected to avoid the expenditure and may, if it is not so satisfied, direct that no part of the allowance shall drawn.

(2) The allowance granted to light keepers for the education of their children may be drawn during leave, irrespective of the length and nature of the leave, if the children in respect of whom the allowance is drawn continue to attend the same school provided that the allowance will not be admissible during leave preparatory to retirement.

Audit Instruction.—See Audit Instruction below Supplementary Rule 6-A.

S. R. 7-C. A Government servant on joining time under the Fundamental Rule 105(a), if he is entitled to tentage while holding his old post and tentage is also attached to his new post, may draw tentage during joining time at the lower of the two rates. If the Government servant in his old post drew a compensatory allowance granted on account of special expensiveness of living, and the transfer is to another post carrying a similar allowance, he may draw the compensatory allowance during joining time under clause (a) or clause (b) (i) of Fundamental Rule 105, provided that if the rates differ in the two posts, he may draw the lower rate only.

S. R. 8. Cancelled.

Division V.—Fees.*(Rules made under Fundamental Rules 46-A and 47.)*

S. R. 9. Unless the ¹⁵³President by special order otherwise directs, no portion of any fee received by a medical officer in Civil employ for services other than professional attendance shall be credited to general revenues.

S. R. 10. Subject to any special orders issued by the ¹⁵⁴President, Medical Officers including Officers of the late I. M. S. in Civil employ, under the rule-making control of the ¹⁵⁵President may accept fees for services other than professional attendance at the rates shown in Appendix No. 26¹⁵⁶ in Volume II of this Compilation subject to the following conditions:—

- (1) No work or class of work involving the acceptance of fees may be undertaken on behalf of a private person or body or public body, except with the knowledge and sanction, whether general or special, of a competent authority to be prescribed by the local Government under whom the Medical Officer is serving.
- (2) In cases where the fee received by the Medical Officer is divisible between himself and Government, the total amount should first be paid into the Government treasury, the share of the Medical Officer being thereafter drawn on a refund bill in the form T. R. 41. In such cases a complete record of the work done and of the fees received should be kept by the Medical Officer.

NOTE.—The above procedure will not apply to fee for examination by a Medical Board for commutation of pension, three-fourth of which will be paid to the Medical Board in cash by the examinee.

- (3) For private bacteriological, pathological and analytical work carried out in Government laboratories and in the Chemical Examiner's Department, 40 per cent. of the fees should be credited to Government, the remainder (60 per cent.) being allowed to the Director of the Laboratory or the Chemical Examiner, as the case may be, who may divide it with his assistants and subordinates in such manner as he considers equitable, except that in the case of such officers who held the posts in question in a laboratory or a Chemical Examiner's Department

¹⁵³Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

¹⁵⁴Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

¹⁵⁵Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

¹⁵⁶Not printed.

on the 28th September, 1934 or any subsequent date on which these orders were made applicable to that institution, the share of the fees to be credited to Government should be 25 per cent. for so long as they remain in those posts. No payment should, however, be made to officers from the sale proceeds of those vaccines which are used on a large scale for prophylactic purposes, for example, T.A.B., Cholera, Influenza and Plague vaccines.

- (4) The rates shown in Appendix VII (Appendix No. 26¹⁵⁷ in Volume II of this Compilation) are maxima which a Medical Officer will be free to reduce or remit if he is entitled to appropriate them himself. In cases where the fee is divisible between the Medical Officer and Government, the former may charge lower rates in special cases where he considers it necessary either owing to the pecuniary circumstances of the patient or for some other reason of public interest and the share of Government will be calculated on the basis of the fee actually realised instead of the scheduled fee, provided that the approval of the local Government concerned is obtained by a general or special order in this behalf.

S. R. 11. No Government servant may undertake work for State or a private or public body or a private person, or accept a fee therefore without the sanction of the competent authority who, unless the Government servant is on leave, shall certify that the work can be undertaken without detriment to his official duties and responsibilities.

Government decision.—See Government decision below Fundamental Rule 9(8) in Section I of this Compilation.

¹⁵⁸[**S. R. 12.** Unless the President by special order otherwise directs:-

- (a) one third of any fee in excess of one hundred thousand rupees received by a civil servant from consultancy shall be credited to General Revenues;
- (b) no civil servant, other than the one appointed under statutory provisions, shall be appointed to or nominated by the Federal Government to the Board of Directors of more than one statutory corporation, company, autonomous body, institution, society etc., whether fully or partially owned or controlled by the Federal Government, in the interest of equity and justice;

(c)&(d) ¹⁵⁹Omitted;

¹⁵⁷Not printed.

¹⁵⁸Substituted by S.R.O.997(I)/2013 [No.2(1)/R-4/2004], dated 20-11-2013, Gaz. Of Pak., Extra., Part II, Pp.3141-3142, dated 26-11-2013.

¹⁵⁹Omitted vide Finance Division's Notification No.2(1)R.4/2004-Vol.III, dated 07-05-2018.

NOTE.—The above rule does not apply to fees received by Government servants from a University or other examining body in return for their services as examiners ¹⁶⁰[and from a Board of Secondary Education for services rendered as reviewers of books].¹⁶¹[It also does not apply to fees received by Government servants for participation in a radio broadcast or television programme or contribution of any article or writing of any letter to any newspaper or periodical if such broadcast or television programme or contribution or letter is of a purely literary, artistic or scientific character.]

Government orders.—(1) Fees received by Government servants for giving expert evidence on technical matters before a court of law (as was admissible under Supplementary Rule 16) should also be governed by the provisions of Supplementary Rule 12.

[G.I., F.D., Memorandum No. F./III Ex.11/35, dated the 21st February, 1936.]

(2) The Ministry of Finance has been receiving from time to time proposals from the administrative Ministries for waiving the requirement of the Supplementary Rule 12. As the amount of fee in each case can be settled in advance having regard to the requirement of S. R. 12, it is not contemplated by the rule that there should be need for its waiver normally. The Ministries are, therefore, advised that, barring every exceptional cases, this Ministry should not be approached with proposals for waiving the normal operation of the rule cited above.

[G.P., M.F. O.M.No.F.4(2)R8/60, dated the 1st July, 1960.]

Government decision.—See Government decision below F. R. 9 (8) in Section I of this Compilation.

Audit Instruction.—If any fee to which this rule applies exceeds Rs.50 non-recurring or Rs.50 a year recurring, one-third of the total amount payable should be credited to general revenues provide that the amount retained by the Government servant concerned will not, merely owing to the operation of this rule, be reduced below Rs.50, if non-recurring or Rs.50 a year if recurring.

Non-recurring and recurring fees should be dealt with separately and should not be added, for the purpose of crediting one-third to general revenues under this rule. In the case of the former the limit of Rs.50 prescribed in this rule should be applied in each individual case, and in the case of the latter the limit should be applied with reference to the total recurring fees for the financial year.

[Para. 7, Sec. II of Manual of Audit Instructions (Reprint).]

¹⁶⁰Inserted by G.P., M.F., Resolution No.F.13(9)R-II(II)/55, dated 26th January, 1956.

¹⁶¹Added by Finance Division Notification No.F.10(4)-RI/77, dated the 15th August, 1977.

¹⁶²[S. R. 12—A. Unless the President by special order otherwise directs, one-third of any fee in excess of \$800 or equivalent received by a civil servant for a foreign consultancy outside Pakistan shall be credited to general revenues.]

S. R. 13. Cancelled.

S. R. 14. Cancelled.

S. R. 15. Cancelled.

S. R. 16. Cancelled.

Division VI—Travelling allowances.

[Rule made under fundamental rule 44]

CHAPTER I— GRADES OF GOVERNMENT SERVANTS.

SECTION I. DISTRIBUTION INTO GRADES.

S. R. 17. General rule.— For the purpose of calculating travelling allowance, Government servants are divided into four grades as follows:-

- ¹⁶³(a) **The first grade includes officer belonging to Class I Services and all other officers in receipt of actual pay exceeding Rs.925.**
- ¹⁶⁴(b) **The second grade includes all Government servants in receipt of actual pay exceeding Rs.250 but not exceeding Rs.925.**
- (c) **The third grade includes all other Government servants in superior service, except police constables and forest guards.**
- (d) **The fourth grade includes the police constables, forest guards and all Government servants in Class IV service.**

NOTE.-- The words "Police Constables" used in clauses (c) and (d) of this rule do not include Head Constables.

¹⁶²Added by S.R.O.106(I)/84 [F.2(35)-R4/83], dated 23-1-1984, Gaz. Of Pak., extra., Part II Page No.318, dated 31-1-1984.

¹⁶³As revised by the G.P.M.F. Notification No.F.1(10)-R-2(RWP)/63, 26-12-1964 with effect from the 1st October, 1964.

¹⁶⁴As revised by the G.P.M.F. Notification No.F.1(10)-R-2(RWP)/63, 26-12-1964 with effect from the 1st October, 1964.

Government decisions.--

(1) The revised rules promulgated with the Finance Department Resolution No.854-C.S.R., dated the 29th May 1923, apply not only to Government servants who are subject to the Fundamental Rules but to all whose travelling allowances are regulated under civil rules.

[G.I., F.D., No.1169-C.S.R, dated the 10th July, 1923.]

(2) The expression "actual pay" in Supplementary Rule 17 includes all emoluments drawn under Fundamental Rule 9 (21) (a) (i), (ii) and (iii).

[G.I., F.D., No.1213 C.S.R., dated the 18th July, 1923.]

(3) The travelling allowance of an officer, who is promoted or reverted with retrospective effect, should not be revised in respect of the period intervening between the date of promotion or reversion and that on which it is notified except when the notification implies a change of duties. In the case of all bills audited before the notification appears, the Audit Office should be guided by the facts known officially at the time, but in the case of travelling allowance bills not presented or audited before the promotion is granted, there is no objection to the Audit Officer recognising the retrospective effect of the notification.

[G.I., F.D., No.968-E.B., dated the 19th July, 1915.]

(4) The Government have decided that for purposes of traveling allowance the classification of an officiating Government servant who has no substantive appointment under Government should be regulated by his pay.

[Ar. G's No.655-A/143-23, dated the 19th May, 1923.]

(5) When an officer who has a substantive appointment officiates in another appointment, his officiating appointment alone is taken into account in determining the rates of travelling allowance admissible to him.

[G.I., F.D., No.7279, dated the 24th December, 1885-Bombay-vide page 101 of P. & T. Supplement to C.S.R.]

(6) A question having arisen whether the so-called special pay granted to the staff of some of the Ministries and Divisions of the Government of Pakistan and their attached offices detailed for night duty should be deemed to be covered by the expression "actual pay" occurring in Supplementary Rule 17, the President has decided, in consultation with the Auditor General, that the remuneration when drawn for the nights of duty only and not on monthly basis, is of the nature of the nature of honorarium and not of pay as defined in Fundamental Rule 9 (21). Such allowances should, therefore, be ignored in calculating "actual pay" for the purpose of Supplementary Rule 17.

(7) *Deleted.*

(8) The President has been pleased to decide that the traveling allowance of re-employed pensioners shall be regulated as follow:-

- (a) In the case of officers whose pension is held in abeyance, the T. A. admissible will be determined with reference to pay drawn by them if it does not exceed the maximum pay of the post; otherwise it will be determined with reference to the maximum pay of the post;
- (b) In the case of officers who are allowed to draw the whole or a part of their pension in addition to pay, the T. A. admissible will be determined with reference to pay plus pension subject to the condition that only such portion of the pension will be taken into account for this purpose as, together with the pay, does not exceed the maximum pay of the post.

For the purposes of these orders "pension" means the gross pension originally sanctioned, *i.e.*, the amount sanctioned before commutation or surrender of 1/4th pension in lieu of gratuity under the Pension-cum-Gratuity Scheme promulgated in the Ministry of Finance Office Memorandum No.(4)F.12(2)-RI/53, dated the 24th March, 1954.

[G.P., M.F., O.M. No.F.1(46)-R.I(2)/57, dated the 27th December, 1957.]

(9) Gradation of Government servants. - For the purposes of Traveling Allowance the gradation of Government servants shall with effect from 1st May, 1977 be revised as under:-

Grade I Government servants in NPS 17 and above and all those in receipt of pay exceeding Rs.1150 per month.

Grade II Government servants drawing pay exceeding Rs.400 but not exceeding Rs.1150 per month.

Grade III All other Government servants excluding those in NPS 1 and 2.

Grade IV Government servants in NPS 1 and 2.

[G.P., F.D., No.F.2(1)-Imp. I/77, dated the 29th April, 1977.]

(10) The Gradation of Government servants of the purpose of T.A. in Pakistan shall, with effect from 1st July, 1994 be revised as under :—

(i)	Category – I	Civil servants in BPS-17 and above and all those in receipt of pay exceeding Rs.5330/- p.m.
(ii)	Category – II	Civil servants drawing pay exceeding Rs.1725/- p.m. but not exceeding Rs.5330/- p.m.
(iii)	Category – III	All other Civil servants excluding those in BPS-1 and 2.
(iv)	Category – IV	Civil servants in BPS-1 and 2.

[G.P., F.D., NO.F.1(34)-R.9/94, dated the 13th November, 1994.]

(11) Gradation of the Government Servants for the purpose of T.A. in Pakistan shall be revised with effect from 8th June, 2002 as under:-

Sl. No.	Basic Pay Scale (BPS)	Category
1.	BPS 17 and above	I
2.	BPS-11 to 16	II
3.	BPS-3 to 10	III
4.	BPS -1 and 2	IV

No.F.1(4)R-9/2002-509, dated 8th June, 2002.

Audit Instruction.--See Audit Instruction (1) below F. R. 44.

S. R. 18. *Special concessions.-- A competent authority may, for reasons which should be recorded, order that any Government servant or class of Government servants shall be included in a grade higher or lower than that prescribed in rule 17.*

Government orders—

(1) *Deleted.*

(2) All lady clerks employed in the Government of Pakistan Secretariat or attached or subordinate offices, who are third grade officers for purposes of travelling allowance under the Supplementary Rules, shall be treated as second grade officers for all authorised journeys on duty, whether intermediate class accommodation is available or not on the railway by which they travel.

The same privilege is extended to lady clerks in respect of journeys performed by them to join their first appointments in any of these offices.

[G.I., H.D. No.F-281/26-Ests.,dated the 18th February. 1927.]

(3) Military telegraphists and military operators will be allowed travelling allowance as for second grade officials.

[F.A., P. & T's endt. No.1333-Est. A/29, dated the 11th July, 1932.]

(4) *Deleted.*

S. R. 19. *Government servants in transit from one post to another.-- A Government servant in transit from one post to another ranks in the grade to which the lower of the two posts would entitle him.*

S. R. 20. *Part time Government servants, etc.*--A Government servant whose whole time is not retained for the public service, or who is remunerated wholly or partly by fees, ranks in such grade as a competent authority may with due regard to the Government servant's status declare.

CHAPTER II--THE DIFFERENT KINDS OF TRAVELLING ALLOWANCES.

SECTION -II.—GENERAL.

S. R. 21. The following are the different kinds of traveling allowances which may be drawn in different circumstances by Government servants:-

- (a) Permanent travelling allowance.
- (b) Conveyance or horse allowance.
- (c) Mileage allowance.
- (d) Daily allowance.
- (e) The actual cost of travelling.

The rules in this Chapter explain the nature of these allowances and the method of calculating them. The circumstances in which they may be drawn for particular journeys are described in Chapters III to V.

SECTION III.-- PERMANENT TRAVELLING ALLOWANCE.

S. R. 22. *Conditions of grant.* -A permanent monthly traveling allowance may be granted by a competent authority to any Government servant whose duties require him to travel extensively. Such an allowance is granted in lieu of all other forms of traveling allowance for journeys within the Government servant's sphere of duty and is drawn all the year round, whether the Government servant is absent from his headquarters or not.

NOTE.-Appendix 16 in Volume II of this Compilation contains the list of permanent travelling allowances sanctioned by the ¹⁶⁵President in the case of certain Government servants.

S. R. 23. *When inadmissible.*--A permanent travelling allowance may not be drawn during leave, temporary transfer, or joining time or, unless in any case it be otherwise expressly provided in these rules, during any period for which travelling allowance of any other kind is drawn.

¹⁶⁵Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

S. R. 24. *Combination of posts.*--When a Government servant holds, either substantively or in an officiating capacity, two or more posts to each of which a permanent travelling allowance is attached, he may be granted such permanent travelling allowance not exceeding the total of all the allowances, as a competent authority may consider to be necessary in order to cover the travelling expenses which he has to incur.

SECTION IV.-- CONVEYANCE AND HORSE ALLOWANCE.

S. R. 25. *Conditions of grant.* - A competent authority may grant, on such conditions as it thinks fit to impose, a monthly conveyance or horse allowance to any Government servant who is required to travel extensively at or within a short distance from his headquarters under conditions which do not render him eligible for daily allowance.

S. R. 26. Except as otherwise provided in these rules and unless the authority sanctioning it otherwise directs, a conveyance or horse allowance is drawn all the year round, is not forfeited during absence from headquarters and may be drawn in addition to any other travelling allowance admissible under these rules provided that a Government servant, who is in receipt of a conveyance allowance specifically granted for the up-keep of a motor-car or motor-cycle, shall not draw mileage or daily allowance for a journey by the motor-car or motor-cycle except on such conditions as the authority which sanctions the conveyance allowance may prescribe.

S. R. 27. *During leave, temporary transfer and joining time.*— A conveyance or horse allowance may not be drawn during joining time. Its drawal during leave or temporary transfer is governed by rules 6-D, 7 and 7-A.

S. R. 28. *Railway subordinates.*-- A General Manager of a State Railway may grant a conveyance or horse allowance to a subordinate on an open line of railways in cases where the use of a trolley is, in his opinion, a source of danger or inconvenience, whether with reference to the physical features of the line or to the passage of public trains. The allowance, which should not exceed Rs.50 for a Government servant who ranks with upper subordinates, and Rs.30 for a Government servant who ranks with lower subordinates should be given on condition that the Government servant shall on no account be allowed the use of a trolley on the length of railway in question and shall draw no other travelling allowance while in receipt of the conveyance or horse allowance.

SECTION V.--MILEAGE ALLOWANCE.

SUB-SECTION (I).-- GENERAL

S. R. 29. *Definition.* A mileage allowance is an allowance calculated on the distance travelled which is given to meet the cost of a particular journey.

S. R. 30. Principles of calculation.--(a) For the purpose of calculating mileage allowance, a journey between two places is held to have been performed by the shortest of two or more practicable routes or by the cheapest of such routes as may be equally short; provided that, when there are alternative railway routes and the difference between them in point of time and cost is not great, mileage allowance should be calculated on the route actually used.

(b) The shortest route is that by which the traveller can most speedily reach his destination by the ordinary modes of travelling. In case of doubt, a competent authority may decide which shall be regarded as the shortest of the two or more routes.

(c) If a Government servant travels by a route which is not the shortest but is cheaper than the shortest, his mileage allowance should be calculated on the route actually used.

S. R. 31. Special concession.-- A competent authority may, for special reasons which should be recorded, permit mileage allowance to be calculated on a route other than the shortest or cheapest, provided that the journey is actually performed by such route.

Government orders --

(1) *Deleted.*

(2) When road mileage is claimed for a journey performed by motor-car between places connected by railway, the local Government should decide whether the full rate of travelling allowance should be passed in such a case, or whether it should be limited to what would have been admissible had the officer travelled by rail in the ordinary way. The principle which should be followed in deciding such question is whether any public interest was served by the road journey which would not have been served had the officer travelled by rail, such as the saving of public time, or inspection work *en route*, etc.

[G.I., F.D. No.7278-P., dated the 9th December, 1907 and G.I., F.D. U.O.No.1465 R.I/41, dated the 16th August, 1941.]

Government decision --

(1) For the purpose of this rule, the absence in a train of the class of accommodation to which a Government servant is entitled under S. R. 34 may be taken as a special reason for allowing mileage allowance by road, and consequently the competent authority may on such occasions grant to an officer travelling by road, road-mileage limited to the amount which would have been admissible had the journey been performed by rail by the class of accommodation to which he is ordinarily entitled. When the fare of the requisite class for the journey in question is not specifically published, it should be calculated according to the appropriate data in the Time and Fare Table.

[G.I., F.D. letter No.F.5(96)-R.I./35, dated the 10th October, 1935.]

(2) Where a Government servant claims road mileage for journey performed by road in his personal car, between places connected by rail, the controlling officer may, at his discretion, accept the claim, if he is satisfied that journey by road had to be performed in the public interest.

[G.P., F.D. O.M. No.F.2(1)-Rev. I/72, dated the 20th December, 1972.]

Audit Instruction.-- The sanction of the Government is not required to the claim for road mileage by the Head of a Department for a journey performed by road between places connected by railway. The signature of the Head of the Department on the travelling allowance bill will be sufficient for the purpose of Supplementary Rule 31, provided that the travelling allowance bill is accompanied by a statement specifying clearly the public interest served by a journey by road which would not have been served had the journey been made by railway. It will be open to the audit officer to refer to the Government any case in which he considers that the concession has been abused.

[Para. 8, Sec. II of Manual of Audit Instructions (Reprint).]

Auditor General's decision.--The question was referred to the Auditor General whether the Director General, Posts and Telegraphs, still exercises the powers to grant the full rate of travelling allowance for journeys performed by motor-car between stations connected by railway. It was decided by the Auditor General that under S. R. 31 read with Serial No. 13 of Appendix 13 in Volume II of this Compilation and item 30 of Appendix 14 *ibid*, the Director General, Posts and Telegraphs, as Head of a Department, has full power to allow mileage in cases of journeys by motor-car between places connected by railway provided the selection of such a route is in the interests of Government.

[Ar. G's letter No.437-Code/K.W.-122, Reforms-21, dated the 7th May, 1923.]

S. R. 32. *Point of commencement and end of journey.*— The point in any station at which a journey is held to commence or end is the chief public office or such other point as may be fixed for the purpose by competent authority.

NOTE.--A journey on transfer begins and ends at the actual residence of the Government servant concerned.

Government orders--

(1) *Deleted.*

(2) *Omitted.*

(3) Mileage allowance shall be admissible from the residence of the Government servant to the railway station or the airport, or the sea/river-port, as the case may be, at his

headquarters and from the railway station or the airport or the sea/river-port, to the place of his temporary residence at the out-station, instead of from and up to the Chief Public Office. Mileage allowance shall also be admissible where road journey is performed by public transport plying for hire on single-seat basis from the residence of the government servant to the bus/minibus/taxi stand at his headquarters and from such stand to the place of temporary residence at the outstation and *vice versa*.

[G.P., F.D. O.M. No.F.2(1)-Rev. I/72, dated the 20th December, 1972, read with O.M. No. F. 2(11)-Reg.9/77-D2/77, dated the 21st March, 1977.]

(4) *Commencement and termination of journey on tour.*--The concept of the Chief Public Office has, under the revised rules, been replaced by that of location of office or residence from where the government servant proceeds on temporary duty away from head-quarters. However, the concept of a radius of ten miles (cf SR. 71) has not been dispensed with and that distance will now be reckoned from office or residence as the case may be. The question whether the government servant should proceed on temporary duty from his office or residence is one for the competent authority authorising the tour to decide.

[G.P., F.D. O.M. No.F.2(1)-Rev. I/72, dated the 31st May, 1973.]

S. R. 32-A. A Government servant is required to travel by the class of accommodation for which travelling allowance is admissible to him. The provisions of all rules regulating mileage allowance contained in Division VI of these rules are subject to the condition that if a Government servant travels in a lower class of accommodation, he shall be entitled to the fare of the class of accommodation actually used *plus* the extra fare or fares admissible for the journeys of the class by which he is entitled to travel.¹⁶⁶ [* * *].

Audit Instruction .-- The intention underlying Supplementary Rules 32-A and 195(c) is to allocate to the Controlling Officer, and not to the Audit Officer, the duty of seeing that the Government servant draws mileage allowance in accordance with S. R. 32-A. The duty of reducing the travelling allowance with reference to the fare of the class of accommodation actually used by the Government servant being imposed on the Controlling Officer, Audit need not concern itself in the matter unless to point out to such authority any case of the kind which happens to come to its notice but which does not appear already to have come to the notice of the Controlling authority.

[Para. 9, Sec. II of Manual of Audit Instructions (Reprint).]

S. R. 33. Different rates for different classes of journey.-- **Mileage allowance is differently calculated, as shown in the following rules, according as the journey is, or could be made by railway, by sea or river steamer or by road.**

¹⁶⁶ Deleted by the G.P., M.F. Notification No. F.I(49)-R2(RWP)/63, dated the 3rd August, 1964.

SUB-SECTION (II).-- MILEAGE ALLOWANCE FOR JOURNEYS BY RAILWAY.

S. R. 34. *Classes of accommodation for which Government servants are considered to be eligible.-- For the purpose of calculating mileage allowance, Government servants when travelling by railway are considered to be entitled to class of accommodation according to the following scale:--*

(a) ¹⁶⁷*A Government servant of the first grade. --*

In trains with air-conditioned coaches:

By ACC class.

In other trains

Accommodation of the highest class, by whatever name called, provided on the railway by which he travels, and

(b) *A Government servant of the second grade.--*

Second or, if the line by which he travels provides no second class accommodation on any train, highest class, [or if he travels on the Pakistan Eastern Railway, First Class]¹⁶⁸

(c) *A Government servant of the third grade. --*

(i) **Deleted.**

(ii) **If travelling¹⁶⁹ by any line of the Pakistan Western Railway which provides no intermediate class accommodation on any of the trains which stop at the stations to and from which he is travelling:-**

(1) where there are two classes only, lower class, and

(2) where there are three classes; second class if his pay is not less than ¹⁷⁰Rs.150 and third class if it is less than ¹⁷¹Rs.150.

(iii) If travelling on any railway which provides intermediate class accommodation on trains which stop at the stations to and from which he is travelling: intermediate class.

¹⁶⁷Substituted by the G.P., M.F., Notification No. F.1(29)-R2/70, dated 24th December, 1970.

¹⁶⁸Substituted/added by G.P., M.F., Notification No.F.1(3)-R2/68, dated 15th March, 1971.

¹⁶⁹Substituted/added by G.P., M.F., Notification No.F.1(3)-R2/68, dated 15th March, 1971.

¹⁷⁰Substituted for Rs.100 w.e.f. 1-10-1964, by G.P., M.F., Notification No.F.1(10)-R.2(RWP)/63, dt:26-12-1964.

¹⁷¹Substituted for Rs.100 w.e.f. 1-10-1964, by G.P., M.F., Notification No.F.1(10)-R.2(RWP)/63, dt:26-12-1964.

(iv) ¹⁷² [If travelling on the Pakistan Eastern Railway Second Class.](d) *A Government servant of the fourth grade. --***The lowest class whether it be called lower, third or fourth.**

NOTE. - When only one class of accommodation is provided on railway or on all trains running between certain stations on a railway, mileage allowance is calculated as follows on the basis of the appropriate data in the Railway Time and Fare Tables:-

Government servant of the first grade	:	First class.
Government servant of the second grade	:	Second class.
Government servant of the third or fourth grade	:	Third class.

Government decisions.--(1) S. R. 34 (c) (ii) applies only to those Government servants who actually travel by rail and not to those who travel by other methods of conveyance but are entitled to have their mileage calculated as if they had travelled by rail. When journey is performed by other means of conveyance, the mileage allowance if admissible should be calculated as if the Government servants concerned were entitled to fares of the intermediate class.

[G.I., F.D. No.F.5(47)-R.-I.1/38, dated the 16th May, 1938.]

(2) In view of the revised classification of passenger traffic on the Indian Railways it has been decided that with effect from 1st April, 1955 the Pakistani officials when travelling on the Indian Railways on tour and transfer will be entitled to the class of accommodation as follows:-

Grade of Government servants	Class of accommodation on Indian Railways.	
Government servants of 1st Grade } Government servants of 2nd Grade }	:	1st Class.
Government servants of 3rd Grade	:	2nd Class.
Government servants of 4th Grade	:	3rd Class.

Officers who at present are eligible to travel in air-conditioned accommodation at the public expense in Pakistan may travel in the air-conditioned accommodation provided in Indian Railways.

¹⁷²Substituted by the G.P., M.F., Notification No. F.1(29)-R2/70, dated 24th December, 1970.

Mileage allowance for journeys on tour and transfer will be calculated on the basis of fares of the new class to which a Government servant might be entitled in accordance with the above table.

[G.P., M.F., O.M. No.F.34(2)-R.I.(2)/56, dated the 5th October, 1956.]

(3) The question of admissibility of mileage allowance to Government servants making journeys on Indian Railways has been considered further and it has been decided that the Government servants of Grade I who are, at present, entitled to travel First Class on Indian Railways, will in future be entitled to travel by air-conditioned Class, instead of the First Class, on the Indian Railways.

[G.P., M.F., O.M. No.F.34(2)-R.I.(2)/56, dated 6th May, 1957.]

(4) A doubt arose as to whether orders at Government decisions (2) and (3) above were still operative after the issue of Appendix No.7 to Fundamental and Supplementary Rules, Volume II. It is clarified that so long as classification of passengers traffic on the Indian Railways introduced with effect from 1st April, 1955 remains, entitlement of Government servants of all grades while travelling on the Indian Railways on official duty or on transfer or on home leave passage shall continue to be regulated under these orders.

[G.P., M.F., O.M. No.F.7(11)-R2/64, dated 2-8-1964.]

S. R. 35. *Special Concession.*-- A competent authority may, for special reasons which should be recorded, declare any particular Government servant or class of Government servants to be entitled to accommodation of a higher class than that prescribed for his grade in clause (b), (c) or (d) of rule 34.

S. R. 36. *Rate of Mileage Allowance.*-- Except in the case of journeys on transfer (the rules about which are contained in Section XI), the mileage allowance admissible to a Government servant of the first, second or third grade is $1^{1/2}$ the fare of the class in which he is entitled to accommodation. The mileage allowance admissible to a Government servant of the fourth grade is ¹⁷³ $[1^{1/4}]$ the fare of the lowest class.

Government decision.--(1) The Governor-General has decided that Government servants under his rule-making control are ordinarily expected in respect of their journeys by road, otherwise than on transfer, to travel on rail-cum-road tickets issued by the Railways in Pakistan wherever rail-cum-road service exists and are controlled by the Railway authorities. In such case mileage allowance admissible for the road portion of the journey will be calculated as follows:-

¹⁷³Inserted by G.P., M.F. Notification No.F.11(I)-R-II/54, dated 12-2-54 and takes effect from 24-9- 1951.

- | | | |
|--|-----------------------|--|
| (a) 1 ^{1/2} of the single journey
fare charged for the journey by road
by motor car, bus or lorry, or | }
}
}
}
} | Subject to the
maximum
road mileage
prescribed in
S. R. 46 |
| (b) where return tickets only are
issued, 1 ^{1/2} of the return journey fare
charged for the journey by road
by motor car, bus or lorry. | }
}
}
}
} | |

[G.I., F.D. Endorsement No.F.5(102)R.I/42, dated the 26th August, 1942.]

(2) Cases have come to the notice of this Ministry in which reservation of seats for journeys on tour or on transfer made by the Government servants had to be cancelled due to an eleventh hour change in the tour programmes or transfer orders. It has been decided that cancellation fee in such cases may be reimbursed by Government provided that the controlling officer or the self-controlling officer records a certificate to the effect:-

- (i) That the tour had to be cancelled or modified at a very short notice for reasons to be stated, and
- (ii) That earlier cancellation of reservation of seat was not possible for reasons to be stated.

[G.P., M.F., O.M. No.4986-RIII/53, dated 11th November, 1953 and No.34(61)I-RI(2)/55, dated the 21st September, 1955.]

(3) See item (21) of Government decisions below S.R.116 in this section.

(4) Extra fare for journeys by rail or steamer shall not be admissible with effect from 1st January, 1973.

[G.P.,F.D. O.M. No.F2(1)-Rev.1/72, dated the 20th December, 1972.]

Audit Instruction.—(a) Terminal tax which is included in the railway or steamer fare, forms part of the railway or steamer fare and should be allowed as such on all travelling allowance claims.

- (b) Deleted.
- (c) Deleted.

S. R. 37. *Where the class to which the Government servant is entitled is not provided on the train.-- If a Government servant of the second or third grade travels by a train which does not provide the class of accommodation to which he is entitled under rule 34, he may be allowed to draw a single railway fare of the next higher class plus the extra fare or fares admissible at the rate for the class by which he is entitled to travel, provided that the journey is actually performed by the higher class and the controlling officer attaches to his travelling allowance bill a certificate that it*

was necessary in the public interest that he should travel by the train. This concession does not apply to a Government servant of the third grade whose pay is less than ¹⁷⁴Rs.150 and who travels on a line which provides intermediate class accommodation on one or more of its trains but not on the particular train on which he travels, if there be third class accommodation on that train. Such a Government servant is restricted to mileage allowance calculated for intermediate class accommodation.

S. R. 38. *Through booking.* -- When through booking involves the payment, for part of a journey, of rates for accommodation of a class higher than that to which the Government servant concerned is entitled, the Government servant may draw a single railway fare for the whole journey at the rate at which he is actually required to pay for the through booking *plus* the extra fare or fares admissible at the following rates:-

- (i) for that portion of the journey where accommodation of the class to which he is entitled is not available and it is necessary for him to travel by a higher class, at the rate for the higher class; and
- (ii) for the rest of the journey, at the rate for the class to which he is entitled.

S. R. 39. *Special rates.*-- A special rate of mileage allowance is fixed by rule 84 for certain Government servants of the State Railway and Telegraph Departments when travelling on an un-opened line of railway by trolley, material train or engine.

¹⁷⁵SUB-SECTION (III).-- MILEAGE ALLOWANCE FOR JOURNEY BY SEA OR BY RIVER STEAMER.

S. R. 40. *Classes of accommodation to which Government servants are considered to be entitled.* For the purpose of calculating mileage allowance, Government servants are considered to be entitled to class accommodation according to the following scale:-

¹⁷⁴Substituted for "Rs.100" with effect from 1-10-1964 vide G.P., M.F. No.F.1(10)-R2(RWP)/63, dt. 26-12-1964.

¹⁷⁵The rules in this sub-section are intended to govern only journey within the limits of "Pakistan Waters" and should be applied in audit accordingly. They should not, for instance, be applied in the case of an officer proceeding from Pakistan to England as the cost of a free passage should be the fare of a single ticket. [The term "Pakistan Waters" is intended to cover journeys to and from Pakistan ports and beyond sea stations administered by the Government of Pakistan, viz., East Bengal and Karachi in accordance with the definition of the term in the Army Regulations Vol. X (Passage)].

[Ar. G's No.380-A/185-22, dated the 10th March, 1923 and No.175-A/57-24, the 22nd February, 1924.]

The expression "Journeys within the limits of Pakistan Waters used in the ruling communicated in the Auditor General's letter No.380-A/185-22, dated the 10th March, 1923(*vide* para. above) should now be taken as meaning journeys by river steamers within the limits of Pakistan proper and journeys by sea from one Pakistan port to another.

- (a) *A Government servant of the first grade. --*

Highest class.

- (b) *A Government servant of the second grade.--*

**If there be two classes only on the steamer, the higher class, and
if there be more than two classes, middle or second class.**

- (c) *A Government servant of the third grade. --*

**If there be two classes only on the steamer, the lower class:-
if there be three classes, middle or second class;
if there be four classes, third class:-**

Provided that a competent authority may direct that any Government servant whose pay does not exceed Rs.30 is entitled, for journeys generally or for particular journeys, to accommodation in the lowest class only.

- (d) *A Government servant of the fourth grade. --*

Lowest class.

¹⁷⁶[S. R. 41. *Rates of mileage allowance. -- Except in the case of journeys on transfer (the rules about which are contained in Section XI), the mileage allowance admissible to a Government servant of the first, second or third grade is as follows:-*

- (a) **If the journey is performed by river steamer – $1^{3/5}$ the fare at the lowest rate of the class in which he is entitled to accommodation;**
- (b) **If the journey is performed by sea - $1^{1/4}$ the fare at the lowest rate of the class in which he is entitled to accommodation.**

The mileage allowance admissible to a Government servant of the fourth grade is $1^{1/3}$ of the fare of the lowest class.

In cases where the steamer company has two rates of fare, one inclusive and one exclusive of diet, the word 'fare' in this rule should be held to mean fare exclusive of diet.

Government Ruling.—The fare charged by the steamer company minus the rebate allowed to the passengers who do not partake of the food supplied by the company represents the fare without diet which is admissible to all passengers.

¹⁷⁶Revised with effect from 24th September, 1951 by the G.P., M.F. Notification No.F. 11 (1)-R-II/54, dated the 12th February, 1954.

Government decision.-- Extra fare for journeys by rail or steamer shall not be admissible with effect from 1st January, 1973.

[G.P., F.D. O.M. No.F.2(1)-Rev. I/72,datedthe 20th December, 1972.]

S. R. 42. *Special concessions.*-- In cases of doubt or in which, owing to the arrangement of classes on a steamer, the provisions of rule 40 if strictly construed involve hardship, a competent authority may decide, for journeys generally or for particular journeys, to what class of accommodation a Government servant is entitled; and whether, if a concession is sanctioned, he should granted the full allowance admissible for the higher class in which he is permitted to travel.

S. R. 43. *Crossing a river or arm of the sea.*-- The rules in this sub-section apply to Government servants who cross a river or arm of the sea by steamer in the course of a journey, unless such crossing occurs during a railway journey and the charge for it is included in the railway fare. In the latter case, the crossing is treated as part of the railway journey.

Auditor General's ruling:--

It has been held by the Comptroller and Auditor-General that the expression "crossing occurs during the railway journey" used in S. R. 43 shall be interpreted to mean that the railway journey should precede as well as follow crossing in order that such a crossing is treated as a part of the railway journey.

[Auditor General's U. O. No. 72-A/9-58, dated the 3rd March, 1958.]

S. R. 44. *Travelling by Government Steamer.*-- If suitable accommodation on a Government vessel is offered to a Government servant, he is entitled to travelling allowance under rule 180 and not to mileage allowance. It is not open to him to refuse to accept such accommodation and to draw mileage allowance.

SUB-SECTION (IV) - MILEAGE ALLOWANCE FOR JOURNEYS BY ROAD.

S. R. 45. *Definition of travelling by road.*-- For the purpose of these rules, travelling by road includes travelling by sea or river in a steam launch or in any vessel other than a steamer and travelling by canal.

S. R. 46. *Ordinary mileage rates.*-- For journeys by road, mileage allowance is admissible at the following rates for each mile travelled:-

To a Government servant of the first grade	:	37 Paisa
To a Government servant of the second grade	:	25 Paisa
To a Government servant of the third grade	:	12 Paisa
To a Government servant of the fourth grade	:	6 Paisa

Provided that to a Government servant who while making a journey by road otherwise than on transfer takes a single seat in a taxi, motor omnibus or motor lorry plying for hire the rates admissible shall be such lower rates as may be fixed by competent authority and for rates so fixed the provisions of Supplementary Rule 56 shall not apply.

Government orders. - (1) & (2) omitted.

Government decision.--

- (1) *Deleted.*
- (2) *Deleted.*
- (3) *Omitted.*
- (4) *See Government decision below S. R. 76.*

(5) It has been decided that the grant of travelling allowance to a Government servant who while making a journey by road on tour shares accommodation with another Government servant in the same car or travels exclusively in a car not belonging to him, shall be regulated as follows:-

The cases in which a Government servant shares accommodation with another officer in a car belonging to the other officer or otherwise are likely to fall under the following categories:-

- (i) An officer owns a car and the other officer or officers travel with him;
- (ii) An officer hires a full taxi and pays full hire charges and other officer or officers travel with him;
- (iii) Two or more officers travel in a car not belonging to any of them and all of them share running expenses.

(a) In the cases of first two categories mentioned at (i) and (ii) above, the officer who owns the car or the officer who hires the full taxi and pays full hire charges may draw traveling allowance as if he travelled alone *i.e* he may draw full mileage allowance subject to the production of certificates as prescribed below as the case may be;

- (i) Certified that I travelled in my own car;
- (ii) Certified that I travelled in a taxi hired by me for which I paid full hire charges.

(b) The other officer or officers travelling with him may draw mileage allowance at the lower rate admissible to a Government servant who performs road journey by taking

a single seat in a taxi, subject to the production of the following certificate, as the case may be:-

- (i) Certified that I travelled in the car of Mr..... an Officer of the
- (ii) Certified that I travelled in a taxi which was hired by Mr..... an officer of the..... who had paid full hire charges for the same.

(c) In the cases of the officers falling under category (iii) mentioned above actual expenses limited to full mileage allowance may be allowed to the Government servant concerned subject to production of certificate as prescribed below:-

"I certify that I did not perform the road journeys for which mileage allowance has been claimed at the higher rate, *** by taking a single seat in a taxi, motor-omnibus or motor-lorry plying for hire".

In addition to the above certificate he should also give a certificate to the effect that he also incurred running expenses on a car for that journey in the following terms:-

"Certified that I travelled with Mr.....in a car not belonging to any of us and I incurred running expenses to the extent of Rs....."

In the absence of additional certificate mileage allowance may be allowed at the lower rate.

[G.P., M.F., O.M. No.40.F-34(54)-R.I.(2)/54, dated the 21st December, 1954.]

(6) A question has been raised as to how the travelling allowance should be regulated in a case where a Government servant performs journey by road otherwise than on transfer between places connected by rail by taking a single seat in a taxi, motor omnibus or motor lorry plying for hire. This point has been considered and the President has been pleased to decide that such cases shall fall to be dealt with under the proviso to S. R. 46 and not under the Government order No. (2) below S. R. 31 and as such the Government servant performing such journey may be allowed mileage allowance at the lower rates.

Kindly See sub-clause (e) of Govt. decision (7).

[G.P., M.F., O.M. No.F.34(9)-R.I(2)/56, dated the 26th February, 1958.]

(7) The existing rates of mileage allowance for journey by road shall be revised with effect from 1st May, 1977 as under :—

Mode of Travel	Rate per mile
(a) Personal car or by engaging a full taxi.	Rs.1.10
(b) Borrowed car	55 paisa
(c) Motor cycle or Scooter	35 paisa
(d) Bicycle, animal back or foot	25 paisa
(e) Public transport plying for hire on single seat basis..	For Government servants of Grades I and II : 15 paisa per mile. For Government servants of Grades III and IV : 10 paisa per mile.

Note.—(i) Government servants shall be allowed to use the mode of transport as shown below :—

Mode of Transport	Grade of Government servants
Personal car, borrowed car, hiring of a full taxi.	Officers of Grade I. In the case of others, a taxi may be engaged, if the urgency of the situation so demands, with the approval of the controlling officer.
Personal Motor Cycle/Scooter	Grades I and II.
Bicycle etc. and public transport plying for hire on single seat basis	All Government servants.

[G.P., F.D., O.M. No.2(1)-Imp. I/77, dated the 29th April, 1977]

(ii) The term "personal car" means a car registered in the name of the Government servant or in the name of any member of his family as defined in S. R. 2 (8) for purpose of travelling allowance rules.

[G.P., F.D., O.M.No.F.2(I)Rev.1/72, dated the 20th December, 1972.]

(7-A) The President has been pleased to decide that the existing rates of the Mileage Allowance shall be revised with effect from 21st August, 1991 as under:—

	Existing Rates per kilometer	Revised Rates per kilometer
a) Personal car or by engaging a full taxi.	Rs.2.00	Rs.3.00
b) Motor Cycle or Scooter.	Rs.0.65	Rs.1.00
c) Bicycle, animal back or foot.	Rs.0.50	Rs.0.75
d) Public transport plying for hire on single seat basis:-		
i) For Government servants in BPS-7 and above.	Rs.0.32	Rs.0.50
ii) For Government servants in BPS-6 and below.	Rs.0.20	Rs.0.30

[G-P-, F.D., O.M.No. F. 1(16)-Reg.(9)/91, dated the 21ST August, 1991]

(7-B) The President has been pleased to decide that the existing rates of the Mileage Allowance shall be revised with effect from 1st July, 2005 as under:—

Mileage Allowance		
i) Personal Car/Taxi	Rs.3/- per k.m.	Rs.5/- per k.m.
ii) Motor Cycle/Scooter	Rs.1/- per k.m.	Rs.2/- per k.m.
iii)Bicycle/Animal back/foot	Rs.0.75 per k.m.	Rs.1/- per k.m.
iv) Public Transport	Rs.0.30 per k.m. (BPS-6 and below) Rs.0.50 per k.m. (BPS-7 and above)	Rs.1/- per k.m. Rs.1/- per k.m.

[G.P., F.D., O.M. No.F.1(1)-Imp/2005, dated the 1st July, 2005.]

(7-C) The rates of mileage allowance are revised with effect from 1st July, 2012 as under:

	Existing Rates	Revised Rates
i) Personal Car/Taxi	Rs.5/- per k.m.	Rs.10/- per k.m.
ii) Motor Cycle/Scooter	Rs.2/- per k.m.	Rs.4/- per k.m.
iii) Bicycle	Rs.1/- per k.m.	Rs.2/- per k.m.
iv) Public Transport	Rs.1/- per k.m.	Rs.2.50 per k.m.

[G.P., F.D., O.M.No.F.1(3)Imp/2012, dated the 16th July, 2012].

(8) It is clarified that civil servants holding posts in NPS 1 to 15 should normally perform journey by road by public transport plying for hire on single seat basis and claim mileage allowance accordingly. However, where journey by road has of necessity to be performed by hiring a full taxi or other transport or in a borrowed car; prior permission of the competent administrative authority should be obtained in writing. The controlling officer shall record a certificate to this effect while countersigning the claim of the civil servant concerned.

[G.P., F.D., O.M. No.F.2(22)R.9/75, dated the 9th July, 1975.]

S. R. 47. Special concession.-- A competent authority may, for special reasons to be recorded, allow to a particular Government servant or class of Government servants mileage allowance at a higher rate than is prescribed in rule 46.

S. R. 48. *Treatment of fractions of a mile.*-- In calculating mileage allowance for journeys by road fractions of a mile should be omitted from the total of a bill for anyone journey but not from the various items which make up the bill.

SUB-SECTION (V) MILEAGE ALLOWANCE FOR JOURNEYS BY AIR

S. R. 48-A. For purposes of the rules in this sub-section, travel by air means journeys performed in the machines of public air transport companies regularly plying for hire. It does not include journeys performed by private aeroplanes or air taxis.

S. R. 48-B. Travel by air is permissible on tour or on transfer:

- (i) in the case of an officer ¹⁷⁷[of the first grade,] at his discretion.**
- (ii) in the case of an officer to whom sub-clause (i) does not apply, whenever a competent authority certifies that air travel is urgent and necessary in the public interest:**

provided that the ¹⁷⁸President may grant general permission to any Government servant or class of Government servants to travel by air as a matter of routine in connection with a specified journey or journeys.

S. R. 48-C. (a) Where the air company provides first class and tourist class accommodation a Government servant whose pay is Rs. ¹⁷⁹[2,300] per month or more shall be entitled to travel by first class and a Government servant whose pay is less than Rs. ¹⁸⁰[2,300] per month shall be entitled to travel by tourist class.

(b) A Government servant authorised to travel by air on tour is entitled to one air fare ¹⁸¹[of the appropriate class] or the actual cost of the return air tickets ¹⁸²[of that class], if such tickets are available, *plus* daily allowance in case no separate arrangements have to be made for his servants or luggage. In case he has to provide separate ¹⁸³[.....] conveyance at his own expenses for his servants or luggage, he may

¹⁷⁷Substituted for the words "whose rank in the Royal Warrant of Precedence for the time being in force is not lower than Article 55" by G.P., M.F. Resolution No. F.1(30)-R.I(2)/59, dated the 23rd February, 1961.

¹⁷⁸Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lagis., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

¹⁷⁹Substituted for "2,000" w.e.f. 1-10-1964, vide G.P. M.F. Notification No.F.1(10)R-2(RWP)/63, dated 26th December, 1964.

¹⁸⁰Substituted for "2,000" w.e.f. 1-10-1964, vide G.P. M.F. Notification No.F.1(10)R-2(RWP)/63, dated 26th December, 1964.

¹⁸¹Inserted by the G.P., M.F. Resolution No.1(30)-R.I (2)/59, dated 23rd February, 1961.

¹⁸²Inserted by the G.P., M.F. Resolution No.1(30)-R.I (2)/59, dated 23rd February, 1961.

¹⁸³The words "means of" deleted by the G.P., M.F. Notification No. F.8(10)Reg.(RWP)/60, dated the 8th September, 1961.

draw the actual additional expenditure incurred on this account, limited to the mileage allowance as admissible under clause (b) of Supplementary Rule 181-A.

Government decision. - (1) and (2) omitted.

(3) A doubt has been raised whether the daily allowance admissible under S.R.48-C should be granted at the full rate or at half rate. It has been decided that as the daily allowance has been sanctioned in lieu of incidental fare, it should be allowed at the full rate but shall in all cases be calculated at the rate admissible for ordinary localities.

[G.P.,M.F., O.M No.446-R-II/51, dated the 19th February, 1952.]

(4) *See* item (2) of Government decisions below S.R.36 in this Section.

(5) In accordance with the provisions of S.R.48-C(a) Government servants who are in receipt of a pay of Rs.2300/- or more are entitled to travel by 1st Class and others by tourist class while undertaking journeys on tour or transfer. The President and C.M.L.A. is now pleased to decide that henceforth all Government servants irrespective of the pay drawn or post held by them shall travel in the tourist class whenever journey on duty by air either in Pakistan or abroad is involved.

The above decision would also be applicable to the officers employed in the various autonomous/semi-Govt. organizations/corporations under the control of the Federal and Provincial Governments.

[G.P.,M.F., O.M. No.F.1(34)R.9/71, dated the 27th December, 1971.]

(6) In partial modification of the decision at (5) above, it has been decided to restore entitlement to travel in first class by air on duty abroad upto the level at which it was admissible before the issue of the above Office Memorandum.

These orders take effect from the 18th June, 1974.

[G.P.,F.D., O.M. No.F.1(32)-R.10/74, dated the 24th June, 1974.]

(7) Government servants in Grade 20 and above shall be entitled to travel by air in first class on duty outside Pakistan. For the portion of journey, if any, lying within Pakistan such Government servants shall travel by economy class as at present.

These orders take effect from the 1st May, 1977.

[G.P.,F.D., O.M. No.F.2(1)Imp.1/77, dated the 29th April, 1977.]

(8) The matter regarding travel abroad has further been reviewed by the Government and it has been decided that henceforth entitlement of different government functionaries to the facility of air travel abroad shall be as follows:—

S.No.	Designation	Class
1.	<ul style="list-style-type: none"> - The President - The Prime Minister - Chairman, Senate - Speaker, National Assembly - Chief Justice of Pakistan - Minister for Foreign Affairs 	First Class
2.	<ul style="list-style-type: none"> - Federal Ministers - Ministers for State - Chairman, JCSC - Services Chiefs - Senators, MNAs - Federal Secretaries and equivalent in Armed Forces - Ambassadors 	Business Class
3.	All other officers in BPS-22, Additional Secretaries Incharge and remaining Officers of the Federal Government, Attached Departments, Autonomous and Semi-autonomous Bodies, Corporations and other Institutions under the administrative control of various Ministries/ Divisions.	Economy Class

The above decision shall be applicable to all government servants including Defence personnel, employees of attached departments, Autonomous and Semi-autonomous Bodies, Corporations and other Institutions under the administrative control of various Ministries/ Divisions.

The existing rules and general orders on the subject shall be deemed to have been modified to the extent indicated above with immediate effect.

[G.P., F.D. O.M. NO. F. 1(16)-R.10/93-1032, dated the 5th December, 1996.]

(9) The question of Air Travel within country on official business was considered by the Cabinet in its meeting held on 25th November, 1996 and it was decided as under:—

“The Cabinet re-iterated its earlier decision that all those entitled to first or business class air travel within the country, should travel by economy class”.

Ministries/Divisions are requested to ensure strict compliance with the above orders. A copy of the instructions on the subject issued to the heads of the autonomous/semi-autonomous bodies/corporations under the respective control of various Ministries may please be endorsed to Finance Division, Islamabad.

[F.D. O.M. F. 4(3)-Reg.9/96, dated 7-12-1996]

(10) The policy on air travel has been reviewed and it has been decided by the Government that henceforth the Federal Ministers and Ministers of State shall be entitled to newly introduced PIA's Economy Plus Class instead of Economy Class while travelling on official duty within the country. However, the entitlement of the other categories of Government functionaries will remain unchanged.

[F.D.O.M No. F. 4(3)-R.9/96-739/2003, dated the 23-09-2003]

(11) Due to the newly established system of E-ticketing by the Pakistan International Airlines, booking can also be done through Internet service without formal ticketing. In order to streamline the accounting procedure, it has been decided to revise the instructions as under:—

“Used air tickets/E-tickets plus boarding card, shall be produced alongwith the TA adjustment bills. However, reasons for failure to do so should be recorded on T.A. bill by Controlling Officer of the Office”.

[F.D. O.M. No. F. 1(7)-R.10/93-471/07, dated 30-06-2007]

(12) The undersigned is directed to refer to Finance Division's O.M. No. F.4(3)-R.9/96-739/2003, dated 23rd September, 2003 on the subject noted above and to state that it has been decided that henceforth, the Federal Secretaries/Additional Secretaries In-charge of Ministries/Divisions shall also be entitled to travel by the PIA Economy Plus Class instead of Economy Class while travelling by air on official duty within the country.

With the issue of this O.M. Sr. II of Para 2 of Cabinet Division's orders dated 25-11-1996 also stands modified to the extent of this O.M. However, the entitlement of the other categories of the Government functionaries will remain unchanged.

[F.D. O.M. No. F. 4(3)-R.10/96-990/07, dated 10-12-2007]

(13) The undersigned is directed to refer to Finance Division's O.M. No. F.4(3)-R.10/96-990/07, dated 10th December, 2007 and O.M. No. F.4(3)-R.9/96-739/2003, dated 23rd September, 2003 on the subject and to state that Ministers and Ministers of State, Federal Secretaries and Additional Secretaries In-charge of the Ministries/Divisions are entitled to travel in PIA Economy Plus Class while on official duty within the country.

[F.D. O.M. No. F. 4(3)-R.10/96-419/08, dated 31-05-2008]

(14) The undersigned is directed to refer to Finance Division's O.M. No. F.4(3)-R.10/96-419/08, dated 31ST May, 2008 and Federal Cabinet decision in case No.101/12/2008, dated the 2nd July, 2008 on the above subject and to say that in addition to Federal Ministers, Ministers of State, Federal Secretaries and Additional Secretaries In-charge of Ministries/Divisions, all the Chairmen and Executives/Members of the Boards of Public sector Organizations will also be entitled to travel in Economy Plus Class on PIA's domestic routes. The concerned Ministries/Divisions may circulate these instructions to the Organisations under their administrative control, in order to ensure uniform adoption of austerity measures.

[G.P., F.D. O.M. NO. F. 8(2)-R.10/2008-584, dated the 23rd July, 2008.]

(15) The undersigned is directed to refer to Finance Division's O.M. No. F.1(7)-R-10/93-471/07, dated 30th June, 2007 on the above subject and to state that provisions of above referred O.M. will also be applicable in case of domestic flights. The revised instructions for air travel on domestic/foreign flights are as under:—

“Used air tickets/E-tickets plus boarding card, shall be produced alongwith the TA adjustment bills. However, reasons for failure to do so should be recorded on T.A. bill by countersigning officer only.”

All rules/instructions on the subject are hereby modified to the above extent.

[F.D. O.M. No. F. 1(7)-R.10/93-199, dated 12-04-2011]

S. R. 48-D. A Government servant who is not authorised to travel by air but who performs a journey by air on tour can draw only the travelling allowance to which he would have been entitled if he had travelled by rail, road or steamer¹⁸⁴[subject to the condition that the travelling allowance so drawn shall, in no case, exceed the travelling allowance that would have been admissible to him under S. R. 48-C if he had been authorised to travel by air].

S. R. 48-E. Deleted.

SECTION VI.-- DAILY ALLOWANCE.

S. R. 49. *General rule as to drawing of daily allowance.*-- **A daily allowance is a uniform allowance for each day of absence from headquarters, which is intended to cover the ordinary daily charges incurred by a Government servant in consequence of such absence.**

S. R. 50. **Unless in any case it be otherwise expressly provided in these rules, a daily allowance may be drawn while on tour by every Government servant whose duties require that he should travel, and may not be drawn except while on tour.**

¹⁸⁴Inserted by the G.P., M.F., Notification No.F.9(2)-R-II/53, dated the 5th August, 1955.

S. R. 51. Rates of daily allowance.--Daily allowance is admissible on the following scale:--

(a) To a Government servant of the first grade --

Pay up to Rs.750	:	Rs.5
Pay exceeding Rs.750 but not exceeding Rs.1,000	:	Rs.6
Pay exceeding Rs.1,000	:	Rs.6 for the first Rs.1,000 plus one rupee for every additional Rs.500 or fraction thereof subject to a maximum Rs.10.

(b) To a Government servant of the second grade—12 Paisa for every Rs.12/50 or fraction of Rs.12/50 of pay subject to a maximum of Rs.4.

(c) To a Government servant of the third grade --

12 Paisa for every Rs.12/50 or fraction of Rs.12/50 of pay subject to a minimum of 50 Paisa if pay is not less than Rs.35 and 37 Paisa if pay is less than Rs.35.

(d) To a Government servant of the fourth grade – 25 paisa.

Note. - In the case of Military Officers in civil employ who are provided with rent free accommodation, the term pay in this rule include lodging allowance otherwise admissible.

*Government order.--*The Government have decided that the Frontier Allowance granted to officers of the Frontier Irregular Corps should be reckoned as pay for purposes of Supplementary Rule 51 in regulating travelling allowance.

[G.I., in the External Affairs Department Memorandum No.F.110-F/34, dated 28th July, 1937.]

Government Decisions.—

(1) Omitted.

(2) (i) The rates of daily allowance shall be revised, with effect from 1st May, 1977, as indicated below:—

Pay limit	Special rate	Ordinary rate
	Rs.	Rs.
Exceeding Rs.2,150 p.m.	55	45
From Rs.1,350 to Rs.2,150 p.m.	45	40
From Rs. 700 to Rs.1,349 p.m.	30	25
From Rs.320 to Rs.699 p.m.	25	20
Upto Rs. 319 p.m.	15	12

(ii) A government servant who stay in a hotel, guest house, Inspection bungalow/lodge or a residential club shall, in addition to the above daily allowance, be allowed reimbursement of actual single room rent, subject to production of receipts/vouchers, up-to the following maxima per day:—

- (a) Localities where special daily allowance rate is admissible.— Three times the amount of special daily allowance.
- (b) Localities where ordinary daily allowance is admissible.— One and a half times the amount of ordinary daily allowance.

Note :— Special rates of daily allowance shall be admissible at Hyderabad, Islamabad, Karachi, Lahore, Faisalabad, Multan, Peshawar, Quetta, Rawalpindi, and * [Northern Areas].

(iii) *Stay in a hotel.*—A Government servant on tour is himself the judge of the necessity for staying in a hotel. No certificate regarding the non-availability of accommodation in a rest house is required. However, such hotel charges will only be admissible where an overnight stay at the place of temporary duty is involved.

(iv) *Reimbursement of hotel room-rent.*— The term “actual single room rent” used in para 3 of the above mentioned office memorandum includes taxes, duties, and service charges relating to the rent of a single room in a hotel.

[G.P., F.D., O.M.No.F.2(1)-Rev. I/72, dated 20th December, 1972 read with O.M. No.F.2(15)-R9/74, dated the 24th April, 1975 and No. F. 2 (1)-Imp.I/77, dated the 29th April, 1977].

(v) The President has been pleased to revise with effect from 21st August, 1991 the rate of Daily Allowance as under :—

Pay limit	Special rate per day	Ordinary rate per day
Rs.	Rs.	Rs.
Upto 1000	60	40
1001 to 2000	80	65
2001 to 3000	100	85

* Added by O.M. No.F.2(15)-R9/74, dated the 24th April, 1975.

Pay limit	Special rate per day	Ordinary rate per day
3001 to 4000	120	100
4001 to 5000	145	120
5001 to 6000	175	150
6001 to 7000	215	180
7001 & above	260	225
BPS 21 & above	300	260

Note: 1. Daily Allowance will be admissible only for the actual night(s) at the out-station for which Daily Allowance claimed. Where night stop is not involved and if absence from headquarters exceeds four hours half daily allowance will be allowed.

Note: 2. Government servants upto BPS 1–19 may stay in Government Guest Houses, Public Sector Corporations Rest Houses and Motels. They can claim actual room rent charges on production of receipts subject to a maximum of three D.A. in specified stations and one and a half D.A. at non-specified stations.

Note: 3. Government servants in BPS–20 and above may stay in hotels and claim room rent charges on production of receipts subject to a maximum of three D.A. for specified stations and one and a half D.A. at non-specified stations. If however, the room rent charges are in excess of the maximum ceiling aforementioned, fifty percent of the additional amount will be paid by the Government.

[No.F.1(2)-Reg.(9)/91, dated the 21st August, 1991.]

Clarification

(1) Daily allowance on domestic tours where stay for a night or more is involved will be admissible only for the night(s) spent at out-stations.

(2) Half daily allowance will be admissible only in those cases where the absence from headquarters does not involve stay for the night and no daily allowance is drawn for any night stay. It cannot be drawn in addition to any daily allowance drawn for night stay.

[Finance Division O.M. No.F.1(2)Reg.(9)/91, dated 2nd November, 1991.]

(vi) The President has been pleased to revise the rates of Daily Allowance as follows with effect from 28-09-1994:—

Pay limit	Special Rates per day	Ordinary Rates per day
Rs.	Rs.	Rs.
1245 to 2000	80	65
2001 to 3000	100	85
3001 to 4000	120	100
4001 to 5000	145	120
5001 to 6000	175	150

6001 to 7000	215	180
7001 to 8000	260	225
8001 to 9000	300	280
9001 to 10000	350	300
10000 and above	400	350

[F.1(22)-Reg.9/94, dated the 28-9-1994 & 13-11-1994.]

(vii) The President has been pleased to sanction inter-alia revision of daily allowances admissible to government officers/officials, while on official duty within the country. These revised DA rates were circulated vide Finance Division's O.M. No. F.1(1) Imp/2005, dated 1-7-2005 and are effective since then. However, the same DA rates with some relevant rules on the subject are circulated separately as hereunder for easy and quick referencing please:-

Revised DA Rates

BPS	Ordinary Rate per day (Rs.)	Special Rate per day (Rs.)
1 – 4	125	200
5 – 11	155	220
12 – 16	280	365
17 – 18	500	640
19 – 20	625	825
21 – 22	700	1000

2. Specified stations as notified from time to time are Hyderabad, Karachi, Sukkur, Bahawalpur, Multan, Quetta, Sargodha, Sialkot, Lahore, Gujranwala, Rawalpindi, Islamabad, Faisalabad, Peshawar, Northern Areas, Muzaffarabad & Mirpur AJ&K.

3. Daily allowance will be admissible only for the actual night(s) at the out-station for which daily allowance is claimed. Where night stop is not involved and if absence from headquarters exceeds four hours half daily allowance will be allowed.

4. Government servants upto BPS 1–19 may stay in Government Guest Houses, Public Sector Corporations Rest Houses and Motels/Hotels (minus five star Hotels). They can claim actual room rent charges on production of receipts subject to a maximum of three D.A. in specified stations and one and half D.A. at non-specified stations.

5. Government servants in BPS–20 and above may stay in hotels and claim room rent charges on production of receipts, subject to a maximum of three D.A. in specified stations and one and half D.A. at non-specified stations. If however, the room rent charges are in excess of the maximum ceiling aforementioned, the Government will pay fifty percent of the additional amount.

6. The relevant Finance Division's circular O.M. of even number dated 10-9-2005 stands modified to the extent of Paras 4-5 of this O.M.

[No.F.1(1)Imp/200, dated 1-7-2005 and No.F.1(2)-Reg.10/2005, dated the 10th October, 2006.]

(viii) The president has been pleased to sanction with effect from 1st July, 2010 and till further orders the revision of the daily allowance:-

BPS	Existing Rates		Revised Rates	
	Ordinary (Rs.)	Special (Rs.)	Ordinary (Rs.)	Special (Rs.)
12 – 16	280	365	500	600
5 – 11	155	220	310	440
1 – 4	125	200	200	400

[No.F.1(1)-Imp/2010-624, dated the 5th July, 2010.]

(ix) The existing rates of Daily Allowance admissible to Government officers/officials while on official duty within the country are hereby revised with effect from 1st August, 2012 as follows :—

BPS	Existing		Revised (w.e.f. 01-08-2012)	
	Ordinary Rates (Rs.)	Special Rates (Rs.)	Ordinary Rates (Rs.)	Special Rates (Rs.)
1 – 4	200	400	310	500
5 – 11	310	440	390	550
12 – 16	500	600	700	900
17 – 18	500	640	1250	1600
19 – 20	625	825	1550	2050
21	700	1000	1750	2500
22	700	1000	1750	3000

2. Specified stations for Special Rates as notified from time to time are Hyderabad, Karachi, Sukkur, Bahawalpur, DG Khan, Multan, Quetta, Sargodha, Sialkot, Lahore, Gujranwala, Rawalpindi, Islamabad, Faisalabad, Peshawar, Northern Areas, Muzaffarabad & Mirpur AJ&K.

3. Actual Hotel Accommodation charge within the prescribed limit shall be admissible only on production of receipts as per existing rules.

4. The proposed rates shall not apply where 20 fixed DAs for operational duties are being paid with salary which will be admissible on existing rates.

5. Rate of accommodation charges will be admissible @ 2 times of the daily allowance where no hotel accommodation receipt is produced.

6. The other terms and conditions of admissibility of DA mentioned in paras 3–5 of Finance Division's O.M. No. F. 1(2)-Reg.10/2005, dated 10th October, 2006 will continue to apply.

7. Daily Allowance in case of BPS 17–22 was last revised in October, 2006 vide O.M. No. F. 1(2) Reg.10/2005, dated 10th October, 2006 and that of BPS 1–16 in July, 2010 vide O.M. No. F. 1(1) Imp/2010-624, dated 5th July, 2010.

[No.F.8(1)-R.10/2011-318, dated the 17th August, 2012.]

(x) The President has been pleased to sanction revision of Daily Allowances admissible to Government officers/officials, while on official duty within the country as under : —

BPS	Existing (Rs.)		Revised (w.e.f. 1 st July, 2017)(Rs.)	
	Ordinary Rates	Special Rates	Ordinary Rates	Special Rates
1 – 4	310	500	496	800
5 – 11	390	550	624	880
12 – 16	700	900	1120	1440
17 – 18	1250	1600	2000	2560
19 – 20	1550	2050	2480	3280
21	1750	2500	2800	4000
22	1750	3000	2800	4800

2. Specified stations for Special Rates as notified from time to time are Hyderabad, Karachi, Sukkur, Bahawalpur, DG Khan, Multan, Quetta, Sargodha, Sialkot, Lahore, Gujranwala, Rawalpindi, Islamabad, Faisalabad, Peshawar, ¹⁸⁵Gwadar city, Northern Areas, Muzaffarabad & Mirpur AJ&K.

3. Daily allowance will be admissible only for the actual night(s) at the out-station for which daily allowance is claimed. Where night stop is not involved and if absence from Headquarters exceeds four hours, half daily allowance will be allowed.

4. The proposed rates shall not apply where 20 fixed DAs for operational duties are being paid with salary which will be admissible on existing rates.

5. Government servants upto BPS 1–19 may stay in Government Guest Houses, Public Sector Corporations, Rest Houses and Motels/Hotels (minus Five Star Hotels). They can claim actual room rent charges on production of receipts subject to maximum of three DAs in specified stations and one and a half DA at non-specified stations. Where no

¹⁸⁵ Added vide Finance Division O.M. No.F.8(1)R-10/2011-80(Vol-III), dated 18-02-2016.

hotel accommodation receipt is produced, the rate of accommodation charges will be admissible equivalent to two DAs in specified stations and one DA at non-specified stations.

6. Government servants in BPS-20 and above may stay in hotels and claim room rent charges on production of receipts, subject to a maximum of three DAs for specified stations and one and a half DAs on non-specified stations. Where no hotel accommodation receipt is produced, the rate of accommodation charges will be admissible equivalent to two DAs in specified stations and one DA at non-specified stations. If however, the room rent charges are in excess of the maximum ceiling aforementioned, the Government will pay fifty percent of the additional amount.

7. The earlier instructions issued by the Finance Division shall stand superseded and replaced by this Office Memorandum to the above extent.

[NO.F.8(1)-R.10/2011-309/III, DATED THE 3RD JULY, 2017.]

Audit Instruction. - The term 'pay' occurring in Supplementary Rule 51 should be held to include, as far as civil officers are concerned, all the emoluments drawn under Fundamental Rule 9 (21) (a) (i) (ii) and (iii), sterling overseas pay being converted for the purpose at official rate of exchange.

In the case of military officers in civil employ, the term should be held to include all the emoluments mentioned in Fundamental Rule 9 (21) (b).

[Para. 12, Sec. II of Manual of Audit Instructions (Reprint).]

¹⁸⁶S. R. 51-A. Omitted.

S. R. 52. *Exceptions.* - A competent authority may, for reasons which should be recorded and on such conditions as it may think fit to impose, sanction for any Government servant or class of Government servants a daily allowance higher or lower than that prescribed in rule 51, if it considers that the allowance so prescribed is inadequate or excessive.

Note.- Appendix 18 in Volume II of this Compilation contains the list of the special rates of daily allowance sanctioned by the President in the case of certain Government servants. These Government servants may either draw the special rate or the rate admissible to them under the operation of rule 51, whichever is greater.

SECTION VII.-- ACTUAL EXPENSES.

S. R. 53. *Actual expenses not admissible except under specific rule.*--Unless in any case it be otherwise expressly provided in these rules, no Government servant is

¹⁸⁶Omitted by the Resolution No.F.1(II)-R2 (RWP)/61, dated 18th May, 1962.

entitled to be provided with means of conveyance by or at the expense of Government or to draw as travelling allowance the actual cost or part of the actual cost of travelling.

Audit Instruction.—Vide entry below S. R. 36.

CHAPTER III

TRAVELLING ALLOWANCE ADMISSIBLE FOR DIFFERENT CLASSES OF JOURNEY.

SECTION VIII.—GENERAL.

S. R. 54. *Traveling allowance calculated with reference to the purpose of the journey.*--**The travelling allowance admissible to a Government servant for any journey is calculated with reference to the purpose of the journey in accordance with the rules laid down in Sections IX to XX.**

Government order.--As a general practice, when officers of the Government are permitted on their own request to attend meetings or conferences or congresses held in Pakistan and, if any Government interest is served thereby, they are paid a single railway fare of the class of accommodation to which they are entitled under the Supplementary Rules for the journey each way, without any road mileage or daily allowance for halts at the place of meetings.

Travelling and daily allowances, etc., under the Supplementary Rules are, however, admissible when an officer is officially sent to attend a conference, congress or meeting.

S. R. 55. **Unless in any case it be otherwise expressly provided in these rules, a Government servant making a journey for any purpose is not entitled to recover from Government the cost of transporting his family or his personal luggage, conveyance, tents and camp equipage.**

S. R. 56. **Higher rates for journeys in expensive localities.—A competent authority may, by general or special order, direct that the ordinary rates of daily allowance or mileage allowance or both shall be increased either in a definite ratio or in any other suitable manner for any or all Government servants travelling in any specified locality in which travelling is unusually expensive.**

Note 1.-- Appendix 18-A in Volume II of this Compilation includes the general orders passed by competent authority under this rule. In regard to Government servants for whom special rates of daily allowance have been prescribed under rule 52 such special rates should be taken as the ordinary rates for the purpose of this rule subject to the condition that no officer of one grade draws a higher rate of daily allowance than an officer of a higher grade in the same Department.

Note 2.-- The special rates of daily allowance for Karachi are not applicable to officers touring in and about that city under circumstances entitling them only to daily allowance, if their headquarters are situated within the limits of jurisdiction of the Karachi Municipality.

S. R. 57. Journeys by special conveyance.--When a Government servant of a grade lower than the first grade is required by the order of a superior authority to travel by special means of conveyance, the cost of which exceeds the amount of the daily allowance or mileage allowance admissible to him under the ordinary rules he may draw the actual cost of travelling in lieu of such daily or mileage allowance. The bill for the actual cost must be supported by a certificate, signed by the superior authority and countersigned by the controlling officer, stating that the use of the special means of conveyance was actually necessary and specifying the circumstances which rendered it necessary.

¹⁸⁷S. R. 58. Deleted.

SECTION IX.-- JOURNEY ON TOUR.

SUB-SECTION (1) - GENERAL RULES.

S. R. 59. *Definition of headquarters.*--The headquarters of a Government servant shall be in such place as a competent authority may prescribe.

S. R. 60. *Limits of the sphere of the duty.*--A competent authority may define the limits of the sphere of duty of any Government servant.

S. R. 61. *Definition of tour.*--A Government servant is on tour when absent on duty from his headquarters either within or, with proper sanction, beyond his sphere of duty. For the purposes of this section, a journey to a hill station is not treated as a journey on tour.

S. R. 62. In case of doubt a competent authority may decide whether a particular absence is absence on duty for the purpose of rule 61.

S. R. 63. *Restriction on the duration and frequency of tour.*—A competent authority may impose such restrictions as it may think fit upon the frequency and duration of journeys to be made on tour by any Government servant or class of Government servants.

S. R. 64. *Government servants who are not entitled to traveling allowance for journeys on tour.*--If a competent authority declares that the pay of a particular Government servant or class of Government servants has been so fixed as to compensate for the cost of all journeys, other than journeys by rail or steamer, within

¹⁸⁷Deleted with effect from 24th September, 1951 by the G.P., M.F. Notification No.F.11(1)-R II/54, dated 12th February, 1954.

the Government servant's sphere of duty, such a Government servant may draw no travelling allowance for such journeys though he may draw mileage allowance or, if he be in Class IV service, travelling allowance under rule 87, for journeys by rail or steamer. When travelling on duty, with proper sanction, beyond his sphere of duty, he may draw traveling allowance calculated under the ordinary rules for the entire journey, including such part of it as is within his sphere of duty.

S. R. 64-A. As a partial exception to rule 64, a cash overseer in the Pakistan Posts & Telegraphs Department may in cases where two stations are connected by railway as well as by public motor service or by boat service, claim the actual motor or boat fare for journeys for conveyance of cash subject to the condition that in no case the motor or boat fare shall exceed the railway fare claimable under the preceding rule.

S. R. 65. *General Principles on which travelling allowance is drawn for journeys on tour.*--The travelling allowance drawn by a Government servant on tour ordinarily takes the shape of either permanent travelling allowance or daily allowance, if either of these is admissible to him. Permanent traveling allowance and daily allowance may, however, in certain circumstances be exchanged for mileage allowance or for the whole or part of the actual cost of travelling. In certain other circumstances actual cost may be drawn in addition to daily allowance or for journeys for which no daily allowance is admissible.

S. R. 66. *Carriage of tents supplied by Government.*--(a) A competent authority may prescribe the scale of Government tents to be supplied to any Government servant or class of Government servants for office or if it thinks fit, for personal use.

(b) When such tents are used by a Government servant on tour for office purposes only, they may be carried at Government expense. When used partly for office and partly for private purposes, the Government servant must, except as provided in rule 81, pay half the cost of carriage. When used wholly for private purposes, the Government servant must, except as provided in rule 81, pay the entire cost of carriage.

SUB-SECTION (II).-- GOVERNMENT SERVANTS IN RECEIPT OF PERMANENT TRAVELLING ALLOWANCE.

S. R. 67. *Actual expenses in addition to or in exchange for permanent travelling allowance.* -- A permanent travelling allowance is intended to cover the cost of all journeys within the sphere of duty of the Government servant who draws it, and such Government servant may not draw any other travelling allowance in place of or in addition to permanent travelling allowance for such journeys; provided that --

- (1) a Government servant of the fourth grade and any other class of Government servants to which a competent authority may extend this

concession may draw, in addition to permanent travelling allowance, single fare for a journey by rail, and

- (2) a competent authority may, by general or special order, permit a Government servant whose sphere of duty extends beyond the limits of a single district to draw, in addition to permanent travelling allowance, whenever his actual travelling expenses for a duly authorised journey by public conveyance exceed double the amount of his permanent traveling allowance for the period occupied in such journey, the difference between such double permanent travelling allowance and the mileage allowance calculated for the journey.

S. R. 68. *Mileage allowance in exchange for permanent traveling allowance.*-- When a Government servant in receipt of permanent travelling allowance travels on duty, with proper sanction, beyond his sphere of duty, he may draw mileage allowance for the entire journey including such part of it as is within his sphere of duty, and may draw, in addition, permanent traveling allowance for any day of his absence for which he does not draw mileage allowance. This rule does not apply to a Government servant who travels beyond his sphere of duty in the course of a journey from one place within that sphere to another such place, or to a Government servant who makes, by road alone, a journey not exceeding 20 miles.

SUB-SECTION(III).-- GOVERNMENT SERVANTS NOT IN RECEIPT OF PERMANENT TRAVELLING ALLOWANCE.

Sub-Division (i) - Daily allowance.

S. R. 69. *General rule.* -- Except where otherwise expressly provided these in rules, a Government servant not in receipt of permanent traveling allowance draws travelling allowance for journey on tour in the shape of daily allowance.

S. R. 70. *Drawn during absence from headquarters on duty.*--Daily allowance may not be drawn except during absence from headquarters on duty. A period of absence from headquarters begins when a Government servant actually leaves his headquarters and ends when he actually returns to the place in which his headquarters are situated, whether he halts there or not.

Government decisions.--(1) If an officer of a Vacation Department combines tour with vacation, *i.e.*, proceeds on tour and then avails of vacation without returning to his headquarters, he should be granted tour travelling allowance under these rules for the outward journey only.

[G.I., F.D., Endorsement No.F.5(46)-R.I/43, dated the 8th June, 1943.]

- (2) (a) Daily Allowance, for each calendar day, will be admissible for the period of absence on duty from headquarters (including the time spent in transit). Not

more than one daily allowance will be admissible on any calendar day. A fraction of a calendar day will be reckoned as a calendar day for this purpose.

[Note.--"Calendar day" in sub-para (a) above means a day beginning on one midnight and ending on the next midnight].

- (b) In the case of departure from headquarters, the rate of daily allowance during transit will be the same as admissible at the station of immediate destination. In the case of return to headquarters the rate will be the one admissible at the last station of temporary duty before return to headquarters.
- (c) The period of absence from headquarters shall commence from the time of departure of the government servant from his office or residence, as the case may be, till the time of his return to his office or residence, as the case may be. The competent authority authorising the tour will decide whether the government servant should proceed on temporary duty from his office or residence.
- (d) The period of forced delays in transit will be treated as part of the total transit period.
- (e) Extra daily allowance for arrival at and departure from the place of temporary duty will not be admissible.

These orders take effect from the 1st November, 1973.

[G.P., F.D. O.M. No.F.2(1)-Rev. I/72, dated the 17th October, 1973.]

S. R. 71. *Distance to be travelled before daily allowance is admissible.--Daily allowance may not be drawn for any day on which a Government servant does not reach a point outside a radius of five miles from his headquarters or return to his headquarters from a similar point.*

Government decisions.--

(1) The radius of five miles has been extended to ten miles with effect from 1st November, 1973.

[G.P., F.D. O.M. No.F.2(1)-Rev. I/72, dated the 17th October, 1973.]

(2) See Government decision (4) below Supplementary Rule 32.

S. R. 72. *Halts on tour-- Subject to the conditions laid down in rules 73 and 74, daily allowance may be drawn during a halt on tour or on a holiday occurring during a tour.*

Government orders.--(1) The Government have decided to reaffirm the order --

- (a) that a Government servant who takes casual leave on tour is not entitled to draw daily allowance during such leave, and
- (b) *Omitted.*

[G.I., F.D., No.F-85/C.S.R./26, dated the 13th March, 1926 and No.F.19(33)I/31, dated the 9th April, 1931, read with F.D. O.M. No. F.2(1)-Rev. I/72, dated the 20th December, 1972.]

(2) A Government servant who takes casual leave immediately on the conclusion of temporary duty will draw daily allowance for the day of departure from the out-station to which he would have been entitled had he not proceeded on casual leave.

[G.P., F.D. O.M. No.F.2(1)-Rev. I/72, dated the 20th December, 1972.]

S. R. 73. Daily allowance may not be drawn for a continuous halt of more than ten days at anyone place; provided that a competent authority may grant general or individual exemptions from the operation of this rule on such conditions as it thinks fit, if it is satisfied--

- (a) **that prolonged halts are necessary in the interest of the public service, and**
- (b) **that such halts necessitate the maintenance of camp equipage or, where no camp equipage is maintained, continue, after the first ten days, to entail extra expense upon the halting Government servant.**

Government order. -- Omitted.

Government decisions.-- (1) and (2) Omitted.

(3) The Government have re-affirmed the orders that a tour is held to be completed when a Government servant returns to headquarters even though the return be for less than three nights.

[G.I., F.D., letter No. F. 145-C.S.R.26, dated the 12th May, 1926.]

(4) A doubt has been raised as to whether the term "ordinary rate" used in Government order below S. R. 73 refers to the general rate admissible for inexpensive localities or the rate of daily allowance ordinarily admissible at the particular station of halt of a Government servant whether it be an expensive or inexpensive locality. It has been decided that the term "ordinary rate" as used in the Government order quoted above refers to the rate of daily allowance ordinarily admissible at the particular station of halt of the Government servant.

[G.P.,M.F., O.M. No. F.I(37)-RI(2)/59, dated the 23rd November, 1959.]

(5) With effect from 1st January, 1973 daily allowance at full rate shall be admissible for the entire period of continuous halt on temporary duty, without any special sanction or subject to reduction in rate..

[G.P. F.D., O.M. No.F.2(1)-Rev. I/72, dated the 20th December, 1972.]

S. R. 74. For the purposes of rules 71, 72 and 73: -

- (a) **After a continuous halt of ten day's duration, the halting place shall be regarded as the Government servant's temporary headquarters.**
- (b) **A halt is continuous unless terminated by an absence on duty at a distance from the halting place exceeding five miles for a period including not less than three nights.**
- (c) **In calculating the duration of a halt, any day on which the Government servant travels or halts at a distance from the halting place exceeding five miles shall be excluded. On such a day the Government servant may draw daily allowance or exchange it for mileage allowance, if admissible.**

Sub-Division (ii).-- Mileage allowance and actual expenses in place of or in addition to daily allowance.

S. R. 75. *Exchange of daily allowance for mileage allowance during the whole period of a tour.*--A competent authority may, by general or special order and on such conditions as it thinks fit to impose, permit any Government servant or class of Government servants to draw mileage allowance instead of daily allowance for the whole period of any absence from headquarters, if it consider that the nature of the Government servant's duty is such that daily allowance is not sufficient to cover his traveling expenses.

S. R. 76. *Exchange of daily allowance for mileage allowance on particular journeys.*--(a) Subject to any conditions which a competent authority may by general or special order impose, a Government servant ¹⁸⁸[••••] may exchange his daily allowance for mileage allowance on any day on which --

- (i) **he travels by railway or steamer or both, or**
- (ii) **he travels more than 20 miles by road, or**
- ¹⁸⁹(iii) **he travels by air:**

¹⁸⁸Deleted with effect from 24th September, 1951 by G.P.M.F. Notification No.F.34(2)-R1(2)/54, dated 2nd April, 1956.

¹⁸⁹Inserted by G.P., M.F. Notification No.F.1(8)-R2(RWP)/62, dated 24th May, 1962.

provided that, if a continuous journey extends over more than one day, the exchange must be made for all such days and not for a part only of them.

NOTE.--Short journeys within a radius of five miles from headquarters may not be added to other journeys when calculating the distance travelled by road or the amount of mileage allowance admissible for road journeys.

(b) When a journey by road is combined with a journey by railway or steamer under clause (a) (i) of this rule:-

- (i) mileage allowance may be drawn on account of such journey by road, but such mileage is limited to the amount of daily allowance unless the journey by road exceeds twenty miles, and**
- (ii) unless such journey by road be a journey to or from the Government servant's headquarters or temporary residence at a place of halt, mileage allowance shall be calculated on the distance actually travelled without regard to the points fixed by or under rule 32.**

Government decisions.-- (1) If actual places of duty fall outside the five-miles radius at the outstation, road mileage allowance, limited to daily allowance unless the journey by road exceeds 20 miles, may be allowed under S. R.76 (b) (ii). But if places of duty are situated in localities within the five-mile radius at the outstation, road mileage is admissible to and from the first place of duty only. The above distinction of the places within a five-mile radius and beyond can be made as daily allowance is a uniform allowance for each day of absence from headquarters which is intended to cover the ordinary daily charges incurred by a Government servant in consequence of absence. The ordinary daily charges can reasonably be held to include the cost of journeys within a radius of five miles from the place of halt. Thus a Government servant who halts at a place for a day and draws daily allowance will not be entitled to draw mileage for journeys within five miles of his camp. Similarly it may be held that when a Government servant arrives at his camp after making a railway journey and performs short journeys within five miles of his camp he is not entitled to any road mileage.

[Government of India, Finance Department U. O. No.1609-R.I./43, dated the 10th June 1943.]

(2) Cases have arisen where Government servants have claimed road-mileage allowance from the point fixed under S. R. 32 to aerodrome and *vice versa* for journeys on duty performed by them by air. After a careful consideration of these cases, the Government are pleased to decide that road-mileage between such fixed points and aerodromes should not be allowed where the air-companies regularly arrange for the transport of their passengers between aerodromes and their offices in the cities where facilities of air travel exist. In such cases road mileage allowance should be allowed from the Chief Public Office or such other point as may be fixed by the competent authority

vide Supplementary Rule 32 and not from the residence to the office of the air company concerned.

[Ministry of Finance letters No. F.26(23)-RI/48, dated 2nd February, 1948 & 13th April, 1948.]

S. R.76-A. As a partial exception to rule 76, in the case of halt on tour, half the daily allowance ordinarily admissible under these rules may be drawn in addition to mileage allowance for journeys by rail or by air or by sea or river steamer or by road, on the day of arrival of the Government servant at a place of halt, and on the day of departure, provided that no daily allowance will be admissible in respect of a place of halt from which a Government servant departs on the same day on which he arrived at it or *vice versa*. This concession is also admissible to officers who are entitled to daily allowance for halt on tour but whose journeys are regulated by rules 92-104, 108, 181-A and 182, whether or not they draw mileage allowance for their journeys to and from the place of halt.

Audit Instructions--

(1) When a Government servant's departure from one out-station A and arrival at another out-station B fall within the same calendar day, the natural interpretation of Supplementary Rule 76-A permits half daily allowance to be drawn twice over, once in respect of both the halt at A and once in respect of the halt at B. It should be noted, however, that Supplementary Rule 76-A being a partial exception to Supplementary Rule 76, the question of drawing half daily allowance for any halt under the rule does not, except to the extent specified in the second sentence of the rule, arise unless the half is preceded or succeeded by a journey in respect of which a Government servant actually draws mileage allowance under S. R. 76.

[Para. 15 (i), Sec. II of Manual of Audit Instructions (Reprint).]

(2) S. R. 76-A does not contemplate the drawing of half daily allowances by Government servants for stopping at a place for any reason other than the performance of public duty. The criterion for admitting half daily allowances being whether any Government duty was performed at the outstation or not, no half daily allowance should be allowed to Government servants simply for stopping at a place for rest or for catching the next available train on the following day or resuming their journey by road towards their destination in continuation of the previous day's journey.

[Para. 15 (ii), Sec; II of Manual of Audit Instructions (Reprint).]

(3) The expression 'same day' occurring in Supplementary Rule 76-A should be interpreted to mean 'same calendar day'. In the case of a Government servant whose absence from his headquarters in a place of halt does not exceed 24 hours but falls on two calendar days, half a daily allowance will be admissible for the first calendar day of the halt provided railway fare or road mileage is drawn under Supplementary Rule 76 for the journey to the place of halt and for the calendar day of departure half a daily allowance

will similarly be admissible provided the halt is followed by a journey for which mileage is drawn under Supplementary Rule 76.

[Para. 15 (iii), Sec. II of Manual of Audit Instructions (Reprint), as inserted by correction slip No. 52, dated the 1st April, 1940.]

Auditor General's decision.--In view of the general responsibility of the controlling officer under Supplementary Rule 195 which is certainly not exhaustive of the ways in which a superior officer can deal with improper claims, there would be no practical advantage in, or justification for, audit's demanding a formal certificate in terms of item (2) of the Audit Instructions below Supplementary Rule 76-A which would in effect indicate merely that the controlling officer has carried out his duties in a proper manner. In other words for the purpose of audit, the countersignature on a bill is sufficient evidence that a claim made under Supplementary Rule 76-A has been scrutinised and accepted as administratively correct, and that an audit officer as such has no specific responsibility under the Audit Instruction quoted above.

[Ar. G's. endorsement No.T.-93-Admn.I/48-39, dated the 6th May, 1939.]

S. R. 77. Subject to any conditions which a competent authority may by general or special order impose, a non-gazetted ministerial or Class IV Government servant may, for any day on which he travels by public or hired conveyance under a certificate from the head of his office that he is required to do so, exchange daily allowance for mileage allowance.

¹⁹⁰S. R. 78. Deleted.

S. R. 79. *Actual expenses of maintaining camp during sudden journey away from it.*-- A competent authority may permit any Government servant, who is compelled by a sudden emergency to leave his camp and travel rapidly on duty to a place more than twenty miles distant, to draw in addition to mileage allowance the actual cost of maintaining his camp, whether the camp be moved or not; provided that the amount of actual cost drawn shall not exceed the daily allowance of his grade.

S. R. 80. *Actual expenses on first and last journey of an extensive tour.*--A Government servant entitled to daily allowance, whose sphere of duty extends over a whole province may, when making a journey of more than one hundred miles to the first or from the last camp of an extensive tour, recover, in lieu of the daily allowance admissible for the days occupied by such journey, the whole necessary cost of the journey, including the cost of transportation of camp equipment and of servants, horses, motor-cars, motor-cycles, bicycles and private baggage on such scale as a competent authority may prescribe.

¹⁹⁰ Deleted with effect from 24th September, 1951 by G.P., M.F. Notification No.F.34(2)-RI(2)/54, dated 22nd April, 1956.

S. R. 81. *Actual expenses of conveying camp equipment, etc.*--(a) When a competent authority is satisfied that it is in the interest of the public service, that a particular Government servant on tour should send his horses, camels, motor-cars, motor-cycles, bicycles or camp equipment by railway or steamer, or by country craft when no steamer service exists capable of conveying the goods or animals or when such means of carriage is cheaper or more expeditious it may, by special order in each case, permit him to recover in addition to mileage allowance or daily allowance or both, the actual cost or part of the actual cost of transporting them.

NOTE 1. - In the case of a motor car, the cost of transporting a chauffeur or cleaner and for each horse the cost of transporting one syce and one grass cutter may be drawn.

NOTE 2. - The term motor-cycle in this rule includes a side car.

NOTE 3. - When a motor car is transported by steamer, the actual cost of transporting may for purposes of this rule, include, besides the freight, other incidental charges such as ghat pass, river dues, loading and unloading charges.

(b) A competent authority may by general or special order prescribe limitations on the weight of camp equipment and the number of conveyances and animals to be carried at Government expense under clause (a) of this rule by a particular Government servant or class of Government servants.

Government orders.-- Deleted.

S. R. 82. *Government servants whose duties require them to travel constantly by railway.*--(a) The following provisions are applicable to —

- (i) officers and men of railway police,**
 - (ii) Government servants, other than train staff or running establishment attached to open lines of State railways, including medical subordinates,**
 - (iii) Government inspectors of railways and their establishments,**
 - (iv) permanent way inspectors temporarily transferred from open lines to un-opened construction lines, to whom the Railway Division may declare them to be applicable, and**
 - (v) any other Government servant or class of Government servants, whose duties involve constant travelling by railway, to whom a competent authority may declare them to be applicable.**
- (b) When such a Government servant makes a journey by railway on tour:-**
- (i) He is entitled to a free pass under the free pass rules of the Railway.**

- (ii) He may draw daily allowance for any day on which he is absent from his headquarters for more than eight consecutive hours.
- (iii) He may not exchange for mileage allowance the allowance admissible under sub-clauses (i) and (ii) of this clause.
- (iv) If he combines with a railway journey a journey by steamer or road, he may, if he travels to a place distant at least five miles from the point where he leaves the railway or returns to the railway from a place similarly distant, draw mileage allowance for the journey by steamer or road, in addition to daily allowance, if any, admissible under this rule,¹⁹¹[**] provided that the time spent on the journey by steamer or road shall be deducted in calculating the duration of his absence from his headquarter.

Government decisions--

(1) It has been decided by the Governor-General under Supplementary Rule 82 (a) (v), that the concession by which railway privilege passes are granted to officers of the Pakistan Audit Department, serving in the Railway Audit Branch, will be admissible only to those officers of the Pakistan Audit Department who entered that Department before 1st January, 1934 subject to the conditions and limitations prescribed in the Railway Board's letter No. 4379-T., dated the 19th July, 1933.

[G.I., F.D., letter No.F-30(9)-Ex. I/33, dated the 22nd June, 1934.]

(2) See Government decision below Supplementary Rule 132.

[G.I., F.D., endorsement No.F-23(11)Ex. II/40, dated the 15th August, 1940.]

(3) The privilege of Railway passes and P. T. Os. has been extended with effect from 9th February, 1957 to officers and staff serving in the Railway Audit Branch of the Pakistan Audit Department who have been appointed in that Branch on and after the 1st January 1934, subject to the conditions prescribed in the Railway Division's letter No.T-56-PSS/6, dated the 9th February, 1957.

[G.P.,M.F. O.M. No.F.1(77)-RI(2)/58,dated the 27th June, 1960.]

S. R. 83. *Inspectors of maintenance on State railways.*—The provisions of rule 82 apply to inspectors of maintenance on State railways provided that, in their case, the period of absence from headquarters by which daily allowance may be earned is a period of more than four hours between 9 p.m. and 5 a.m. Before daily allowance can be drawn, the controlling officer must certify that the inspector was so absent in special circumstances.

¹⁹¹Deleted with effect from 24th September, 1951.

S. R. 84. Railways and Telegraph servants traveling on up-opened line of railway.-
 - (a) A Government servant of the Telegraph Department or of a State railway, unless he be a member of the Government Inspector's Department or attached to an open line of railway, when travelling on an un-opened line by trolley material train or engine, draws, in addition to the actual cost of haulage, if any, the following special mileage allowance for each mile travelled:-

- | | |
|--|---------|
| (i) If a Government servant of the first grade | 9 Paisa |
| (ii) If a Government servant of the second grade | 5 Paisa |
| (iii) If a Government servant of the third or fourth grade | 2 Paisa |

(b) The allowances prescribed in clause (a) of this rule are intended to meet the entire cost of travelling, and no other allowance may be drawn in lieu of or in addition to them except in the following cases:-

- (i) When the Government servant travels more than twenty miles, partly by road and partly by trolley, etc., he may draw mileage allowance under clause (b) of rule 76, rule 77 or rule 78 for the journey by road in addition to the special mileage allowance for the journey by rail.
- (ii) When he travels not more than twenty miles, partly by road and partly by trolley, etc., he must draw daily allowance for the whole journey in lieu of the special mileage allowance; provided that:-
 - (1) If the special mileage allowance admissible exceeds his daily allowance, he may draw the special mileage allowance.
 - (2) If the conditions of rule 77 are fulfilled, he may draw mileage allowance under that rule for the journey by road in addition to special mileage allowance.
- (iii) When he remains absent from his headquarters for a night, he may, at his option, draw daily allowance in lieu of any mileage allowance that is admissible under clause (a) of this rule.
- (iv) When the conditions of rule 79 are fulfilled, he may draw actual cost under that rule in addition to any other allowance that is admissible under this rule.

S. R. 85. Postal officials.-- The following provisions apply to Superintendents and ¹⁹²[Assistant Superintendent] of the Railway Mail Service when they travel on duty by railway within the limits of the lines to which they are attached:-

¹⁹²In the Supplementary Rules 85, 86 and 86-A, for the word "Inspector" wherever occurring, the words "Assistant Superintendent" substituted by the S.R.O. 960(I)/82 [F.2(42)-R9/82], dated the 16th September, 1982, the Gaz. of Pak. Extr., Pt. II, P. No. 1553, dated October 3, 1982.

- (a) **For a journey by railway, they are entitled to free conveyance and may draw in addition a single fare of the lowest class for one servant on their certifying that the fare was actually paid.**
- (b) **For a continuous absence from headquarters of not less than six hours, they may draw daily allowance in addition: provided that, when the six hours fall partly in one and partly in another calendar day, they may earn further daily allowance by another journey for one only of the two days.**
- (c) **For a journey by road combined with a journey by railway, they may draw mileage allowance, irrespective of the distance travelled: provided that the time spent on such journey shall be deducted in calculating the duration of absence from headquarters.**

Government order.--Superintendents and ¹⁹³[Assistant Superintendent] of R.M. S., when travelling by road, either wholly or in combination with railway journeys, are entitled, for the road journey, to ordinary mileage allowance under Supplementary Rules 45, 46 and 48. This allowance will be in addition to the daily allowance admissible for journeys by railway under Supplementary Rule 85, but in calculating the duration of absence from headquarters, the time spent on the road journey must be neglected.

(This order takes effect from 1st January, 1934.)

[F.A. P. &Ts' Memo. No.S-249/3, dated the 29th June, 1934.]

Government decision.-- It has been decided by the Government that the special rate of daily allowance of Rs.3 admissible to ¹⁹⁴[Assistant Superintendent] of the Railway Mail Service under item 25 of Appendix 18 to the Compilation of Fundamental and Supplementary Rules, Volume II, should be treated as the ordinary rate for the purpose of Note I below Supplementary Rule 56 and that the percentage increases on this special rate are admissible for halts in localities in which such increases are prescribed in Appendix 18-A, *ibid.*

[G.I., F.D. U/O No.1256-R.I/40, dated the 17th July 1940, and Auditor General's U/O. I. No.T-666-A/204-40, dated the 13th August, 1940.]

S. R. 86. An ¹⁹⁵[Assistant Superintendent] of Post Offices may not exchange daily allowance for mileage allowance on journeys by road. When travelling by

¹⁹³In the Supplementary Rules 85, 86 and 86-A, for the word "Inspector" wherever occurring, the words "Assistant Superintendent" substituted by the S.R.O. 960(I)/82 [F.2(42)-R9/82], dated the 16th September, 1982, the Gaz. of Pak. Extr., Pt. II, P. No. 1553, dated October 3, 1982.

¹⁹⁴In the Supplementary Rules 85, 86 and 86-A, for the word "Inspector" wherever occurring, the words "Assistant Superintendent" substituted by the S.R.O. 960(I)/82 [F.2(42)-R9/82], dated the 16th September, 1982, the Gaz. of Pak. Extr., Pt. II, P. No. 1553, dated October 3, 1982.

¹⁹⁵In the Supplementary Rules 85, 86 and 86-A, for the word "Inspector" wherever occurring, the words "Assistant Superintendent" substituted by the S.R.O. 960(I)/82 [F.2(42)-R9/82], dated the 16th September, 1982, the Gaz. of Pak. Extr., Pt. II, P. No. 1553, dated October 3, 1982.

railway, by sea or by river steamer, he may draw, in addition to his daily allowance, a single fare of the class to which his grade entitles him and a single fare of the lowest class for one servant, if actually paid. Daily allowance is, however, not admissible when an ¹⁹⁶[Assistant Superintendent] avails himself of board provided on a steamer, the cost of which is included in the cost of the fare.

Government decisions.-- Deleted.

S. R. 86-A. As a partial exception to rule 86, an ¹⁹⁷[Assistant Superintendent] of Post Offices may, in cases where two stations are connected by railway as well as by public motor service, claim, in addition to his daily allowance, the actual fare paid to the motor company for himself and his servant subject to the condition that in no case should the motor fare exceed the railway fare claimable under the preceding rule.

S. R. 87. *Survey of Pakistan Department.*--(a) Except as provided in clause (b) and (c) of this rule, a Government servant of the Survey of Pakistan Department may not exchange daily allowance for mileage allowance for a journey in the field.

(b) With the sanction in each case of the Surveyor General or administrative Superintendent, a Government servant in the Survey of Pakistan Department may be granted the following concessions:-

(i) He may exchange his daily allowance for mileage allowance under rule 76 for a journey in the field if he is required to travel by public or hired conveyance or if he is employed on special duty.

(ii) Whenever his actual travelling expenses for a journey to or from the field, or for any other journey on which he has to travel with camp equipment, exceed the mileage allowance calculated for the journey under the ordinary rules, he may draw such actual expenses in place of daily allowance. In calculating actual expenses, he may include the cost of transporting, whether by public or hired conveyance or otherwise, both himself and such scale of servants, baggage and camp equipment as the ¹⁹⁸President may prescribe; provided that -

(1) in applying this rule a journey must be treated as a whole, and a Government servant may not draw actual expenses for a part of a journey and mileage allowance for the remainder, and

¹⁹⁶ In the Supplementary Rules 85, 86 and 86-A, for the word "Inspector" wherever occurring, the words "Assistant Superintendent" substituted by the S.R.O. 960(1)/82 [F.2(42)-R9/82], dated the 16th September, 1982, the Gaz. of Pak. Extr., Pt. II, P. No. 1553, dated October 3, 1982.

¹⁹⁷ In the Supplementary Rules 85, 86 and 86-A, for the word "Inspector" wherever occurring, the words "Assistant Superintendent" substituted by the S.R.O. 960(1)/82 [F.2(42)-R9/82], dated the 16th September, 1982, the Gaz. of Pak. Extr., Pt. II, P. No. 1553, dated October 3, 1982.

¹⁹⁸ Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lagis., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

(2) actual expenses may not be drawn under this rule for a journey in the field by road only unless the conditions of sub-clause (i) of this clause are fulfilled.

(iii) Whenever, for such part of a month as he spends in the field, the actual cost of carrying camp equipment and baggage on the scale prescribed under sub-clause (ii) above exceeds half the amount of daily allowance admissible for the month, he may retain half of his daily allowance and exchange the other half for such actual cost.

(c) Actual expenses under clause (b) of this rule must be drawn on a bill prepared in detail and countersigned by the sanctioning authority.

S. R. 88. Geological Survey of Pakistan.--(a) (i) Except as provided in clause (ii) of this rule a Government servant of the Geological Survey of Pakistan Department may not exchange daily allowance for mileage allowance for a journey in the field.

(ii) With the sanction in each case of the Director of the Geological Survey, a Government servant of the Geological Survey of Pakistan Department may be granted the concessions specified in sub-clauses (i), (ii) and (iii) of clause (b) of rule 87 on the conditions prescribed in clause (c) of that rule.

(b) The Director of the Geological Survey may permit, in any particular case on public grounds, a Government servant of the Geological Survey of Pakistan Department, at the beginning or the end of a field season, to send a portion of his servant's baggage and camp equipment by the direct route to or from the field, when he himself travels by another route in order to undertake an economic or engineering enquiry or inspection work on the way, and to recover the actual cost of transporting such servants, baggage and camp equipment not exceeding the scale permissible under rule 87 (b) (ii), in addition to traveling allowance admissible under the rules for the journey undertaken by himself.

S. R. 88-A. As a partial exception to rules 87 and 88, in the case of halts on tour, half the daily allowance ordinarily admissible under these rules may be drawn in addition to mileage allowance or actual expenses as the case may be, on the day of arrival of the Government servant at place of halt and on the day of departure, provided that no daily allowance will be permissible in respect of a place of halt from which a Government servant departs on the same day on which he arrived at it or *vice versa*.

Sub-Division (iii).-- Travelling allowance admissible for journeys, and halts within five miles of headquarters.

S. R. 89. *Conveyance hire.* -- A competent authority may, by general or special order, permit any Government servant or class of Government servants to draw the

actual cost of hiring conveyance on a journey for which no travelling allowance is admissible under these rules.

Government decisions.--

(1) Supplementary Rule 89 is designed, as was Article 1082 of the Civil Service Regulations, to cover cases in which it is equitable to allow Government servants to draw the actual cost of conveyance where the circumstances are not exactly covered by any other existing rule. It is, therefore, applicable to cases in which a Government servant's transfer from one office to another within the same station is accompanied by a change in residence.

[G.I.,F.D. U.O. Dy. No.3850-C.S.R., dated the 17th September, 1927.]

(2) When a non-gazetted or Class IV Government servant is despatched on duty to a place at some distance from his office, or is summoned to his office by a special order of a Gazetted Officer outside the ordinary hours of duty, the, expenditure involved may be paid by Government and charged to contingencies provided --

- (a) that the head of the office certifies that the expenditure was actually incurred, was unavoidable, and is within the scheduled scale of charges for the conveyance used;
- (b) that the Government servant concerned is not entitled to draw travelling allowance under the ordinary rules for the journey, and that he is not granted any compensatory leave and does not and will not otherwise receive any special remuneration for the performance of the duty which necessitated the journey.

[G.I., F.D. letter No. D-2841-Es. II, dated the 18th June, 1935]

(3) to (10).--*Deleted.*

S. R. 90. *Ferry charge tolls and railway fare.--* A Government servant travelling on duty within five miles of his headquarters is entitled to recover the actual amounts which he may spend in payment of ferry and other tolls and fares for journeys by railway or other public conveyance.

S. R. 91. *Actual expenses of maintaining camp equipage during a halt at headquarters.--*On the following conditions and any other conditions which it may think fit to impose, a competent authority may, by general or special order, permit any Government servant or class of Government servants to recover the actual cost of maintaining camp equipage during a halt at headquarters or within five miles of headquarters or during the interval between the Government servant's departure from or arrival at headquarters and that of his camp equipage.

- (a) The amount drawn, together with any amounts recovered under rule 90, should not exceed the daily allowance of his grade.
- (b) The period of the halt or interval for which it is granted should not exceed twenty-one days in Sind or ten days elsewhere. An absence on duty from the halting place for less than three nights should not be treated as interrupting the halt or interval.
- (c) The Government servant must certify that he has maintained the whole or part of his camp equipage during the halt or interval and that the expense of maintenance has not been less than the amount drawn. In the case of a non-gazetted or Class IV servant, the head of the office must certify that such maintenance was necessary.

Sub-Division (iv).-- *Special rules for high officials.*

S. R. 92. *High officials traveling by reserved railway accommodation.*-- When a Government servant for whom special railway accommodation is provided or who is entitled, under these rules, to reserve railway accommodation by requisition, travels in such reserved accommodation on tour:-

- (a) the entire cost of haulage is borne by Government.
- (b) Unless it be otherwise expressly provided in this sub-section --
 - (i) any person travelling with the Government servant in the reserved accommodation must pay the usual fares to the railway by the purchase of first class tickets, and in every bill for traveling allowance in respect of a journey performed in reserved accommodation the Government servant reserving the accommodation must specify the number of persons who travelled with him and certify that necessary tickets were purchased by them.
 - (ii) if the Government servant desires additional accommodation for his staff or luggage, he must make arrangements, with the railway administration for the provision of such accommodation, the haulage and other charges being met at his expense or, in the case of the ¹⁹⁹President, from his contract allowance.
 - (iii) the Government servant is entitled to draw no travelling allowance for the journey unless he be entitled to permanent travelling allowance.

¹⁹⁹Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

Government decisions.--

(1) A Personal Assistant, a stenographer or a clerk holding a ticket for the class of accommodation in which he is entitled to travel according to his grade under the Supplementary Rules may travel with a high official in his reserved accommodation, but in that case the high official will have to certify, under Supplementary Rule 92 (b) (i), in the bill for travelling allowance that it was in the interests of public service that the Personal Assistant, stenographer or clerk should have travelled with him in the reserved accommodation and that the Personal Assistant, stenographer or clerk actually purchased a ticket of the class of accommodation to which he was entitled. In such a case, the cost of the said ticket will not be deducted from the charge on account of haulage of reserved accommodation payable to the Railway.

[G.I., F.D. letter No.F.5(86)R.I/38, dated the 20th July 1938, to the A.G. C.R., New Delhi.]

(2) All expenditure, including the cost of telegrams, incurred in connection with the reservation of accommodation in trains, etc., by Government officials when travelling on duty should be borne by the officer concerned and should not be charged to Government. This decision will not, however, apply to those Government servants who are entitled, to be provided with accommodation on railway journeys under Section XXI of Chapter IV of the Supplementary Rules.

It has been further decided that the cost of reserving living accommodation should in no case be debited to Government.

[G.I., F.D. Endorsement No.D-733-F/41, dated the 19th February, 1941.]

S. R. 93. Clause (b) (i) of rule 92 does not apply to the ²⁰⁰President.

²⁰¹**S. R. 94. Deleted.**

S. R. 95. The travelling allowances to Ministers are governed by the Ministers' (Terms and Conditions) Order, 1962.

S. R. 96. Cancelled.

S. R. 97. Cancelled.

S. R. 98. Cancelled .

S. R. 99. Cancelled.

²⁰²**S. R. 100. Deleted.**

²⁰⁰Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

²⁰¹Deleted *with effect from* 31st December, 1948 by M.F. Resn.No.F.28(28)-R/48, dated 7th January, 1949.

S. R. 101. *Government servants who are entitled to reserve by requisition a first class compartment.--*A Government servant who is entitled, under rule 167 (b) 170 or 171, to reserve by requisition a first class compartment, may recover, when traveling by railway in such a compartment, his actual travelling expenses up to a maximum of $\frac{1}{2}$ first class fare.

NOTE.-- ²⁰³[* *]

S. R. 102. The Chief Engineer with the Railway Board, when travelling by railway in reserved accommodation, may draw the allowances prescribed in rule 82 (b) (ii), (iii) and (iv).

S. R. 103. Cancelled.

S. R. 104. *Amount of luggage admissible.--* Except where otherwise expressly provided in these rules, the amount of luggage which may be transported, free of cost, by a Government servant travelling in reserved accommodation, is the amount covered by the number of tickets which a member of the public would have to purchase in order to reserve such accommodation.

SECTION X.-- JOURNEY OF A NEWLY-APPOINTED GOVERNMENT SERVANT TO JOIN HIS FIRST POST.

S. R. 105. *General rule.--* Except as otherwise provided in this section, travelling allowance is not admissible to any person for the journey to join his first post in Government service.

S. R.105-A. A competent authority may permit any person whether appointed to a temporary or a permanent post in Gilgit or Chitral State or outside Pakistan to draw travelling allowance for the journey to join his first post in Government service.

S. R. 105-B. The Surveyor-General or a Director of the Survey of Pakistan may grant such rail and steamer fares as he considers necessary to a Khalasi or other class IV servant on enlistment for his journey to the Field Headquarters.

²⁰⁴**S. R. 105-C.** When a person residing in one zone of Pakistan is appointed to his first post in Government service in the other zone, the authority making the appointment may grant travelling allowance for the journey to join that post on the following scale:-

- (i) One fare for self-calculated at one stage lower than the class of accommodation to which his grade would entitle him on joining Government service.

²⁰²Deleted by G.P.M.F. Notification No.F.1(5)-R-2(RWP)/62, dated 18th May, 1962.

²⁰³Deleted by G.P.M.F. Notification No.F.1(5)-R-2(RWP)/62, dated 18th May, 1962.

²⁰⁴Inserted by the G. P., M.F. Notification no.F.1(5)/R2(RWP)/62, dated 18-5-1962 and takes effect from 26-5-1951.

- (ii) One extra fare for each adult member of his family, who accompanies him and for whom full fare is actually paid and one-half fare for each child for whom such fare is actually paid, for the class of accommodation admissible under (i) above to the person himself.
- (iii) Actual cost of carriage by goods train, steamer, or other craft, of personal effects up to half the maximum weight to which he would be entitled on transfer according to his grade in Government service:

Provided that no travelling allowance will be admissible to a person belonging to one zone of Pakistan who is appointed in Government service in the other zone if at the time of his appointment he is residing in the zone in which he is appointed or who is appointed to a post which is normally filled in by local recruitment.

Government decisions:

(1) It has been decided that the temporary Government servants residing in one zone of Pakistan and appointed to a new post in the other zone as a result of competitive examination or otherwise should also be granted travelling allowance at the rates and on the conditions prescribed in rule 105-C.

[G.P., M.F., O.M. No.F.7(9)-RII/52, dated the 15th July, 1952.]

(2) The time limit of 6 months prescribed in S. R. 116 (b) (iii) for the purpose of the grant of T. A. to the Government servant's family who follows him within that limit from the date of transfer should also be applied in the case of T. A. on first appointment in the general spirit of the rules.

[G.P., M.F., O.M. No.F.1(4)-RI(2)/59, dated the 16th February, 1959.]

S. R. 106. Deleted.

S. R. 107. *Concession to persons re-employed in Government service.*--When a pensioner, or a Government servant who has been thrown out of employment owing to a reduction of establishment or the abolition of his post, is re-appointed to Government service the authority which sanctions his re-appointment may in cases other than those covered by rule 105-A permit him to draw travelling allowance for so much of his journey to join his new post as falls within Pakistan.

S. R. 108. *Concession to persons joining by sea.*-- When a person is appointed to a post in Government service which he cannot join except by sea, a competent authority may grant him a free passage by sea from one part of Pakistan to another such part.

S. R. 109. Deleted.

S. R. 110. Deleted.

S. R. 111. Deleted.

S. R. 112. Rates of travelling allowance under this section.--Travelling allowance under rules 105-A and 107 should be calculated as for a journey on tour, but no allowance may be drawn for halts on the journeys.

S. R. 113. When mileage allowance is drawn under rules 105-A and 107 the rate admissible is that of the grade to which the Government servant will belong after joining his post.

Government orders.-- Please see item (2) of "Government orders" under S. R. 18.

SECTION XI.-- JOURNEYS ON TRANSFER

S. R. 114. General conditions of admissibility.-- Traveling allowance may not be drawn under this section by a Government servant on transfer from one station to another unless he is transferred for the public convenience and is entitled to pay during the period occupied by the journey. A transfer at his own request should not be treated as a transfer for the public convenience unless the authority sanctioning the transfer for special reasons which should be recorded, otherwise direct.

Government decisions--

(1) A Government servant appointed to a post under the Central Government as a result of a "competitive examination" which is open to both Government servants and others,

(a) if already holding a substantive appointment under Government (including a Provincial Government), should be granted travelling allowance for joining the post; and

(b) if already employed in a temporary capacity under Government (including a Provincial Government), should not be granted travelling allowance for joining the post, unless in any particular case the ²⁰⁵President otherwise directs.

N.B.-- See item (4) of the Government decisions below Fundamental Rule 105 in Section I.

[G.I., F.D. Office Memo. No.F.5(45)-R.I/36, dated the 20th May, 1936.]

(2) *See item (2) of the Government decisions below Fundamental Rule 105.*

(3) to (9) *Deleted.*

²⁰⁵Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

Audit Instructions.--

(1) See Audit Instruction (1) below Fundamental Rule 44 in Section I of this Volume.

(2) When a Government servant is transferred otherwise than for the public convenience, a copy of the order of transfer should be sent to the Audit Officer of the circle of audit in which he is serving with an endorsement stating the reasons for the transfer. In the absence of such an endorsement, the Audit Officer shall assume that the Government servant has been transferred for the public convenience.

In the case of non-gazetted Government servants a certificate from the head of the office will be accepted in lieu of the copy of the order of transfer.

[Para. 16, Sec. II of Manual of Audit Instructions (Reprint).]

S. R. 115. General rule.-- A Government servant may draw mileage allowance for a journey on transfer, including transfer from military to civil employ.

S. R. 116. Special concessions to Government servants in superior service.-- (a) Unless in any case it be otherwise expressly provided in these rules or in rules made under other sections of the Act, a Government servant in superior service is entitled, for a journey on transfer to the following concessions.--

I.--FOR JOURNEYS BY RAIL OR STEAMER.

- (i) He may draw three fares of the class of accommodation to which his grade entitles him, the fares being limited to the lowest rate of such class of accommodation in the case of journeys by steamer²⁰⁶ [• •].
- (ii) He may draw one extra fare for each adult member of his family who accompanies him and for whom full fare is actually paid and one-half fare for each child for whom such fare is actually paid.

NOTE.-- A Government servant transferred to or from the charge of a political residency of the first class may, for journeys by rail incidental thereto draw a minimum of four first class fares under sub-clauses (i) and (ii) above, if he actually reserves a first class compartment containing not less than four berths (or seats, where seats only are provided) for himself or for himself and family.

- (iii) He may draw the actual cost of carriage by goods train, steamer or other craft of personal effects up to the following maxima:-

²⁰⁶Omitted by G.P., M.F. Notification No. F. 1(5)-R2(RWP)/62, dt. 21st May, 1962.

Grade of Government servant	Maunds	
	If not possessing a family	If possessing a family
First	40	60
Second	20	30
Third	12	15

Provided that a competent authority may prescribe lower Maxima for any class of Government servants.

Note 1. - If a Government servant carries his personal effects by passenger instead of by goods train, he may draw the actual cost of carriage up to a limit of the amount which would have been admissible had he taken the maximum number of maunds by goods train.

Note 2. - A Government servant who carries his personal effects by road between stations connected by rail may draw actual expenses up to the limit of the amount which would have been admissible had he taken the same quantity by goods train. In cases where the actual expenses claimed exceed the limit mentioned above, a competent authority may, for valid reasons, allow such claims subject to the limit of the amount which would have been admissible if the maximum number of maunds had been transported by goods train.

Note 3. - Subject to the prescribed maximum number of maunds, a Government servant may draw the actual cost of transporting personal effect to his new station from a place in Pakistan other than his old station (*e.g.* from a place where they are purchased *en-route* or have been left on the occasion of a previous transfer) or from his old station to a place (in Pakistan) other than his new station, provided that the total amount drawn including the cost of transporting these personal effects, shall not exceed that admissible had the maximum admissible number of maunds been transported by goods train from the old to the new station direct.

(iv) Provided that --

- (1) the distance travelled exceeds 80 miles;**
- (2) the Government servant is travelling to join a post in which the possession of a conveyance or horse is advantageous from the point of view of his efficiency; and**

[A list of officers by whom the possession of free conveyances may be considered to be in the interests of the public service and who are entitled to recover the actual cost of transporting their conveyances on transfer under this rule, is given in Appendix No. 21 in Volume II of Compilation.]

- (3) conveyances or horses are actually carried by rail, steamer or other craft:--**

he may draw the actual cost of transporting at owner's risk conveyances and horses on the following scales:--

Grade of Government servant	Scale allowed
First	Two horses and a carriage or motor car or motor cycle.
Second	A carriage and a horse; or a motor cycle and a horse; or a motor car.
Third	One horse or a motor cycle or ordinary cycle.

Note 1. -- In the case of a motor car, the cost of transporting a chauffeur or cleaner and for each horse the cost of transporting one syce and one grass-cutter may be drawn.

Note 2.-- When a conveyance or a horse is transported by steamer, the actual cost of transporting it may, for purposes of this rule, include, besides the freight other incidental charges such as ghat pass, river dues, loading and unloading charges.

Exception.-- A Government servant who travels by a Government steamer is not entitled, for the journey by steamer, either to mileage allowance under rule 115 or to the concessions allowed by this clause. He is entitled to free transport for himself, his family servants and their *bona fide* personal effects, and of conveyances and horses subject to the limits prescribed in sub-clause (iv); and may draw in addition the daily allowance of his grade.

Note 3. -- On occasions when a Government servant is authorised to convey his motor car or motor cycle by rail at the public expense, he may do so by passenger train or goods train at his option. In the former case the actual freight charged by the Railway may be drawn by the Government servant. In the latter case, *i.e.*, if the car or cycle is despatched by goods train, the Government servants may draw, in addition to the freight charged by the Railway, the cost of packing and of transporting the packed car or cycle to and from the goods shed at the stations of departure and arrival provided that the total amounts so drawn shall not exceed the freight charged for transporting the car or cycle by passenger train.

Note 4.-- The concession admissible under Note 3 applies *mutatis mutandis* to Government servant of the third grade who carries an ordinary cycle.

Note 5. -- When a Government servant transports his motor car or motor cycle by road under its own power between stations connected by rail or steamer or partly by rail or partly by steamer he may draw an allowance of two annas a mile in respect of the motor car and one anna a mile in respect motor cycle, the distance to be reckoned for the purpose of this concession being limited to distance between the stations by rail or steamer or both combined, as the case may be. If the Government servant himself travels by the car or cycle, he may draw the fares admissible under clause (a) I (i). For any member of his family who travels by the car or cycle the Government servant may draw extra fare or half

fare which would have been admissible under clause (a) I (ii) if the member had travelled by rail or steamer.

Note 6.-- When a Government servant, who is transferred from a post in which the possession of a conveyance or horse is advantageous from the point of view of his efficiency to another post in which it is not advantageous, is again transferred within a period not exceeding four months to a post in which the possession of the conveyance or horse is advantageous from the point of view of his efficiency he may draw the cost of transport from the first to the last station, provided that the conditions in sub-clause (iv) are fulfilled and he certifies that the conveyance or horse was possessed by him at the first station.

Note 7.-- If a Government servant possessed conveyance or horse at the station from which he is transferred, he may draw the actual cost of transporting a conveyance or horse respectively from a place (in Pakistan) other than his former station, provided that the amount so drawn shall not exceed that admissible had it been from the old to the new station direct, and provided further that the conveyance or horse is actually transported to the new station within a reasonable time before or after the officer is transferred. In the case of a Government servant who has not possessed a conveyance or horse in the station from which he is transferred but takes one to the new station from some other place, the above expenses may be allowed with the sanction of the ²⁰⁷President.

Government decision.--

The undersigned is directed to say that pursuant to the approval of the competent authority, the rate of transportation of Motor Car and Motor Cycle/Scooter are hereby revised with effect from 1st July, 2012:

	Existing Rates	Revised Rates
<u>TRANSPORTATION</u>		
i) Motor Car	Rs.2/- per k.m.	Rs.5/- per k.m.
ii) Motor Cycle/Scooter	Rs.1/- per k.m.	Rs.2.50 per k.m.

[G.P., F.D. O.M. NO.F.1(3)-Imp/2012, dated the 16th July, 2012]

I-A-- FOR JOURNEYS BY AIR.

- (i) **A Government servant authorised to travel by air on transfer is entitled to draw the travelling allowance which would have been admissible had the journey or journeys been performed by rail and/or steamer, and in addition the difference between rail and/or steamer fares of the class to which he is actually entitled and the air passage fares actually paid for himself and the members of his family. A person not so authorised to travel who performs a journey or journeys by air on transfer may draw**

²⁰⁷Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

only the travelling allowance to which he would be entitled if he had travelled by rail and/or steamer.

- (ii) A Government servant whether authorised or not to travel by air on transfer between places connected by road only is entitled to draw the travelling allowance which would have been admissible had the journey or journeys been performed by road.

II. -- FOR A JOURNEY BY ROAD.

- (i) He may draw mileage allowance at ²⁰⁸twice the rate applicable to him under rule 46 or 56 or any rate, applicable to him, which has been fixed under rule 47, as the case may be.
- (ii) He may draw additional mileage allowance at the rate applicable to him under rule 46 or 56 or any rate, applicable to him, which has been fixed under rule 47, as the case may be, if two members of his family accompany him, and at twice that rate if more than two members accompany him.
- (iii) For the transportation of personal effects, within the limits prescribed in sub-clause I(iii) of this clause, he may draw mileage allowance at a rate to be fixed by a competent authority. This rate will be calculated on the average cost of conveying goods by the cheapest method of conveyance.

Note.--A Government servant who is carried free of charge by Pakistan Air Force Planes to or from Gilgit is entitled to --

- (a) If the family of the Government servant travel with him --
 - (i) half the mileage allowance calculated for the journey in respect of the Government servant only (*i.e.*, excluding his family) under clause (a) II (i) of this rule, and
 - (ii) mileage allowance in full for Personal effects in terms of clause (a) II(iii) of this rule subject to the condition that any luggage taken by the Government servant with him in the aeroplane should be taken into consideration in allowing the maximum maundage admissible under clause (a) I (iii).
- (b) If the family travel by road, mileage allowance in respect of members of the family in terms of clause (a) II (ii) of this rule, in addition to the amount admissible under (a) above.

²⁰⁸Inserted by the G.P., M.F., C.S. No. 1, dated 5th January, 1966.

(b) The following explanations are given of terms employed in clause (a) of this rule:-

- (i) The term "personal effects" is not subject to definition, but the controlling officer must satisfy himself that a claim to reimbursement on account of transportation is reasonable.**
- (ii) The term "motor cycle" includes a side-car.**
- (iii) A member of a Government servant's family who follows him within six months from the date of his transfer or precedes him by not more than one month may be treated as accompanying him. If such member travels to the new station from a place other than the Government servant's old station, the Government servant may draw the actual fare for the journey made by such member by rail or steamer *plus* the road mileage, if any, at the rate and subject to the conditions prescribed in clause (a) II (ii), for the actual distance of the road journey performed by such member; provided that their sum shall not exceed the total mileage allowance that would have been admissible had such member proceeded from the old to the new station. For the purposes of this rule, the grade of a Government servant should be determined with reference to the facts on the date of his transfer while the number of fares admissible should be determined with reference to the facts on the date of the journey in respect of which the travelling allowance is claimed.**

(c) Tents supplied by Government are transported at the expense of Government. Tents purchased and maintained by a Government servant himself may be transported at the expense of Government; provided that they do not exceed a scale to be prescribed in this behalf by a competent authority as suitable to a particular Government servant or class of Government servants. If they exceed this scale, the excess may be treated as a part of personal effects.

(d) A Government servant who claims higher traveling allowance on the ground that members of his family accompanied him on transfer must support his claim by a certificate showing the numbers and relationship of the said members.

(e) A Government servant claiming the cost of transporting personal effect must support his claim by a certificate that the actual expense incurred was not less than the sum claimed. He should state in the certificate the weight of personal effects actually carried and the amount actually paid for their transport separately by rail, road, steamer or other craft and the Controlling Officer shall record a certificate that he has scrutinised the details and satisfied himself that the claim is reasonable.

(f) A Government servant claiming the cost of transporting a conveyance or a horse by rail or steamer must support his claim by the railway or steamer receipt.

In case where the receipt has been lost or has been surrendered to the railway or steamer authorities without a cash receipt having been obtained in exchange and where the production of a duplicate receipts is likely to involve a disproportionate amount of trouble, the audit officer may, at his discretion, dispense with the production of the receipt and accept a certificate to the effect that the amount claimed is not more than the expense actually incurred.

Government orders --

(1) and (2)—*Deleted.*

(3) (i) On transfer two extra fares as for journeys by rail or steamer and the extra mileage allowance for journeys by road shall be discontinued.

(ii) On transfer, a government servant shall be granted the following:--

(a) *Transfer Grant.--*

<i>Government servant possessing a family</i>	<i>Government servant not possessing a family</i>
²⁰⁹ One month's pay.	²¹⁰ Half month's pay.

"Note, - In cases where a government servant possessing family moves to the new station alone may draw transfer grant at the rate at least equal to the amount admissible to a government servant not possessing family provided he finally opts to do so on transfer."

[Finance Division O.M. No.4(3)-R.9/87-Dy.1520/91,dated 24th December, 1991.]

Transfer grant is admissible in all cases where traveling allowance on transfer is otherwise admissible under the existing rules.

(b) *Daily allowance during journey period.* - One daily allowance at special rate shall be payable to the government servant for every 300 miles of road distance.

(c) *Daily allowance on arrival at the new place of posting.*— One daily allowance at the rate applicable to the station shall be payable in respect of the Government servant and in respect of each member of his family above 12 years and one half of the full rate for every child above the age of 12 months, for the day of arrival at the new place of his posting.

²⁰⁹Revised *vide* Finance Division O. M. No.F.1(16)Reg.(9)/91, dated 21st Aug., 1991.

²¹⁰Revised *vide* Finance Division O. M. No.F.1(16)Reg.(9)/91, dated 21st Aug., 1991.

Clarification

As admissibility of T. A. and transfer grant in cases of transfer between the twin cities of Islamabad and Rawalpindi is not quite clear in various quarters, it is, therefore, clarified that:-

- (a) Transfer T. A. is admissible where change of residence is involved, in consequence of change of headquarters, and
- (b) Transfer T..A. is not admissible where -
 - (i) change of residence is not involved in consequence of change of headquarters, or
 - (ii) change of residence takes place otherwise than in consequence of change of headquarters.

It is, however, brought to the notice of Ministries/Divisions etc., that transfers between Rawalpindi and Islamabad where change of residence is involved, also entail expenditure on various items. Among other things, this fact may kindly be borne in mind by the administrative authorities while deciding upon such transfers.

[Finance Division O.M. No.F.2(3)-R 9/78, dated 25th February, 1978.]

Transportation of personal effects:

(iii) (a) The maximum limit up to which personal effects can be transported at Government expense shall be as follows:—

Grades of Government servant	Maunds	
	If possessing a family	If not possessing a family
Grade I	120	60
Grade II	80	40
Grade III	40	20
Grade IV	15	10

(b) Cost of carriage of personal effects up to the maximum number of maundage as in sub-para (iii) (a) shall be allowed at the rate of [paisa ²¹¹0.148 per kilometre per kilogram (or 2.96 paisa, per kilometre, per unit of 20 kilograms)] from the residence of the government servant at the old station to his residence at the new station, irrespective of the mode by which the personal effects are carried. (It will not be necessary to call for receipts in support of his claim of cost of transportation of personal effects).

These orders take effect from 1st January, 1973.

²¹¹Substituted by Finance Division O.M. No.1(16)-Reg.9/91, dated 3rd October, 1991.

[G.P., F.D., O.M. No. F. 2(1)-Rev.I/72, dated the 20th December, 1972 read with F.D. O.M. No.F.2(1)-Rev.I/72, dated 31st May, 1973 and F.2(1)-Imp.I/77, dated the 29th April, 1977.]

Note:- The rate for carriage of personal effects on transfer/retirement was further revised from Rs.0.008 per kg per km to Rs.0.02 per kg per km vide F.D. O.M. No.1(3)Imp/2012, dt:16-7-2012.

The maximum limit up to which personal effects can be transported at Government expense shall be revised as follows :—

Grades of Government servant	Existing		Revised	
	If possessing a family	If not possessing a family	If possessing a family	If not possessing a family
	Maunds	Maunds	Kilograms	Kilograms
Grade I	120	60	4500	2240
Grade II	80	40	3000	1500
Grade III	40	20	1500	760
Grade IV	15	10	560	380

[No. F. 2(49)-Reg.9/78, dated the 20th September, 1978.]

The maximum of limit up-to which personal effects can be transported at Government expense is as follows:-

Categories for T. A.	Kilograms	
	If possessing a family	If not possessing a family
Cat. I(From BS-17 and above)	4500	2240
Cat. II(From BS-14-16)	3000	1500
Cat. III(From BS-11-13)	1500	760
Cat. IV(From BS-1-10)	560	380

[No.F.1(4)R-10/2002-19/06, dated the 15th March, 2006.]

Government decisions.--

(1) Charges for the transport of personal effects of an officer on transfer may be admitted in audit if they do not for good and sufficient reasons accompany him but are carried within a reasonable time before or after the date of his journey on transfer.

[G.I., F.D., letter No.51-E.B., dated the 18th January, 1915;vide page 120 of the Post and Telegraph Supplement to the C.S.R]

(2) The principle of Supplementary Rule 30 (c) should be applied in cases of transport of motor car by officers on transfer[vide S. R. 116 (a) I (iv) (3)], even if the officer and his car take different routes.

[G.I. I & L.D. No.243-PT/24, dated the 15th January, 1925.]

(3) With reference to Supplementary Rule 116 (a) II (iii), the Government have decided that the rates for the conveyance of personal effects of Government servants under their administrative control should be the same as the rates fixed by local Governments and Chief Commissioners for Government servants under their administrative control in the areas under them.

[G.I., F.D., No.1191-C.S.R., dated the 20th October, 1922.]

(4) *Deleted.*

(5) *Deleted.*

(6) When the family of a Government servant on transfer precedes or follows him and proceeds to a station other than the Government servant's new headquarters, the period of one month or six months as laid down in clause (b) (iii) of S. R. 116 should be reckoned from the date of the Government servant's handing over charge at his old station. If, however, the family precedes or follows the Government servant and proceeds to his new headquarters the above limits should be calculated with reference to the date of his taking over charge at the new station.

[G.I., F.D., U.O.No.2201-R.I.-35, dated the 14th September, 1935.]

(7) *Deleted.*

(8) The Government have decided that horses may be deemed to be part of personal effects in cases where an officers is not entitled to their transport at Government expense in addition to personal effects.

[G.I., F.D., letter No.F.5(13)R.I/35, dated the 26th February, 1935.]

(9) When free transit for himself is availed of in subsidised motor buses by a Government servant on transfer, one mileage should be deducted from the two mileages admissible under Supplementary Rule 116 (a) II (i). The claims of a Government servant in respect of his family members and personal effects which are governed by Supplementary Rule 116 (a) II (ii) and (iii) respectively are not affected when the Government servant alone is allowed free transit, but the total luggage carried by him both in the subsidised motor bus and otherwise should not exceed the maundage admissible under Supplementary Rule 116 (a) (iii).

[G.I., F.D., No.F.5(19)-R.I/35, dated the 22nd March, 1935.]

(10) A question having arisen regarding the admissibility of incidental charges, such as Ghat pass, river dues, loading and un-loading charges in addition to steamer freight on personal effects on the occasion of transfer of Government servants, the Government have decided that the two extra fares given to an officer on transfer are intended to cover all subsidiary charges in connection with the transport of personal effects. The concession under Note 2 to S. R. 116 (a) I (iv) is only admissible in the case of a conveyance or a horse and should not be extended to personal effects.

[G.I., F.D., letter No.F.5(72)-R. I/36, dated the 12th August, 1936.]

(11) The Government have decided that the expression "free transport of *bona fide* personal effects" in the exception under Note 2 to Supplementary Rule 116 (a) I (iv) is not intended to include incidental charges incurred by an officer travelling by a Government steamer.

[G.I., F.D., letter No. F.5(72)R.I/36, dated the 8th October, 1936, to the address of
A.G.C.R.]

(12) *Deleted.*

(13) The authority competent to allow officers under the control of the Central Government, the concession laid down in Supplementary Rule 116 (a) I (iv) (2) will be the Heads of Departments. The Government do not consider it necessary to prepare lists of appointments, the holders of which may be admitted to the concession. Any case, in which Accountant General considers that the privilege has been abused, should be brought to the notice of the Government.

[G.I., F.D., letter No.F.-148-C.S.R./24, dated the 4th November, 1924.]

(14) * * * * *

The railway fares for the journeys actually performed by the Government servants and their families will continue to be calculated on the basis of the fares which they have to pay for the journeys by the Mail or Ordinary trains, as the case may be.

[G.P., M.F. letter No.F.26(80)-R/48, dated the 27th November, 1948.]

(15) In the case of a certain Government servant under orders of transfer, the advances of pay and travelling allowance for the journey of the members of his family and for the transportation of his personal effects were drawn, although it was doubtful that his family would follow him within a short time. His personal effects were also not likely to be transported for a considerable time to come. This resulted in the advances remaining unutilised for an unreasonably long time. Since it is not desirable to let Government money remain outside the public funds unadjusted for long periods, it has been decided that the advances of travelling allowance and pay on transfer should not be drawn more than a month before the actual commencement of the journey on transfer. If the family of the Government servant concerned are not accompanying him no advance should be drawn in respect of their journey, except one month before the date on which the family are expected to undertake the journey.

It has also been decided that in future Government servants who are granted advances to cover their travelling allowance expenses should submit their bills within four months of the completion of their journeys, so that the adjustment of the advances may not be unnecessarily delayed.

[G.P., M.F. letter No.D.4983-R/48, dated the 27th December, 1948.]

(16) *See* items (1) & (2) of Government decisions below S. R. 48-C in this Section.

(17) The word 'fares' used in S. R. 116(a) I (i) for journeys by rail or steamer should be treated as exclusive of diet-charges.

[G.P., M.F., O.M. No.43 F.34(57)-RI(2)/54, dated the 29th December, 1954.]

(18) In accordance with Note 5 under S. R. 116(a) I (iv) of the Fundamental and Supplementary Rules, Volume I, a Government servant, who, on transfer transports his car by road under its own power between stations connected by rail, may draw an allowance of 12 paise per mile in respect of the motor-car. If he himself travels by the car, he may draw the rail fares admissible under clause (a) (i), *ibid*. A question was raised some time back as to whether the Government servant who travels by car is to be allowed transportation charges for the car in addition to the rail fares. The matter has been considered by the Government of Pakistan and it has been held that transportation charges for the car, in addition to rail fares, can be given only if a Government servant and his family travel by rail and the car goes by road. If they travel by car, they would be entitled only to the rail fares.

[G.P., M.F., O.M. No.F.1(22)-RI(2)/59, dated 26th September, 1960.]

(19) *See* item (2) of Government decisions below S. R. 36 in this section.

(20) *See* item (3) of Government decisions below S. R. 36 in this section.

(21) *Omitted.*

(22) A doubt has been raised as to whether the payment of A. C. C. surcharge is admissible in respect of the members of the family accompanying the Government servant or preceding or following him, in cases where the Government servant himself is entitled to claim A. C. C. surcharge, under the provisions of Ministry of Finance Office Memorandum No. F. 1(36)-RI(2)/59, dated the 15th July, 1959. It is clarified that payment of A. C. C. surcharge in respect of the family members is not permissible in such cases.

[G.P.,M.F., O.M.No.1(13)-R2(RWP)/61, dated the 25th September, 1961.]

(23) The rate of allowance admissible to a government servant who transports his motor-car or motor-cycle/scooter by road between stations connected by rail or streamer or partly by rail shall be raised to 37 paises per mile in respect of a motor-car and 12 paises per mile in respect of a motor-cycle/scooter.

This has effect from 1st January, 1973.

[G.P., F.D. O.M. No.F.2(1)-Rev. I/72, dated the 20th December, 1972.]

Audit Instructions--

(1) A reference to family has been omitted deliberately from S. R.32-A in view of the provision relating to actual payments in S.R.116 (a) I (ii). The intention is that if the family travels in a lower class of accommodation, the words "actually paid" in Supplementary Rule 116 (a) I (ii) should be taken to cover only fares of the class of accommodation actually used.

[Para. 17, Sec. II of Manual of Audit Instructions (Reprint).]

(2) Claims preferred under this rule for the carriage of personal effects should be admitted in all cases at the lowest available rates for "smalls".

Note. - "Smalls" are defined as goods which of themselves do not constitute working load for the unit of railway transport, the wagon, the minimum load constituting a wagon load is specified, by each of the Railways who quote reduced rates for wagon loads, in its tariffs.

[Para 18(i), Sec. II of Manual of Audit Instructions (Reprint).]

(3) In cases where a Government servant is transferred from Station A to Station B and again transferred within a reasonably short time to station C, he may be allowed under S. R. 116 (a) I (iii) to recover the cost of carriage of personal effects from Station A to Station C subject to the conditions-

- (1) that the total weight carried from Station B to Station C and from Station A to Station C does not exceed the maximum limit prescribed in the rule, and
- (2) that the total cost of transporting the effects from Station A to Station B, from Station B to Station C and from Station A to Station C does not exceed the amount admissible from Station A to Station B *plus* that admissible from Station B to Station C.

[Para. 18 (ii), Sec. II of Manual of Audit Instructions (Reprint).]

(4) When a Government servant transports more than the maximum maundage admissible under S. R. 116 (a) I (iii) by a cheaper route, he can draw actual charges not exceeding the amount admissible for the maximum maundage by the normal recognised route.

[Para. 18 (iii), Sec. II of Manual of Audit Instructions (Reprint).]

(5) The actual physical weight of personal effects carried by steamer should be taken into account and not the theoretical weight as arrived at by the shipping companies according to their own formula for calculating the charge.

[Para. 18 (iv), Sec. II of Manual of Audit Instructions (Reprint).]

Auditor General's decisions--

(1) With the concurrence of the Government it has been decided that there is no objection to Heads of Departments continuing to exercise the powers which were delegated to them in G.I., F.D. letter No.1090-E.B., dated the 9th August 1918, in respect of officers under the administrative control of the Central Government.

[Ar. G., No. 961-A/348-23, dated the 11th September, 1923.]

(2) There is no objection to a motor car being deemed a part of personal effects [vide S. R. 116(a) I (iii)] in cases where an officer is not entitled (under Appendix 21 in Volume II of this Compilation) to its free transport in addition to personal effects.

[Ar. G.'s. No. 900-T., dated the 16th October, 1920 -- page 120, P. &T. Supplement to C.S.R.]

(3) The cost of transporting a motor car or motor cycle may be allowed under Supplementary Rule 116 (a) I (iv) to an officer of the Pakistan Audit Department who is in receipt of pay of Rs.600 or over per *mensem* and is in possession of a motor car or motor cycle before he is transferred provided the conditions prescribed in Supplementary Rule 116 (a) I (iv) (1) and (3) are satisfied.

The pay limit mentioned above applies also to officers on the revised rates of pay.

[Ar. G's. letter No.1127-GBE/15-34, dated the 28th April, 1934 and d/o. No.2442-GBE/492-39, dated the 30th November, 1939.]

(4) It has been decided with the concurrence of the Government that the limit up to which the actual cost of transporting his personal effects by goods or passenger train or by both from and to the various qualifying stations may be drawn by a Government servant under Note 3 to S.R.116 (a) I (iii) is the maximum amount admissible under the main rule read with Note 1 thereto.

[Ar. G's. endorsement No.381-1/2-A133-42, dated the 7th July, 1942.]

(5) It has been decided with the concurrence of Government that for the purpose of T. A. under Supplementary Rule 116 (b) (iii) the wife of a Government servant who marries within six months of his transfer, will be deemed to have accompanied him to the new station if she joins her husband within six months of his transfer.

[Auditor General's U.O. No.220-A/22-58, dated the 25th June, 1958 and Ministry of Finance U.O. No.F.1(76)-RI(2)/58, dated 9th October, 1958.]

S. R. 116-A. A Government servant in superior service transferred from one post to another who, under the orders of competent authority, is permitted to hand over charge of his old post or to take over charge of the new post at a place other than the headquarters is entitled to -

- (1) travelling allowance as on tour from the place of handing over charge to the place of taking over;
- (2) the difference between three fares of the class of accommodation to which his grade entitles him, limited to the lowest rate of such class of accommodation in the case of journeys by steamer, and the number of fares admissible for a journey on tour, from his old to his new headquarters, ²¹²[* * *].
- (3) all the further concessions admissible under rule 116 (a) excluding the three fares referred to in clause I (i) thereof and one half of the mileage allowance referred to in clause II(i).

For the journeys from his old headquarters to the place of handing over charge, or from the place of taking charge to his new headquarters he will draw travelling allowance as for journey on tour.

S. R. 116-B. A Government servant in superior service whose headquarters are changed while he is on tour, and who proceeds to his new headquarters without returning to his old, is entitled to --

²¹²Omitted by G.P., M.F. Notification No.F.1(5)-R2(RWP)/62, dated the 18th May, 1962.

- (1) travelling allowance as on tour for his journey up to the new headquarters;
- (2) the difference between three fares of the class of accommodation to which his grade entitles him, limited to the lowest rate of such class of accommodation in the case of journeys by steamer, and the number of fares admissible for a journey on tour, from his old to his new headquarters; ²¹³[***].
- (3) all the further concessions admissible under rule 116 (a) excluding the three fares referred to in clause I (i) thereof and one half of the mileage allowance referred to in clause II(i).

S. R. 116-C. If the family of a Government servant, in consequence of his transfer, travels to a station other than the new headquarters, travelling allowance for the journey of the family may be drawn subject to the condition that it does not exceed the travelling allowance that would have been admissible if the family had proceeded to the new headquarters station.

S. R. 117. Deleted.

S. R. 118. Deleted.

S. R. 119. *Government Servants whose duties involve constant travelling by railway.* Subject to the provisions of rule 119-A the Government servants specified in rule 82 may draw travelling allowance under that rule for journeys on transfer within the limits of the railway to which they are attached, and are entitled in addition to a free pass or fares for their families provided that they must not draw daily allowance for halts in the course of the journey unless such halts are made in connection with their duty. When transferred from one railway to another, they are entitled to travelling allowance under rules 114 to 116.

S. R. 119-A. On transfer from one station to another a Government servant in the Railway Department or in the Railway Audit Branch of the Pakistan Audit Department who is eligible for the concession of privilege passes shall, for journeys by rail, draw travelling allowance under S. R. 82 (b), and will be entitled in addition, for such journeys, to free passes on the following scale, provided that he must not draw daily allowance for halt in the course of the journey unless such halts are made in connection with his duty:-

- (1) **Gazetted Officers --**
 - (i) a free first class pass for family, and

²¹³Omitted by G.P., M.F. Notification No.F.1(5)-R2(RWP)/62, dated the 18th May, 1962.

- (ii) a free pass for two wagons of luggage and one motor truck or horse box or cattle wagon.

(2) Non-gazetted staff --

- (i) a free pass for family of the class to which he may be entitled under the Pass Rules, and
- (ii) a free pass for one wagon load of luggage and one motor truck or horse box or cattle wagon.

Note 1. -- A free pass may also be granted for one attendant when a motor car, a horse or a head of cattle is carried.

Note 2. -- These passes will not count against the privilege passes admissible under the Pass Rules.

Government decision. -- So far as the issue of passes over the home line is concerned, it is not the intention of S. R. 119-A that the discretionary powers vested in the Railway Administrations under their Pass Rules should be affected thereby.

[G.I., F.D., letter No.F.5(18)-R.I/39, dated the 25th February, 1939.]

S. R. 120. *Survey of Pakistan Department.*-- A Government servant of the Survey of Pakistan Department may draw, at his option, for a journey on transfer either the travelling allowance prescribed in rules 114 to 116 or, if the conditions of rule 87 (b) (ii) are fulfilled, the allowance prescribed thereby.

²¹⁴S. R. 121. Deleted.

²¹⁵S. R. 122. *Class IV servant.* A Government servant of the fourth grade is entitled on transfer to draw travelling allowance in accordance with the rules applicable to other class of Government servants; provided that such Government servants shall be allowed only one extra fare for journey performed by rail or steamer and the cost of carrying personal effects up to the following maximum:-

- | | | |
|---------------------------------|---|------------|
| (i) If possessing a family | : | 10 maunds. |
| (ii) If not possessing a family | : | 5 maunds. |

²¹⁴ Deleted with effect from the 23rd November, 1951 by G.P., M.F., Notification No. F. 34(2)-RI(2)/54, dt. the 2nd April, 1956.

²¹⁵ Substituted with effect from the 23rd November, 1951 by G.P., M.F., Notification No. F. 34(2)-RI(2)/54, dt. the 2nd April, 1956.

S. R. 123. *Government servant appointed to a new post while in transit.*--A Government servant appointed to a new post while in transit from one post to another is entitled to draw travelling allowance under this section for so much of the journey on transfer as he has accomplished when he receives the fresh orders and for the journey from the place at which he receives such orders to his new station.

S. R. 124. *Government servant taking short leave before joining a new post.*—A Government servant who goes on leave on average pay, not exceeding four months after he has given over charge of his old post and before he has taken charge of his new post is entitled, whether the order of transfer is received before or after the commencement of his leave, to travelling allowance under this section as for a journey from his old to his new post.

Note.-- The provision of Note 3 to clause (a) I (iii) and of Note 7 to clause (a) I (iv) of Rule 116 apply here also.

Government order. - See Govt. order (3) under S. R. 116.

Government decision. - It has been decided by the Government that the following travelling allowance should ordinarily be admissible in cases in which a Government servant receives orders of transfer while on leave on average pay not exceeding four months at a station other than his headquarters and proceeds by railway direct therefrom with his family to join his new post travelling by a class lower than that to which he entitled:-

(i) *For self* --

- (a) one fare as from the old to the new station, by the class of accommodation actually used for the direct railway journey made as a result of the transfer: *plus*
- (b) two extra fares of the class of accommodation of which his grade entitles him from the old to the new station.

(ii) *For family* --

For each member, one or half fare as the case may be as in (i) (a) above, subject to the provision of Supplementary Rule 116(b) (iii).

[Ar. G's. endorsement No.324-A/158-37, dated the 29th October, 1937 and No.35. A2-43, dated the 12th July, 1943.]

Note.-- The Government have decided that in the case of an officer who proceeds to the new station partly by the class of accommodation to which he is entitled and partly by a lower class, the one fare referred to in clause (i) (a) should be calculated partly by the class of accommodation to which he is entitled and partly by the lower class actually used

in proportion to the distances actually travelled by those classes from the station at which leave was being spent to the new station even though the total amount actually paid by the officer is more than what would have been admissible for a direct journey from the old to the new station by the appropriate class of his grade.

[Ar. G's. U.O. No.555-GBE/58-45, dated the 14th March, 1945, to the A.G. C.R.]

Audit Instruction.-- Special disability leave on average pay whether it be granted by itself or in combination with ordinary leave on average pay, should not be treated as 'leave on average pay' for the purpose of Supplementary Rule 124, but as leave other than leave on average pay not exceeding four months for the purposes of Supplementary Rules 125 and 126.

[Para. 19-A. Sec. II of Manual of Audit Instructions (Reprint) as inserted by correction slip No. 58, dated the 1st February, 1941.]

Auditor General's decision.--In the case of an officer who is transferred to a new station while on leave on average pay in excess of 4 months where the excess over 4 months is covered by the war concession referred to in Note 1 to Fundamental Rule 81 (b), travelling allowance is admissible under Supplementary Rule 124 (and not under Supplementary Rule 126).

[Ar. G's. No. 45-A/9-23, dated the 16th January, 1924.]

S. R. 125. Government servant taking long leave while in transit.-- A Government servant who takes leave other than leave on average pay not exceeding four months while in transit from one post to another may draw travelling allowance under rule 115 and rule 116 (a) I (i) and (ii) and II (i) and (ii) for so much of the journey to join the new post as he has accomplished before the order granting his leave is received, in addition to any allowance admissible under rule 126.

Audit Instruction.-- See Audit Instruction below Supplementary Rule 24.

Auditor General's decision.--A question was raised whether in the case of a Government servant governed by the Prescribed Leave Rules, 1955, the term "leave on average pay not exceeding 4 months" occurring in Supplementary Rules 125 & 126 would include leave admissible under Rule 3 (1) (b) (i) of the Prescribed Leave Rules or it would also include, leave on average pay taken under Rule 3 (1) (b) (iii) *ibid* by converting leave on half average pay. The Comptroller and Auditor General held, and the Ministry of Finance agreed with him, that for the purposes of Supplementary Rules 125 and 126, only leave on average pay admissible under Rule 3 (1) (b) (i) of Prescribed Leave Rules, 1955, is to be treated as "leave on average pay not exceeding four months".

[Auditor-General's U.O. No.127-A/15-58, dated the 16th April, 1958, and Ministry of Finance's U.O. No.F.2(20)-RI(2)/58, dated the 2nd February, 1959.]

S. R. 126. *Government servant posted to new station on returning from long leave.*--When on return from leave, other than leave on average pay not exceeding four months, a Government servant is stationed at a headquarters other than that at which he was stationed when he went on leave, the controlling officer may permit him to recover travelling allowance under sub-clauses I(iii) and (iv) and II (iii) of rule 116 (a) as for a journey from his old to his new station.

Note.-- The provisions of Note 3 to clause (a) I (iii) and of Note 7 to clause (iv) of rule 116 apply here also.

Audit Instruction.-- See Audit Instruction below Supplementary Rule 124.

Auditor General's decision.--See entry below S. R. 125.

S. R. 126-A. When a Government servant under the administrative control of the ²¹⁶President is transferred to the control of a Government which has made rules prescribing amounts and conditions of travelling allowance, his travelling allowance for the journey to join his post under that Government and for the return journey will be governed by the rules of that Government regulating travelling allowance on transfer.

Audit Instruction. - The Controlling Officer for the purpose of travelling allowance for the journey of a Government servant to join his post under a borrowing Government as well as for the return journey will be the Controlling Officer in regard to his post under that Government.

[Para. 20, Sec. II of Manual of Audit Instructions (Reprint).]

SECTION XII.--JOURNEY TO A HILL STATION.

S. R. 127. *Journey with the headquarters of a Government.*-- Special rules, which are not included in these rules, govern the grant of travelling allowance to Government servants moving to hill station with the headquarters of a Government.

S. R. 128. *Journey made under the orders of superior authority.*-- A Government servant, other than a Government servant moving with the headquarters of a Government, who travels on duty to a hill station within his sphere of duty or is required by the orders of a superior authority to travel to a hill station on duty, may draw travelling allowance during his absence as for a journey on tour. Such a Government servant, will, however, forfeit all claim to travelling allowance for the journey and halt, other than permanent travelling allowance, if he prolongs his stay *at the* hill station beyond a period of ten days or the period necessary for the performance of the duty on which the journey is made, whichever is less; provided

²¹⁶Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

that a competent authority may by general or special order preserve the Government servant's claim to travelling allowance by--

- (a) sanctioning a halt in excess of ten days, and
- (b) officially intimating that his presence was required on duty throughout the period or that he was permitted to extend his stay during holidays immediately following his period of duty.

Government decisions.-- (1) The Government observe that the restrictions imposed in Supplementary Rule 73 on the drawal of daily allowance in excess of ten days apply also to halts in hill stations in the circumstances specified in Supplementary Rule 128. The increased cost of living in hill stations is recognised by the grant of increased rate of daily allowance and the continuance of the full increased daily allowance for a period in excess of ten days merely for the reason that the halt is in a hill station will not normally be justified. The instructions contained in item (1) of the Government decisions under Supplementary Rule 73 should, therefore, be followed by the authorities to whom powers under Supplementary Rule 128 have been delegated when sanctioning halts in excess of ten days.

[G.I., F.D. letter No.F.5(44)-R.I/33, dated the 30th September, 1933.]

(2) The instructions contained in the Government decisions above are not intended to apply to Class IV servants.

[G.I., F.D., letter No F.5(44)-R.I/33, dated the 12th May, 1934.]

(3) In case of temporary duty at a hill station exceeding thirty days, Heads of Departments shall have full power to sanction daily allowance for the entire period of continuous halt of a government servant.

[G.P., F.D., O.M. No.F.2(1)-Rev. I/72, dated the 20th December, 1972.]

Audit Instruction.-- The Audit Instruction under Supplementary Rule 73 should apply to cases covered by Supplementary Rule 128 also.

[Para. 21, Sec. II of Manual of Audit Instructions (Reprint).]

S. R. 129. *A Government servant performing his duties at a hill station for his own convenience.*-- **When a Government servant is permitted for his own convenience to perform his duties at a hill station, he is not entitled to daily allowance or mileage allowance for the journey to or from such station or for the period during which he halts at it.**

Government orders.--(1) Deleted.

(2) In the case of officers serving under the Central Government visit to hill stations on recess should be governed by the following conditions:-

- (i) The total period per annum for which the officer is to be allowed to recess, and the hill station or stations in which he may spend the recess, should be fixed by a general order of the Department concerned and communicated to the audit officer.
- (ii) The total period may be split up into two periods under the general or special order of the Department concerned, likewise communicated to the audit officer.
- (iii) The dates of commencement and conclusion of the period, or periods, of recess should be fixed by the Department either annually or subject to condition (iv) for a period of years, and should be communicated by the Department to the audit officer in time to reach him before they are acted upon. Any modification of these dates should be communicated promptly by the Department to the audit officer.
- (iv) The dates should, as far as possible, be so fixed that they will include any period during which the officer's presence is likely to be required at the hill station for the purpose of consultation, attendance at Committee meetings, Conferences or the like.
- (v) The officer, as is laid down in Supplementary Rule 129, will draw neither daily allowance nor mileage allowance for his journeys to or from the hill station, and will draw no daily allowance for the periods of halt at the hill station.
- (vi) The staff accompanying the officer should be limited to one clerk or stenographer and one peon, but in special cases two peons may be allowed with previous concurrence of the Ministry of Finance. When a recess is split up into two periods the staff should be limited to one peon for the shorter of the two periods. An officer who breaks the period of recess into two periods should take his stenographer with him on both the occasions unless specially exempted from doing so on any occasion. He should not leave his stenographer in the hill station while he himself breaks his recess. For this purpose, a short absence from the place of recess which is nevertheless counted against the total period of recess, is not to be regarded as a breaking of the recess. The travelling expenses of the stenographer for the second trip will be borne by the recessing officer concerned as a condition of the grant to him of permission to break the recess, but the stenographer will be entitled to draw 1/2 daily allowance for the second period making with what he has drawn for the first period

the same total as he would have drawn if the total period had not been divided.

The above orders have been modified to this extent that it will henceforth be optional for the recessing officer to take his stenographer with him whether or not he breaks the period of his recess. When, however, an officer breaks his recess and takes his stenographer with him on the second occasion, the stenographer's travelling allowance will be regulated as laid down in the G.I. F.D., office memorandum No. F.5(35)-R.I./36, dated the 20th April, 1936.

- (vii) This staff will be entitled to travelling allowance at tour rates for their journeys to and from the hill station. The clerk or stenographer will be granted daily allowance at full rates for the first ten days of his halt at the hill station and at half rates thereafter. The peon or peons will draw daily allowance at full rates for the entire period of halt.

(3) The Government have decided to lay down the following rules to govern the travelling allowance of an officer for journeys on tour during the period of his recess at a hill station:-

- (i) No travelling allowance may be drawn for a direct journey from the hill station to the officer's headquarters or *vice versa* during the period of the recess.
- (ii) If journeys from headquarters to the hill station and *vice versa* are combined with inspection, the usual travelling allowance admissible for the journey may be drawn, but the travelling allowance ordinarily due for a direct journey between the permanent headquarters and the hill station should be deducted from the total amount claimed.
- (iii) When tours of inspection are undertaken from the hill station where the officer is recessing, travelling allowance may be drawn at the usual rates, provided that the total amount involved does not exceed the amount which would have been admissible had those inspections been carried out from the officer's regular headquarters.
- (iv) Journeys from a hill station to particular station and back should not normally be undertaken. When, however, such journeys are unavoidable on account of urgent Government business, travelling allowance may be drawn at the usual rates, provided that the amount does not exceed the amount which would have been admissible had the journey been made from the regular headquarters. In such cases the reasons for the journeys should be recorded on the travelling allowance bill for the information of the countersigning officer, if any, and that of the Audit Officer.

[G.I., F.D., No.F.9(97)R.I./29, dated the 8th October, 1929.]

(4) The Government have decided that in cases where a period of duty in the hill station is prefixed or affixed to a period of recess, no travelling or daily allowance will be allowed. In such cases the period of recess will merely be treated as extended by the period of duty.

[G.I., F.D., letter No.F.9(94)-R.I./29, dated the 13th March, 1930.]

(5) *Deleted.*

SECTION XIII.— JOURNEY TO ATTEND AN EXAMINATION.

S. R. 130. *General rules.*— A Government servant is entitled to draw travelling allowance for the journey to and from the place at which he appears for an examination of any of the following kinds:—

- (a) An obligatory departmental or language examination.
- (b) An examination held under any rules in force in the vernacular language of a frontier or hill tribe.
- (c) In the case of a military officer in civil employ, an examination for promotion in military rank.
- (d) In the case of a civil assistant surgeon or sub-assistant surgeon, an examination designed to test his fitness to rise above an efficiency bar in a time-scale:

Provided that —

- (1) travelling allowance shall not be drawn under this rule more than twice for any particular examination or standard of examination; and
- (2) a competent authority may disallow travelling allowance under this rule to any candidate who, in its opinion —
 - (i) has culpably neglected the duty of preparing himself for an obligatory examination.
 - (ii) does not display a reasonable standard of proficiency in an examination which is not obligatory.

S. R. 131. *Government servants obtaining reward for proficiency in an oriental language.*— A Government servant who obtains a reward for proficiency in an oriental language, or who first time obtains degree of honour in any language in the

second division, is entitled to draw travelling allowance for the journey to and from the place of examination.

S. R. 132. *Special concessions.*-- A competent authority may permit a Government servant to draw travelling allowance for the journey to and from the place at which he appears for any examination other than those specified in rules 130 and 131.

Government orders.--

(1) Government servants summoned by or at the request of the Public Service Commission or of Government for interview not connected with advertised posts should be granted allowances for travelling not exceeding the amount of mileage admissible under the ordinary rules applicable to journeys on tour; in exceptional cases, the Public Service Commission may grant them daily allowance for days of halt at the place of interview at the rates to which their grades entitle them.

Ordinarily no travelling allowance should be granted to persons who themselves apply for interview, but in exceptional cases the Public Service Commission may decide whether it would be equitable to pay travelling expenses and, if so, to fix the rate.

[G.I., F.D., letter No.F.9(52)-R.I/30, dated 14th June 1930, to the P.S.C.]

Note. - These orders should be applied to the travelling allowance claims of Government servants whom Departments may call for interview in connection with appointments to posts with which the Public Service Commission is not concerned.

[G.I., F.D., No.F.5(40)-R.I/33, dated the 15th September, 1933.]

(2) In connection with the question of the payment of travelling allowance to officers recommended by the Provincial Governments as suitable for serving under the Central Government and called up to Provincial headquarters or at the headquarters of the Central Government to interview the Establishment Officer or the Establishment Committee, it has been decided that--

- (i) Travelling allowance for journeys to and from the Provincial headquarters or the headquarters of the Central Government should, in future, be allowed at the cost of the Central Government for such a journey at such rates as are admissible according to Provincial rules;
- (ii) The expenditure on this account should be debited to the Government of Pakistan.

The Establishment Secretary to the Government of Pakistan will be the controlling officer in respect of the travelling allowance of the officers who are invited for interview.

[G.I., F.D., Endorsement No.F.5(114)-R.I/41, dated the 9th December, 1941 and No.F.3(7)-F.II/46, dated the 4th September, 1946.]

(3) The civilian servants of the Government of Pakistan called for interviews and medical examinations in connection with their selection for Emergency Commissions should be granted travelling allowance as laid down by Army Instructions (India) 73 and 74 of 1944.

[G.I., F.D., Endorsement No.F.-5(32)-R.I/44, dated the 14th April, 1944.]

Government decision. -- The Government have decided that the travelling allowance admissible to officers summoned for interview by the Establishment Committee, for selection for the Finance and Commerce Departments cadre should be regulated as follows:--

- (i) Officers not entitled to free railway passes will be paid by travelling allowance as on tour and daily allowance for the days of halt, under the Supplementary Rules of the Central Government or the rules of the Provincial Government concerned, according as they are serving under the Central or a Provincial Government at the time; and
- (ii) officers entitled to free railway passes will be paid, under Supplementary Rule 82, daily allowance for the entire period of absence from headquarters exceeding eight consecutive hours.

[G.I., F.D., Endorsement No.F.-23(II)-Ex. II/40, dated the 15th August, 1940.]

S. R. 133. *Rates of travelling allowance under this section.*-- **Travelling allowance under this section should be calculated as for a journey on tour, but no allowance may be drawn for halts on the journeys.**

SECTION XIV.-- JOURNEY WHEN PROCEEDING ON OR RETURNING FROM LEAVE.

S. R. 134. *General rule.*-- **Except as otherwise provided in these rules, a Government servant is not entitled to any travelling allowance for a journey made during leave or while proceeding on or returning from leave.**

S. R. 135. *Exception.*-- **A competent authority may, for special reasons which should be recorded, permit any Government servant to draw, for a journey of the kind specified in rule 134, traveling allowance as for a journey on tour.**

S. R. 136. Deleted.

²¹⁷S. R. 136-A. Deleted.

S. R. 137. A Pakistan Commissioned Officer serving with the Frontier Irregular Corps. ²¹⁸[**], when proceeding on or returning from leave, is entitled to the same concessions as he would receive if he were in military employ.

S. R. 138. A military sub-assistant surgeon in civil employ, when proceeding on or returning from leave of not less than six months duration, is entitled to the same concessions which he would receive if he were in military employ.

S. R. 139. A departmental officer of the commissary class or a departmental warrant officer in civil employ, when proceeding on or returning from leave on medical certificate is entitled to the same concession which he would receive in military employ.

S. R. 140. *Concessions to Survey of Pakistan subordinates.*—The Surveyor General or an administrative superintendent of the Survey of Pakistan Department may exercise the following powers:-

- (a) He may grant such rail and steamer fares as he considers necessary to khalasis and other Class IV servants in the Survey of Pakistan Department proceeding on or returning from leave of any kind. Such fares should be paid for the journey to or from the place at which each Class IV servant was recruited.
- (b) He may grant such travelling allowance as he considers necessary to surveyors and other subordinates when proceeding on or returning from leave if their homes are situated in provinces other than those in which they are employed.

S. R. 141. Cancelled.

S. R. 141-A. Deleted.

S. R. 142. *Government servant recalled to duty from leave.*—(a) When a Government servant is compulsorily recalled to duty before the expiry of his leave and the leave is thereby curtailed by not less than one month, he is entitled to draw mileage allowance for the journey from the place at which the order of recall reaches him, or, if the journey involves travelling by sea, from the port at which he lands, in Pakistan to the station to which he is recalled. If the period by which the leave is curtailed is less than a month, mileage allowance may be allowed at the discretion of the authority recalling the Government servant.

²¹⁷Deleted by G.P., M.F. Notification No.F.1(5)-R2(RWP)/62, dated 18th May, 1962.

²¹⁸Omitted by G.P., M.F. Notification No.F.1(10)-R2/66, dated 17th March, 1966.

(b) If the Government servant recalled to duty is entitled to travelling allowance under rule 124, he may not draw mileage allowance under clause (a) unless he abandons his claim to the mileage allowance specified in rules 115 and 116 (a) I (i) and II (i).

Government decision.-- Passage concessions to civil officers recalled from leave sanctioned in the G.I., F.D., No.757-E. B., dated the 20th May, 1921, are admissible not only in cases of recall from the United Kingdom, but in all cases of recall from leave out of Pakistan.

[G.I.,F.D., No.1293,-C.S.R., dated the 18th November, 1922.]

S. R. 143. If a non-gazetted Government servant, on compulsory recall from leave exceeding four months is posted to a station other than that from which he went on leave he may if his pay after transfer does not exceed Rs.400 and if his new station is distant more than 200 miles from his old station draw, in addition to the allowance admissible under rule 126, travelling allowance for his family under rule 116 for the journey from the place at which the order of recall reaches him to the new station; provided that the amount so drawn shall not exceed the amount admissible under rule 116 for the journey from the old to the new station.

S. R. 144. Travelling allowance during joining time under Fundamental Rule 105(d).--(a) Except as provided in rule 145 and in clauses (b) and (c) of this rule, a Government servant on joining time under F. R. 105(d) may draw traveling allowance for the journey as for a journey on transfer, with the exception that in the case of journeys by steamer, instead of three fares for self, only two fares will be admissible. A member of a Government servant's family who precedes or follows him by not more than six months may be treated as accompanying him.

(b) The travelling allowance of Government servants under the rule-making control of the ²¹⁹President employed in the Gilgit Agency and Chilas when proceeding on, or returning from, leave will be regulated as follows:-

- (1) When no tenure is prescribed or when the tenure of appointment is four years or more – travelling allowance as under clause (a), once in four years;**
- (2) When the tenure of appointment is less than four years but not less than three years – travelling allowance at tour rates once during the tenure; and**
- (3) When the tenure of appointment is less than three years -- no travelling allowance.**

²¹⁹Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

The above restrictions will not apply in cases where leave is taken immediately prior to the completion of tenure and before joining a post elsewhere.

(c) Deleted.

Note.-- This rule does not apply to Government servants under the administrative control of Ministry of States and Frontier Regions who while proceeding on leave from the Gilgit Agency or returning from leave to that Agency, are carried free of charge by Pakistan Air Force planes.

Government decision.-- This rule governs travelling allowance admissible in the case of leave or leave-cum-transfer of Government servants to whom Fundamental Rule 105 (d) applies. The travelling allowance of such Government servants in the case of a straight transfer is regulated by the rules in Section XI. - JOURNEYS ON TRANSFER--in Division VI of the Supplementary Rules.

[G.I., F.D., endorsement No.F.5(71)-R.I./42, dated the 10th July, 1942.]

S. R. 145. Deleted.

S. R. 145-A. Deleted.

SECTION XV.-- JOURNEY ON RETIREMENT, DISMISSAL OR TERMINATION OF EMPLOYMENT.

S. R. 146. General Restrictions.-- Unless in any case it be otherwise expressly provided in this section, no person is entitled to any travelling allowance for a journey made after retirement or dismissal from Government service or after the termination of such service.

Government order.—

(a) A Government servant shall be allowed T. A., to the extent specified below, in respect of the journey from the place of his last posting to his home town, performed during leave preparatory to retirement or on or after retirement:--

- (i) ²²⁰“Actual fare by rail or air of the class to which he was entitled immediately before his retirement for himself and for each member of his family. For journeys by road, mileage allowance shall be allowed at the rates applicable at the time of drawal of claim”.
- (ii) Cost of transportation of personal effects to the extent admissible to him immediately before retirement for journeys on transfer.

(b) Advance payment for expenditure as at (a) above shall be made and be treated as final payment.

²²⁰ Substituted vide G.P., F.D., O.M. No.F.1(5)R-10/2010-98, dated:-24-04-2014.

(c) The home town shall be determined according to entries pertaining to the permanent address of the government servant in his service record or according to the declaration made by him for purposes of leave travel concession.

(d) The term "retirement" shall mean retirement on attaining the age of superannuation, or on completing prescribed service limit, or voluntary retirement on completion of 25 years qualifying services or on invalid pension or compulsory retirement.

This order has effect from 1st January, 1973.

[G.P., F.D., O.M. No.F.2(1)-Rev.1/72, dated the 20th December, 1972.]

Government decisions.--

1. The question of providing travel assistance to the families of Government servants who die while in service has been under consideration of Government. The President has been pleased to decide that the family of such a Government servant will be allowed travel assistance equal to the amount of T.A. and cost of transportation of personal effects, subject to the provisions of clauses (a) to (c) of the above Government order to enable the family to perform journey from the station of the last posting of the deceased government servant to his home-town, or to such other place to which the family intends to proceed provided that the amount to be paid by Government will not exceed the amount admissible from the station of last posting of the deceased to his home-town.

2. The amount of advance will be drawn by the Drawing and Disbursing Officer of the office concerned and paid to the eldest member of the deceased government servant's family on application to the Head of Department in which the deceased was working at the time of his death. The application should contain the following particulars:-

- (1) Name of the deceased Government servant;
- (2) His designation and the name of the office in which he was working at the time of his death;
- (3) Name and address of the applicant;
- (4) His/her relationship with the deceased;
- (5) Home-town of the deceased Government servant or the place where the family intends to proceed;
- (6) Names of family members alongwith age of each of them; and
- (7) Approximate weight of personal effects to be transported.

The application should be counter-signed by a Class I civilian officer, or a Commissioned Armed Forces officer, who will record a certificate thereon in the following words:--

"Certified that I personally know the above particulars to be correct".

This has effect from 1st January, 1973.

[G.P., F.D., O.M. No.F.2(1)-Rev.1/72, dated the 6th February, 1973.]

(2) A civil servant who did not avail himself of the concession of retirement T.A. during leave preparatory to retirement, may do so within six months after the actual date of his retirement. If, however, a retired civil servant dies during this period, without having availed himself of the concession, it may be allowed to the family on application to the Head of Department and should be availed of before the expiry of six months from the date of retirement of the deceased Government servant or within three months of the date of his death, whichever ever may be later.

It has further been decided that in the case of retired civil servants who are re-employed immediately after, or within six months from the date of their retirement, the time limit prescribed in paragraph 1 above, shall commence from the date on which the period of re-employment concludes.

[G.P.,F.D., O.M. No.F.2(5)-R9/76, dated the 3rd March, 1976.]

(3) A question has been raised as to what amount of T. A. shall be admissible to employees whose home towns are in Gilgit, Baltistan, Chitral and therefore, of necessity, they have to perform the journey on retirement, by air. The matter has been considered and it has been decided that in such cases T. A. shall be allowed as under:--

- (i) For the portion of journey connected by rail, rail fare of the Class of entitlement;
- (ii) For the portion of journey connected by road, mileage allowance at prescribed rate;
- (iii) Air fare (economy class) for self and family, from the airport of Rawalpindi/Peshawar, as the case may be, up to the airport near the home-town; and
- (iv) Cost of transportation of personal effects at [paise ²²¹0.148 per kilometre per kilogram (or 2.96 paise, per kilometre, per unit of 20 kilograms)] from the residence at the old station of posting to the residence at his home town, irrespective of mode by which the personal effects are carried.

²²¹Substituted by Finance Division O.M. No.1(16)-Reg.9/91, dated 3rd October, 1991.

[G.P. F.D., O.M. No.F.2(16)-R9/77, dated the 29th June, 1977.]

Note:- The rate for carriage of personal effects on transfer/retirement was further revised from Rs.0.008 per kg per km to Rs.0.02 per kg per km vide F.D. O.M. No.1(3)Imp/2012, dt:16-7-2012.

S. R. 147. Exception.-- A competent authority may, for special reasons which should be recorded, permit any Government servant to draw travelling allowance for a journey of the kind mentioned in rule 146.

²²²**S. R. 147-A. (a) If a Government servant domiciled in East Pakistan retires from service at a station in West Pakistan or a Government servant domiciled in West Pakistan retires from service at a station in East Pakistan he may be allowed traveling allowance to the extent specified below in respect of the journey to the province of his domicile performed during leave preparatory to retirement or within a period of three months after the date of retirement:-**

- (i) **Actual tourist class air fare from Karachi/Lahore to Dacca or vice-versa, as the case may be or actual sea fare, of the class to which the officer was entitled immediately before his retirement, from Karachi to Chittagong or vice-versa, as the case may be, whichever of the two is cheaper, for the officer himself and or each member of his family as defined in rule 2(8) for the purpose of rule 116;**
- (ii) **Actual charges for the transportation by sea, of personal effects from Karachi to Chittagong or vice versa as the case may be, not exceeding the maundage which the Government servant was entitled to transport at the cost of Government immediately before his retirement and at a rate not exceeding ²²³Rs.20 per maund.**

(b) A Government servant who is re-employed under the Government within three months of his retirement without having availed himself of the concession given in clause (a) of this rule may avail himself of it after the termination of such employment but within three months thereof.

Government decision.-- A question has been raised as to whether incidental charges like port tax, river dues, shipping charges, wharfage fees and charges, sea dues and documentation charges may also be allowed under S.R.147-A(ii) to Government servants for journeys to their zone of domicile. The matter has been considered and the President has been pleased to decide that such incidental charges, where actually paid by a Government servant and duly supported by necessary receipts, vouchers, etc., may be allowed, provided that the total amount payable to a Government servant on account of transportation of personal effects not exceed ²²⁴Rs20 per maund.

²²²Introduced w.e.f. 28-9-1957 by G.P., M.F. Notification No.F.1(47)-RI(2)/59, dated the 15th September, 1959.

²²³Raised to Rs.40 vide G.P., M.F., O.M. No.F.1(16)R-2(RWP)/63, dated the 14th September, 1963.

²²⁴Raised to Rs.40 vide G.P., M.F. O.M. No.F.1(16)R-2(RWP)/63, dated the 14th September, 1963.

[G.P., M.F., O.M. No.F.8(11)-Reg./60, dated the 30th September, 1960.]

S. R. 148. Deleted.

²²⁵**S. R. 148-A. Deleted.**

S. R. 149. *Concessions to Survey subordinate.*-- The Surveyor General or an administrative superintendent of the Survey of Pakistan Department may grant such rail and steamer fare as he considers necessary to a discharged khalasi or other Class IV servants for the journey to the place at which the Class IV servant was enlisted.

S. R. 149-A. Deleted.

S. R. 150. Deleted.

S. R. 151. *Concession to military officers in Civil employ.*— A departmental Officer of the commissary class, or a departmental warrant officer in civil employ, on retirement after service which has earned a pension or a gratuity, is entitled to the same concessions as if he were retiring from military employ.

S. R. 151-A. A person temporarily employed in Government service in Gilgit or Chitral State or outside Pakistan who has received travelling allowance for the journey to join his post, may, on the termination of his employment, be allowed to draw travelling allowance for the journey to any place: provided that such allowance does not exceed the travelling allowance calculated for the journey to the place at which he was engaged, that the claim to draw travelling allowance is preferred within three months of the termination of his employment and that the officer under whom he is employed is satisfied that he intends to make the journey.

S. R. 152. Deleted.

S. R. 153. *Rates of travelling allowances under this section.*-- Travelling allowance under rules 147 and 151-A should be calculated as for a journey on tour but no allowance may be drawn for halts on the journeys.

SECTION XVI.-- JOURNEY TO GIVE EVIDENCE OR TO ATTEND A COURT OF LAW AS ASSESSOR OR JUROR

S. R. 154. *Journey to give evidence of facts of which he has official knowledge.*-- The following provisions apply to a Government servant who is summoned to give evidence--

- (a) **in a criminal case, a case before a court-martial, a civil case to which Government is a party or a departmental inquiry held by a properly constituted authority in Pakistan; or**

²²⁵ Deleted by the M.F. Notification No.F.1(5)-R2(RWP)/62, dated the 21st May, 1962.

- (b) before a court in a State which has acceded to Pakistan or in foreign territory;

provided that the facts as to which he is to give evidence have come to his knowledge in the discharge of his public duties:-

- (i) He may draw travelling allowance as for a journey on tour attaching to his bill a certificate of attendance given by the court or other authority which summoned him.
- (ii) When he draws such travelling allowance, he may not accept any payment of his expenses from the court or authority. Any fees which may be deposited in the court for the travelling and subsistence allowance of the witness must be credited to Government.
- (iii) If the court in which he gives evidence is situated within five miles of his headquarters and no travelling allowance is therefore admissible for the journey, he may, if he be not in receipt of permanent travelling allowance, accept such payment of actual travelling expenses as the court may make.

Note.-- A Government servant summoned to give evidence while on leave is entitled to travelling allowance under this rule from and to the place from which he is summoned as if he were on duty.

Government decisions.—

- (1) to (3) Deleted.

S. R. 155. A Government servant summoned to give evidence in circumstances other than those described in rule 154 or to serve as an assessor or juror in a court of law is not entitled, by reason of his position as a Government servant, to any payments other than those admissible by the rules of the court. If the court pays him any sum as subsistence allowance or compensation, apart from payment for travelling expenses, he must credit that sum to Government before drawing full pay for the day or days of absence.

Government order. -- The question has arisen whether an employee who is subject to the Payment of Wages Act, 1936, can legally pay to the Department fees or sums received by him from court as subsistence allowance or compensation. Such payment will amount to a deduction from wages within the meaning of the explanation to sub-section (1) of Section 7 of the Payment of Wages Act, 1936 (IV of 1936), and is thus inadmissible under the provisions of that Section. The employee, therefore, cannot legally be asked to credit to Government the subsistence allowance granted to him by the court. This difficulty can be solved by the issue of rules by High Courts to the effect that in the case of Government servants who are subject to the Payment of Wages Act, 1936, such sums

should be deposited by the courts themselves in the Treasury to the credit of the Government or Department concerned.

(G.I., F.D., No.116/40-Judicial, dated the 9th September, 1940, copy received with Auditor-Generals' endorsement No.433-Admn./199-40, dated the 14th October, 1940).

SECTION XVII.— JOURNEY TO OBTAIN MEDICAL TREATMENT, ADVICE OR CERTIFICATE OR TO APPEAR BEFORE A MEDICAL BOARD.

S. R. 155-A. When a member of a Superior Civil Service being of non-Asiatic domicile is serving in a station where there is no medical officer appointed by Government to attend him and when such officer or a member of his family requires medical treatment or advice --

- (i) travelling allowance for the journey to and from the nearest station where there is such a medical officer may be granted to the officer or member of his family, or**
- (ii) in the alternative, if the patient is too ill to travel, travelling allowance may be granted to the nearest such medical officer from and to his headquarters.**

In either case the application for travelling allowance must be supported by a certificate signed by the medical officer in question to the effect that medical treatment or advice was necessary, and, in the case of (ii), that the patient was too ill to travel. The controlling officer may require this certificate to be countersigned by the Administrative Medical Officer of the Province.

EXPLANATION:- For the purposes of this rule "Superior Civil Service" includes all services and posts named in the Superior Civil Service (Revision of Pay Passage and Pension) Rules, 1924.

Government decisions—

(1) No travelling allowance is admissible under Supplementary Rules 155-A and 155-B for journeys performed in connection with dental treatment or advice except of journeys undertaken in order to obtain such dental treatment as is admissible under the provisions of rule 2(f) read with rule 2(i) (vii) of the Central Services (Medical Attendance) Rules, 1958, or for journeys performed in connection with any treatment or advice other than a treatment or advice by a medical officer, a physician specialist or a surgeon specialist.

[G.I., F.D., No.F.9(108)-R.I/29, dated the 9th November, 1929, read with G.P., M.F., O.M. No.F.1(31)R2(RWP)/62, dated 13-2-1963.]

(2) Travelling allowance should not to paid to a Government servant for journeys performed by him to appear before a medical committee for obtaining a certificate of fitness to return to duty.

[G.I., F.D., No.F.-7(35)-R.I/34, dated the 21st May, 1935.]

S. R. 155-B. In the case of member of a Superior Civil Service of either Asiatic or non-Asiatic domicile and members of their families, if the medical officer first consulted considers the case to be of such a serious or special nature that he is unable or unwilling to treat it, he may, with the approval of the Administrative Medical Officer of the Province, which must be secured before hand in all cases where this is possible without danger to the patient --

- (i) give a certificate authorising the officer or member of his family to draw travelling allowance to and from the nearest station where adequate treatment is available, or
- (ii) in the alternative, certify that the patient is not fit to travel and that a specialist should be summoned from another station, and a certificate to this effect will authorise the specialist so called in to draw travelling allowance from and to his station.

S. R. 156. *General rule.*-- If, in order to obtain medical advice, a Government servant is compelled to leave a station at which he is posted and at which there is no medical officer of Government and travels to another station, he may, on production of a certificate from the medical officer consulted that the journey was, in his opinion, absolutely necessary, draw travelling allowance for the journey.

Government decisions.—

(1) Travelling allowance is not admissible for a journey undertaken to procure health certificate on first appointment to Government service.

[F.D., No.7871-F., dated the 26th December, 1903.]

(2) See item (2) of the "Government decisions" under S. R.155-A.

S. R. 156-A. If, in order to obtain anti-rabic treatment, a Government servant is compelled to leave a station at which he falls ill and at which anti-rabic treatment is not available, and travels to the nearest station in the province in which he falls ill where the treatment is available, he may, on production of a certificate from his authorised medical attendant that the journey was, in his opinion, absolutely necessary, draw traveling allowance for the journey. This concession is admissible to a Government servant on leave.

Note.—“Authorised medical attendant” means the Principal Medical Officer appointed by the Government to attend its officers in the district in which the Government servant falls ill.

S. R. 157. *Journey to obtain medical certificate.*-- If a Government servant, being stationed where there is no medical officer of Government, is required to obtain a medical certificate from a medical officer of Government in support of an application for an original grant of leave, he may draw traveling allowance for the journey undertaken to obtain that certificate.

Note.--Travelling allowance is not admissible for a journey to obtain a medical certificate in support of an application for an extension of leave.

S. R. 157-A. If a Government servant, having obtained a medical certificate in support of an application for an original grant of leave, is required to appear before a medical board, or to appear before a nominated medical officer of Government for further opinion as to the necessity for the leave recommended in that certificate, he may draw travelling allowance for the journey undertaken to obtain that opinion.

Note. - Travelling allowance is not admissible for a journey to obtain a second medical opinion in support of an application for an extension of leave.

S. R. 158. *Previous permission necessary if obtainable.*— The journeys contemplated by rules 156 and 157 should not be undertaken without the previous permission of the controlling officer, if such permission can be obtained without risk to the Government servant requiring medical advice.

S. R. 158-A. *Postal officials.*-- Extra Departmental Agents in the Post Office, Mail Guards, Postmen, Village Postmen, all Class IV servants in the Post Office and Bicycle Mistries, Carpenters, Linemen, and all Class IV servants in the Telegraph Traffic and Telegraph Engineering Branches may, provided their pay does not exceed Rs.²²⁶[45] a month draw actual travelling expenses for journeys undertaken in connection with their medical examination for admission to the Post Office Insurance Fund, subject to the conditions:--

- (a) that a proposer who has been passed by the Civil Surgeon actually takes out a policy within the period prescribed by the rules of the Fund; and
- (b) that a proposer who has taken out a policy pays the premium on it for a period of not less than twelve months.

Government decision.-- Travelling Allowance is admissible under S.R.158-A whenever the officials mentioned therein perform journeys for medical examination in connection with their insurance, irrespective of the fact whether the insurance is for the first time or not.

[G.I.,F.D., Communications Branch letter No.D/1945-PT/38,dated the 14th March, 1938.]

S. R. 159. Deleted.

²²⁶Substituted for the figure '30' by G.P., M.F. Notification No.F.20(2)-RII/53, dated the 12th August, 1953.

S. R. 160. *Journey to appear before a medical board preliminary to retirement.--*

(a) A Government servant who is directed by his official superior, in the interests of the public service, to apply for an invalid pension may, if he be required to make a journey in order to appear before a medical board draw his actual travelling expenses subject to a maximum of the amount of traveling allowance calculated for the journey. If it be necessary for him to return to his headquarters after appearing before the medical board, he may draw his actual expenses subject to the same maximum. In both cases his travelling allowance bill must be supported by a certificate that he was directed to apply for an invalid pension in the interests of the public service and that he did not voluntarily ask to retire.

(b) A competent authority may allow actual expenses, as limited by clause (a) of this rule, to be drawn by a Government servant who voluntarily applies for an invalid pension provided that the authority is satisfied that circumstances of the applicant are such as to justify the concession.

Auditor General's decision.-- Having been invalidated by a Civil Surgeon with effect from the 30th January, 1935, a non-gazetted Government servant had to undertake subsequent to that date, for obtaining the attestation of the medical certificate under Article 442 (b) C.S.R., several journeys to appear before the Medical Board which ultimately confirmed the Civil Surgeon's certificate retrospectively with effect from the 30th January, 1935. The Government servant put in a claim for the reimbursement of travelling allowance in respect of those journeys and a doubt was felt whether the case could be covered by the ordinary rules for traveling allowance. It has been decided, however, that S. R. 160 (a) does not become inoperative if, in a case like this, retirement takes retrospective effect from a date prior to the date on which the journey to appear before the Medical Board is performed.

(Ar. G's letter No.69-A/25-36, dated the 6th February, 1936.)

S. R. 161. *Journey to appear before a medical board in other circumstance.--* Except as provided in rules 157-A and 160, no travelling allowance is admissible for a journey undertaken in order to appear before a medical board.

S. R. 162. *Rates of traveling allowance under this section.--* Travelling allowance under rules 155-A, 155-B, 156, 156-A, 157, 157-A and 160 (a) should be calculated as for a journey on tour, but no allowance may be drawn for halts on the journeys.

Government orders-- (1) to (3) Deleted.

SECTION XVIII.-- JOURNEY IN ATTENDANCE ON AN INCAPACITATED GOVERNMENT SERVANT OR MEMBER OF HIS FAMILY.

S. R. 163. A medical officer of Government who considers that a Government servant on whom it is his duty to attend professionally should leave his station to obtain medical advice or treatment or to proceed on leave, and that it is unsafe for him to travel unattended, may, if he does not himself accompany him, arrange for an attendant to do so; and the attendant (a) if a Government servant, shall be deemed to

have been travelling on duty and may draw travelling allowance for the outward and return journey as for a journey on tour, and (b) if not a Government servant, may draw actual expenses.

When the medical officer's opinion as to the necessity for the journey and for an attendant during it cannot be obtained before its commencement, a certificate from him that the journey with an attendant was necessary is sufficient for the purpose of this rule.

This rule also applies to attendants on members of a Government servants' family when entitled to travelling allowance under rule 155-A or B.

SECTION XIX.-- JOURNEY ON A COURSE OF TRAINING.

S. R. 164. When a Government servant or a student not already in Government service is selected to undergo a course of training, a competent authority may decide the scale, if any, on which he shall draw-

- (a) travelling allowance for the original journey to and the last journey from the place of training and for halts at such place;
- (b) in the case of training at a school, college or similar institution, travelling allowance for similar journey on the occasion of holidays and vacations; and
- (c) travelling allowance for journeys during the course of training:-

Provided that the scale so fixed shall not exceed that admissible to Government servants of similar status on duty at the place of training.

[For rates of travelling allowance admissible to Posts and Telegraphs officials deputed to undergo a course of training, see Appendix 22 in Volume II of this Compilation.]

S. R. 164-A. A military officer in civil employ, while detailed to attend a military course of instruction, is entitled to draw mileage and daily allowances at rates admissible to a military officer in military employ in similar circumstances.

SECTION XX.-- JOURNEY TO ATTEND A DARBAR OR LEVEE.

S. R. 165. A Government servant who is permitted to attend a darbar or a levee elsewhere than at his headquarters may draw travelling allowance for the journey as for journey on tour.

Government decision.-- Supplementary Rule 165 applies only to Government servants on duty.

(G.I., F.D. Communications Branch, letter No. D/368-PT/37, dated the 24th January, 1938.)

CHAPTER IV.-- TRAVELLING ALLOWANCE ADMISSIBLE WHEN MEANS OF TRANSPORT ARE SUPPLIED WITHOUT COST TO THE GOVERNMENT SERVANT TRAVELING.

SECTION XXI.-- SUPPLY OF FREE ACCOMMODATION ON RAILWAY JOURNEYS.

S. R. 166. *Carriages reserved for the exclusive use of high officials.--* The provision by Government of special railway accommodation for the exclusive use of a particular Government servant requires the sanction, in each case, of the ²²⁷President. Of the Government servants to whom these rules apply, such sanction has been given in the case of the officers named in the following list to the extent shown in the second column of the list:-

(a) Governor-General (now President)	One standard gauge or one metre gauge special train.
(b) Ministers of the ²²⁸Federal Government.	One saloon each.
(c) Chief Justice of Pakistan	One saloon.
(d) Commander-in-Chief, Pakistan Army	One saloon.

NOTE (1).--A newly elected President on taking up the office and a President on leave shall be entitled to the use of an air-conditioned saloon, if available; otherwise, an ordinary saloon.

NOTE (2).--A Minister of the ²²⁹Federal Government may take with him in the reserved accommodation his family members not exceeding four, without payment of fare.

S. R. 167. (a) When for any reason special carriage is not available for the use of any of the officials named in rule 166, such officials may reserve by requisition an inspection carriage.

(b) In circumstances similar to those mentioned in sub-rule (a) of this rule, Ministers of the ²³⁰Federal Government may reserve by requisition ordinary first class compartments.

S. R. 168. *Reservation of inspection carriage.--*The ²³¹President may grant to any Government servant the general right to reserve by requisition an inspection carriage when travelling by railway on tour.

²²⁷Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

²²⁸Substituted by Ministry of Law Notification No.F.24(2)/75-Pub., dated 01-8-1975, Gaz. Of Pak., Extra., Pp.435-436, dated 01-8-1975.

²²⁹Substituted by Ministry of Law Notification No.F.24(2)/75-Pub., dated 01-8-1975, Gaz. Of Pak., Extra., Pp.435-436, dated 01-8-1975.

²³⁰Substituted by Ministry of Law Notification No.F.24(2)/75-Pub., dated 01-8-1975, Gaz. Of Pak., Extra., Pp.435-436, dated 01-8-1975.

S. R. 169. Reservation of ordinary first class carriage.—The ²³²President may grant to any Government servant the general right to reserve by requisition an ordinary first class carriage of two compartments when travelling by railway on duty.

S. R. 170. Reservation of first class compartments.—The ²³³President may grant to any Government servant or class of Government servants the general right to reserve by requisition an ordinary first class compartment when travelling by railway on duty. Of the Government servants to whom these rules apply, this right has been granted to the officials named in the following list to the extent shown in the second column of the list, when making journeys by railway of over six hours' duration or journeys any part of which falls between the hours of 10 p.m. and 5 a. m.

- (a) Chairman, Planning Commission.
- (b) Deputy Chairman, Planning Commission.
- (c) Member, Planning Commission.
- (d) Judges of Supreme Court.
- (e) Commander-in-Chief, Pakistan Navy.
- (f) Commander-in-Chief, Pakistan Air Force.
- (g) Chief of Staff, Pakistan Army.

1st Class 4 berth
Compartment or a Coupe (2
berth) in a air-conditioned
coach, if available.

- (h) Secretary-General to the Government of Pakistan.
- (i) Comptroller and Auditor-General of Pakistan.
- (j) Chairman and Members, Federal Public Service Commission.
(When the Commission travels as a body not more than two coupe
Compartments will be provided to the Commission
i.e. to the Chairman and Members).
- (k) Governor of the State Bank of Pakistan.
- (l) Secretaries to the Govt. of Pakistan.
- (m) Census Commissioner of Pakistan (for all journeys by rail of
over six hours' duration and for journeys any part of which is made
between the hours of 10 p.m. and 5 a.m. West Pakistan or East
Pakistan time, as the case may be).
- (n) Chairman, Central Engineering Authority.
- (o) Chairman, Tariff Commission,
- (p) Director-General, Health.
- (q) Director-General, Posts & Telegraphs for journeys which last
more than six hours or any part of which is made between the
hours of 10 p.m. and 5 a.m. West Pakistan or East Pakistan
time, as the case may be.
- (r) Director-General, Supply and Development.
- (s) Director, Intelligence Bureau.
- (t)²³⁴Joint Secretaries and Officers holding *ex-officio* status of
Joint Secretaries to the Government of Pakistan.

1st Class Coupe
Compartment in an
ordinary train service or in
an air-conditioned coach, if
available.

²³¹Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

²³²Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

²³³Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

²³⁴NOTE.—The term *ex-officio* status of Joint Secretary to the Government of Pakistan referred to above, applies for the present only to the following officials of the Federal Government: - (1) Educational Adviser to the Government of Pakistan; (2) Director General, Health; (3) Director-General, Pakistan Post Office Department; (4) Director-General, Pakistan T&T Deptt.; (5) Secretary, Planning Commission.

- (u) Deputy Governor, State Bank of Pakistan.
- (v) The Ambassadors and High Commissioners of Pakistan.
- (w) Claims Commissioner, North Zone.
- (x) Secretary to President.
- (y) Chairman, Atomic Energy Commission.
- (z) Chief Settlement Commissioner-cum-Rehabilitation Commissioner.
- (aa) Chief Economist, Planning Commission.
- (bb) Custodian Evacuee Property; West Pakistan and Federal Capital.
- (cc) Air-Vice Marshall, Pakistan Air Force.
- (dd) Rear Admiral, Pakistan Navy.
- (ee) Officers of the rank of Major-General.

1st Class Coupe Compartment in an ordinary train service or in an air-conditioned coach, if available.

S. R. 171. (a) When for any reason an inspection carriage or a first class carriage, as the case may be, is not available for the use of a Government servant empowered under rule 168 or 169, he may reserve by requisition an ordinary first class compartment.

(b) Such a Government servant may, for any journey, at his option, reserve by requisition a first class compartment in lieu of an inspection or first class carriage.

NOTE. - For the purpose of rules 170 and 171, a first class compartment means a compartment with the smallest number of berths (or seats where seats only are provided), other than coupe compartments available in the train by which a Government servant travels.

S. R. 172. Procedure of requisition.-- The procedure to be followed in submitting a requisition for reserved accommodation shall be such as may be prescribed by the Railway Division.

S. R. 173. Effect of requisition of a carriage.— When a Government servant travels in a carriage reserved by requisition, the carriage is entirely at his disposal and may be detached and detained at any railway station at his request.

S. R. 174. Free passes.-- The issue of free passes for journeys by railway is regulated by rules made in this behalf by the Railway Division.

SECTION XXII.-- TRAVELLING ALLOWANCE ADMISSIBLE WHEN THE WHOLE OR PART OF THE MEANS OF CONVEYANCE IS SUPPLIED WITHOUT CHARGE.

SUB-SECTION (I).-- JOURNEYS BY RAILWAY.

S. R. 175. Journeys made by railway in accommodation reserved by requisition.-- The travelling allowance admissible to a Government servant who makes a journey by railway in accommodation reserved by requisition is prescribed in sub-division (iv) of section IX and elsewhere in these rules.

S. R. 176. *Free transit by railway otherwise than in accommodation by requisition.*--When a Government servant is entitled to or is allowed free transit by railway otherwise than in accommodation reserved by requisition, whether on a free pass or otherwise, the mileage allowance, which he draws for the journey must, except in cases covered by rule 82, 83, 84 or 85, be reduced by the amount of the fare which, but for such free transit, he would have paid. This rule applies to cases in which a free pass is issued on any railway, whether worked by Government or not. The reduction made must include the full number of fares covered by the pass, unless the Government servant certifies that he did not use the pass in respect of any fare or fares for which no reduction is made.

S. R. 176-A. When a Government servant of the Railway Audit Branch of the Pakistan Audit Department, Gazetted or Non-gazetted, who entered service on or after the 1st of January, 1934, travels on duty on a duty pass in connection with the work of the branch outside headquarters, he is entitled to traveling allowance as follows:-

- (a) If he is given the use of Inspection Carriage, daily allowance for each day of absence from headquarters;
- (b) Otherwise, travelling allowance under the ordinary rules subject to deductions being made not only on account of the fare which, but for free transit, he would have paid for himself but also in respect of all the concessions which the duty pass covers, including fares for servants and freight on luggage if carried in excess of the free allowance admissible on a ticket. An officer who claims travelling allowance without making all the deductions contemplated, should furnish a certificate in the following form:-

"Certified that I did not use the pass in respect of any fare or fares (including fares for servants) for which no deduction is made and that the luggage carried was not in excess of the free allowance admissible on a ticket".

S. R. 177. *Government servant in receipt of permanent travelling allowance.*--When a Government servant in receipt of permanent travelling allowance uses a free pass on a railway within his sphere of duty, he must deduct from his permanent traveling allowance for the month the amount of the railway fares which he would have paid if he had not travelled on a pass.

S. R. 178. *Government servant entitled to travel in a higher class on payment of a lower fare.*-- When a Government servant is permitted to travel by railway in a higher class on payment of a lower fare, his mileage allowance must be reduced by the amount by which the fare of the class in which he travels exceeds the fare actually paid.

S. R. 179. *Government servant traveling with a free pass on an unopened line of railway.--* Except as provided in rule 84, a Government servant travelling with a free pass on an unopened line of railway is entitled to the travelling allowance prescribed in rule 182 as limited by rule 184.

SUB-SECTION (II) - JOURNEYS BY SEA OR RIVER STEAMER.

S. R. 180. *Journey by Government vessel.--* When a Government servant travels by sea or river, otherwise than on payment of passage money, in a steamer the cost of which is paid by Government or by a local fund, he may draw no traveling allowance except the daily allowance of his grade; provided that, when his servants and luggage are not conveyed on the vessel but are sent separately at his expense, he may draw in addition the actual cost of transporting them.

Auditor General's decision. - Officers travelling in Government vessels are not entitled to recoupment of any portion of the charges payable by them for board provided on the vessels. Under the above rule the officers should settle their messing bills direct with the Commander of the vessel.

[Ar. G's. No.779-A253-22, dated the 16th November, 1922.]

S. R. 181. *Journey by other than Government vessel.--* When a Government servant is allowed free transit by sea or river steamer, otherwise than in a Government vessel, the mileage allowance which he draws for the journey must be reduced by the amount of the fare which, but for such free transit, he would have paid. If he travels on a free pass, the reduction made must include the full number of fares covered by the pass, unless the Government servant certifies that he did not use the pass in respect of any fare or fares for which no reduction is made. This rule does not apply to cases in which a Government servant is allowed a free pass by steamship company without cost to Government; unless the free pass is issued in connection with his official status or duties or as part of a regular arrangement with Government for the conveyance of mails, etc.

SUB-SECTION (II-A).- JOURNEYS BY AIR.

S. R. 181-A. When a Government servant is allowed free transit by air in a Government machine or in a machine chartered by Government for the purpose, he is entitled to traveling allowance as follows:-

(a) If he has not to provide separate conveyance at his own expenses for his servants or luggage, he may draw the daily allowance. If, however, part of the journey is made by other means of locomotion, he may at his option draw in lieu of daily allowance the mileage allowance admissible for that part.

(b) If he has to provide separate conveyance at his own expense for his servants or luggage he may,

- (i) if the journey is between places connected by rail or steamer, draw one half or three-fifth of a fare as the case may be of the class of accommodation to which he is entitled by railway or steamer, or
- (ii) If the journey is between places not connected by rail or steamer draw the daily allowance of his grade or half the mileage allowance calculated for the journey.

If, however, a part of the journey is performed by other means of locomotion, he may draw the mileage allowance admissible for that part subject to the conditions laid down in sub-clauses (i) and (ii) of clause (b) of rule 76.

Government orders.--

- (1) *Deleted.*
- (2) *Deleted.*

S. R. 181-B. A Government servant, when making a journey by air in a Government machine or in a machine chartered by Government for the purpose, shall pay a first class full or half railway fare, as the case may be, to Government on behalf of each person not entitled to travel in that machine who may accompany him.

NOTE.--If a Government servant wishes to take with him any 'Non-entitled' person in a Government machine or in a machine chartered by Government, he should obtain the sanction of the head of the department or if he himself is the head of the department, of the Ministry or Division of the Government of Pakistan administratively concerned. The sanctioning authority, in giving such sanction, should satisfy itself that no extra expenditure is caused to Government thereby.

Government decisions.—

See Government decisions below S. R. 116.

SUB-SECTION (III).-- OTHER JOURNEYS.

S. R. 182. *Free transit by boats, road, etc.--*Except where otherwise expressly provided in these rules, when on a journey other than a journey by railway or by sea or river steamer, a Government servant uses a means of locomotion provided at the expense of Government, a local fund or a State which has acceded to Pakistan and does not pay the cost of its use or propulsion, he is entitled to travelling allowance as follows:-

- (a) **If he has not to provide separate conveyance at his own expense for his servants or luggage, he may draw the daily allowance of his grade ²³⁵[for any day on which he is absent from his headquarters for more than eight consecutive hours.] and may not exchange it for mileage allowance. If, however, part of the journey is made by other means of locomotion, he may at his option draw in lieu of daily allowance the mileage allowance admissible for that part.**
- (b) **If he has to provide separate conveyance at his own expense for his servants or luggage, he may, if the conditions of rule 76 or 77 are fulfilled, exchange his daily allowance for half the mileage allowance calculated for the journey and draw in addition the mileage allowance admissible for any part of the journey made by other means of locomotion.**

Government decisions--

- (1) *See* item (9) of "Government decisions" under S. R.116.

(2) It has been brought to the notice of Government that officers who perform short visits on official duty from Drigh Road, Malir, Mauripur etc., to Karachi and back and *vice versa* in the conveyances provided by Government have been drawing daily allowance under Supplementary Rule 182. Daily allowance as admissible under Supplementary Rule 182, is intended for journeys on regular tours where it is expected that the Government servants have to incur some expenditure. But in cases where officers perform short journeys lasting a single day in the conveyance provided by Government, the officers have hardly to incur any expenditure. It has, therefore, been decided that no daily allowance should be admissible to the officers who perform short journeys lasting a single day, in conveyance provided by Government.

[Ministry of Finance letter No.F.26(81)-R/48, dated 23rd December, 1948.]

²³⁶[The above orders have been modified to the extent that the cases of officers performing short tours in the conveyances provided by the Government should be governed by S. R. 82 (b) (ii). Accordingly, a Government servant will be entitled to draw daily allowance for any day on which he is absent from his headquarters on official duty for more than eight consecutive hours.]

Audit Instruction. -- When a Government servant performs a journey, other than a journey by railway or by sea or river steamer by means of locomotion provided at the expense of a State which has acceded to Pakistan and does not pay the cost of its use or propulsion, and when such a journey is combined with a journey by railway, the allowance admissible to him should be regulated in accordance with Supplementary Rule 76

²³⁵Inserted by the G.P., M.F. Notification No. F. 34(12)-RI(2)/56, dated 19th May, 1956.

²³⁶G.P., M.F., O.M. No.2602-R-III/49, dated the 31st August, 1949.

modified in respect of the journey other than the railway journey with reference to the provisions of Supplementary Rule 182.

[Para. 22, Sec. II of Manual of Audit Instructions (Reprint).]

S.R. 183. *When the Government servant pays the cost of propulsion.--When a Government servant is provided with mean of locomotion as in rule 182, but pays all the cost of its use or propulsion he may draw travelling allowance under the ordinary rules, subject to the deduction of such fixed hire or charge as a competent authority may fix.*

S. R. 184. *Exceptions.-- The provisions of rules 182 and 183 do not apply to a Government servant of the fourth grade or to any other Government servant or class of Government servants to whom a competent authority may declare them to be inapplicable.*

They do not apply to Government servants who are provided with elephants required for the conduct of professional operations and not for their private use.

Audit Instruction. -- The intention underlying Supplementary Rule 184 is that Government servants of the fourth grade, when they use means of locomotion provided at the expense of Government, should be entitled to travelling allowance under Supplementary Rules 69, 71, 77 and 78.

[Para. 23, Sec. II of Manual of Audit Instructions (Reprint).]

S. R. 185. *Journeys by Government motor-car.-- A Government servant, who travels by a motor car which has been supplied to him at the expense of Government on the condition that he himself bears the ordinary cost of maintenance, may draw traveling allowance as for a journey on tour, but the amount of the mileage allowance which he may draw is limited by the following conditions:-*

- (a) **If he travels by the motor-car more than 20 miles in one day, he may draw for the first 20 miles, the mileage allowance of his grade and for the remainder of the journey three-fourths of such mileage allowance.**
- (b) **If he combines with a journey by the motor-car, a road journey by other conveyance, he may draw the mileage allowance admissible for the first 20 miles or for the journey by other conveyance, whichever is greater, and for the remainder of the journey three-fourths of such mileage allowance.**
- (c) **If he combines with a journey by road, whether made wholly or partly in the motor-car, a journey by railway or steamer, he may draw mileage allowance for the journey by railway or steamer in addition to the**

allowance admissible under clauses (a) and (b) of this rule for the journey by road.

²³⁷[S. R. 186.]

CHAPTER V.--GRANT OF TRAVELLING ALLOWANCE TO PERSONS WHO ARE NOT IN THE CIVIL SERVICE OF GOVERNMENT.

SECTION XXIII.-- GOVERNMENT SERVANTS IN MILITARY EMPLOY.

S. R. 187. *General rule.*-- Except as provided in rule 188, the traveling allowance admissible to Government servants in military employ is governed by military regulations.

S. R. 188. *Military officers invited to attend a darbar or levee.* When a Commissioned Military Officer of the regular forces, the military police or the militia, whether on the active or the retired list, is invited to attend a darbar or levee at a place other than that at which he is stationed or has his residence, a competent authority may grant him travelling allowance for the journey subject to the following limits:-

- (a) For the journey from his station or place of residence to the place at which the darbar or levee is held and thence back to his starting point, single railway and steamer fares actually paid and actual traveling expenses for journeys by road subject to the maximum admissible to a Government servant of the first grade.
- (b) For halts at the place at which the darbar or levee is held, a daily allowance of Rs.4.50.

SECTION XXIV.-- OTHER PERSONS.

S. R. 189. *Honorary Magistrates.*-- An Honorary Magistrate, not being a Government servant, may, when employed on Government work under the orders of a District Magistrate or Sub-Divisional Officer at a distance exceeding five miles from his headquarters, or when the bench which he attends is situated at a similar distance from his residence, draw for journey by railway double second class fare and for journeys by road, 25 paise for each mile travelled. During halts when similarly employed, he may draw daily allowance of Rs.4.50 subject to the conditions applicable to halts of Government servants on tour.

S. R. 190. *Persons attending commissions of inquiry, etc.*-- (a) when any person, not being a Government servant is required to attend any meeting of a commission of inquiry or of a board, conference, committee or departmental inquiry convened

²³⁷S. R. 186 omitted by the S.R.O.457(1)/80 [F.2(13)-R9/80-D.471 80], dated 2nd May, 1980, the Gaz. Of Pak., Extr., Pt. II, P. No.571, dated May 6, 1980.

under proper authority, or is required to perform any public duties in an honorary capacity, a competent authority may grant him traveling allowance for the journey calculated under the ordinary rules for the journey of a Government servant on tour and for this purpose may, with due regard to such person's position in life, declare by general or special order, the grade to which he shall be considered to belong.

(b) In a case of the kind contemplated by clause (a) of this rule a competent authority may, in its discretion, grant to the person concerned his actual travelling, hotel and carriage expenses instead of travelling allowance under that clause, if it considers that such allowance would be inadequate.

(c) A competent authority may delegate the power conferred upon it by clause (a) of this rule to the Government servant presiding over the meeting of the commission or other body which the person concerned is required to attend.

[For Administrative Instructions issued by the ²³⁸President regarding "GRANT OF TRAVELLING ALLOWANCE TO PERSONS NOT IN THE CIVIL SERVICE OF THE GOVERNMENT, WHO ARE REQUIRED TO ATTEND COMMISSIONS OF ENQUIRY, ETC.," see Part VII (2) of Appendix 3 in Volume II of this Compilation.]

Government orders.-- The following principles should be observed in granting travelling allowances to witnesses, who are not Government servants but are summoned on behalf of an officer whose conduct is the subject of a departmental enquiry held by officers, serving directly under the Government:-

- (i) Travelling allowances may be paid to the witnesses summoned, in the event of the officer concerned clearing himself;
- (ii) Such allowances will be paid only in respect of witnesses whose evidence is considered to be of material value by officer conducting the enquiry;
- (iii) In exceptional cases the officer conducting the enquiry may, on grounds to be recorded, recommend to the Government that the principles laid down above be departed from owing to special reasons and it is for the Government to accept or reject the recommendation.

[G.I., H.D., letter No.F-422/27-Public, dated the 5th June, 1928.]

CHAPTER VI.-- CONTROLLING OFFICERS.

SECTION XXV.-- SIGNATURE ON TRAVELING ALLOWANCE BILLS.

S. R. 191. *Controlling Officer to be declared by competent authority.*-- A competent authority shall declare what authority shall be the controlling officer, for travelling allowance purposes, of each Government servant or class of Government

²³⁸Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

servants. It may, if it thinks fit, declare that any particular Government servant shall be his own controlling officer.

[A list of Government servants of the Posts and Telegraphs Department declared as controlling officers for travelling allowance purposes is given in Appendix No.24 in Volume II of this Compilation.]

Government declaration--

(1) The following heads of departments under the Ministry of Finance shall be their own controlling officers for traveling allowance purposes:-

1. Auditor General.
2. Accountants General.
3. Chief Auditors.
4. Mint and Assay Masters.

For officers subordinate to them, they shall be competent to declare what authority shall be the controlling officer.

[G.I., F.D., No.431-E.B., dated 12th May 1922, No.F.5(102)-R./39, dated 10th November, 1939 and Ar. G's U.O. No.2278-GBEKW.,619-41, dated the 21st August, 1945.]

NOTE.-- The Comptrollers, Northern and Southern Areas, West Pakistan, have been authorised to exercise all the powers of an Accountant General.

[G.I., F.D., letter No.F/38-VII/Ex.I/32, dated the 9th June 1932, Ar. G's endorsement No.468-/ G.B.E.-81-34, dated the 19th February, 1934 and G.I., F.D. letter No.F.9(1)-Ref/36, dated the 8th April, 1936.]

(2) The Government have declared that the Director-General of Posts and Telegraphs shall be his own controlling authority for the purposes of rule 191 of the Supplementary Rules.

[G.I., L.D. No.67-P.T.E., dated the 8th July, 1926.]

(3) *Deleted.*

(4) The Financial Adviser, Communications, shall be his own controlling officer for the purposes of travelling allowance.

[G.I., F.D., endorsement No.F.9(5)-Ex.II/40, dated the 1st June, 1940 and 4th July, 1940.]

(5) The Collector of Customs at Karachi shall be his own controlling officer for purposes of travelling allowance.

[G.I., F.D., letter No.D-5658-C.S.R., dated the 10th November 1924.]

S. R. 192. *Signature of controlling officer necessary on a traveling allowance bill.* - Except as provided in rule 193, no bill for travelling allowance, other than permanent travelling allowance, shall be paid unless it be signed or countersigned by the controlling officer of the Government servant who presents it.

S. R. 193. *Exceptions.* - The following classes of Government servants may present bills for travelling allowance without the countersignature of the controlling officer:-

- (a) Assistant Directors of Audit, Defence Services, Assistant and Audit Officers, Defence Services, Postmasters-General, Deputy Postmasters-General, Sind and Baluchistan, Deputy Post-masters General, Railway Mail Service, Directors, Telegraph Engineering; provided that duplicate bills are at the same time forwarded to the controlling officers concerned, for countersignature and transmission to the audit officer.
- (b) Non-gazetted Government servants; provided that detailed and countersigned bills are subsequently submitted to the audit officer for adjustment.

S. R. 194. *Delegation of duty of countersignature.* - Except where expressly permitted by a competent authority, a controlling officer may not delegate to a subordinate his duty of countersignature.

SECTION XXVI.-- DUTIES AND POWERS.

S. R. 195. It is the duty of a controlling officer, before signing or countersigning a travelling allowance bill:-

- (a) to scrutinise the necessity, frequency and duration of journeys and halts for which traveling allowance is claimed, and to disallow the whole or any part of the travelling allowance claimed for any journey or halt if he considers that a journey was unnecessary or unduly protracted or that a halt was of excessive duration;
- (b) to scrutinise carefully the distances entered in travelling allowance bills;
- (c) to satisfy himself that mileage allowance for journeys by railways or steamer, excluding additional fare or fares allowed for incidental expenses, has been claimed at the rate applicable to the class of accommodation actually used and that, where the actual cost of

transporting servants, personal effects, etc., is claimed under these rules, the scale on which such servants, effects, etc., were transported was reasonable and to disallow any claim which, in his opinion, does not fulfil that condition;

- (d) to check any tendency to abuse the option of exchanging daily allowance for mileage allowance;**
- (e) to observe any subsidiary rules or orders which a competent authority may make for his guidance; and**
- (f) to satisfy himself before permitting a claim under rule 38 that the Government servant actually bought a through ticket at the rate claimed and that it was not possible for him to get a through ticket at a cheaper rate by paying only for the appropriate class of accommodation over that portion of the journey where accommodation of that class was available.**

Government order—

It has been brought to the notice of the Government that on the T. A. bills submitted to Audit, the purpose of journey is often indicated by such vague expressions as "official business", "official duty" and "official tour", etc., etc. As it is necessary to know the exact purpose for which a journey is undertaken in order to determine whether the cost of the journey is correctly debitable to the Government, an indication as to the specific purpose of the journey is essential. The Controlling Officers, in term of S. R. 195, are responsible to ensure that the specific purpose of the journey is always indicated on the T. A. bills. This requirement should invariably be complied with in order to obviate the delay which otherwise occurs as a result of the submission of incomplete T. A. bills which have to be returned by Audit. Where the purpose of the journey is of a secret nature, it may be indicated in a separate letter signed by the Controlling Officer and sent in a sealed cover to the Audit Officer concerned by name.

[G.P., M.F, O.M. No.F.1(57)-R 2/60, dated the 22nd March, 1961.]

Audit Instruction.-- See Audit Instruction below S. R. 32-A.

PART III—RECORDS OF SERVICE.

Division VII.—Gazetted and Non-gazetted Government Servants.

[Rules made under Fundamental Rule 74 (a) (iv)]

GAZETTED GOVERNMENT SERVANTS.

S. R. 196. A record of the services of a gazetted Government servant will be kept by such audit officer and in such form as the Auditor General may prescribe.

NON-GAZETTED GOVERNMENT SERVANTS.

S. R. 197. Service Books.—A service book in such form as the Auditor-General may prescribe must be maintained for every non-gazetted Government servant holding a substantive post on a permanent establishment or officiating in a post or holding a temporary post with the following exceptions:-

- (a) Government servants the particulars of whose service are recorded in a history of services or a service register maintained by an audit officer.
- (b) Government servants officiating in posts or holding temporary posts, who are recruited for purely temporary or officiating vacancies for short periods ²³⁹[not exceeding one year.]
- (c) Policemen of rank not higher than that of head constable.
- (d) Postmen and village postmen (excluding head postmen, overseer postmen, and sorting or reader postmen), and mail guards in the Railway Mail Service and linemen, or line riders in the Telegraph Engineering Branch recruited after the 15th November, 1933.
- (e) Permanent subordinate non-pensionable servants in state railways, for whom a special form of record has been prescribed.
- (f) Class IV servants of all sorts.

S. R. 198. In all cases in which a service book is necessary under rule 197, such a book must be supplied for a Government servant, at his own cost, on his first appointment to Government service. It must be kept in the custody of the head of the office in which he is serving and transferred with him from office to office. It may be

²³⁹Substituted for the words “and are not eligible for permanent appointment” by G.P., M.F. Resolution No.F.11(2)-RI/59, dated the 30th July, 1959.

given up to the Government servant if he resigns or is discharged from the service without fault, an entry to this effect being first made in the service book.

Auditor-General's decision.—There is no objection to the service book being returned to a pensioner, if asked for by him, after the pension has been sanctioned. In such cases, a closing entry under the signature of the proper authority should be made prominently in the book at the end of the record of service as follows:

"Mr.----- left the service on pension on------(date) and this book is returned to him at his own request."

[C.G's. letter No.1086-A. and A. 506-16, dated the 8th December, 1916.]

S. R. 199. Every step in a Government servant's official life must be recorded in his service book, and each entry must be attested by the head of his office, or, if he himself is the head of an office, by his immediate superior. The head of the office must see that all entries are duly made and attested, and that the book contains no erasure or overwriting, all corrections being neatly made and properly attested.

Government orders—

(1) In relaxation of the provision of S. R. 199 heads of Accounts Offices are permitted to delegate to a subordinate gazetted officer the duty of examining and attesting entries in the service books of the non-gazetted staff.

[G.I., F.D., letter No. F./35/I.R. II, dated the 2nd March, 1929.]

(2) *Deleted.*

S. R. 200. Every period of suspension from employment and every other interruption of service must be noted, with full details of its duration, in an entry made across the page of the service book and must be attested by the attesting officer. It is the duty of the attesting officer to see that such entries are promptly made.

S. R. 201. Personal certificates of character must not, unless the head of the department so direct, be entered in a service book but, if a Government servant is reduced to a lower substantive post, the reason of the reduction must be briefly shown.

S. R. 202. It is the duty of every Government servant to see that his service book is properly maintained as prescribed in rule 199, in order that there may be no difficulty in verifying his service for pension. The head of the office should therefore permit a Government servant to examine his service book should be at any time desire to do so.

Government Instruction.—It is incumbent on every Government servant to see that his Service Book is properly maintained and it is therefore necessary that an official should be allowed to examine his Service Book whenever he wishes to do so. The head of the office should therefore permit an official to examine his Service Book should he at any time desire to do so, but such scrutiny of Service Book by the official concerned must always be made in the presence of a responsible official. As a token of his scrutiny and acceptance of entries in the Service Book, the official should sign his name in the relevant column of the Service Book and the official who supervised the scrutiny will also endorse his signature as evidence that the scrutiny was conducted under proper supervision and the supervising officer is satisfied that it was *bona fide* and that no unauthorized changes were made in the entries in the Service Book in the course of such scrutiny.

S. R. 203. If a Government servant is transferred to foreign service, the head of his office or department must send his service book to the audit officer. The audit officer will return it after noting in it, under his signature, the order sanctioning the transfer, the effect of the transfer in regard to leave admissible during foreign service and any other particulars which he may consider to be necessary. On the Government servant's re-transfer to Government service, his service book must again be sent to the audit officer, who will then note in it, over his signature, all necessary particulars connected with the foreign service. No entry relating to the time spent in foreign service may be attested by any authority other than the audit officer.

S. R. 204. *Service Rolls.* In the case of policemen of rank not higher than that of head constable, there must be maintained for each district by the District Superintendent of Police a service roll in English, in which the following particulars should be recorded for each man in the constabulary holding substantively a permanent post and for each man in such constabulary officiating in a post or holding a temporary post, who is not recruited for a purely temporary or officiating vacancy for a short period and who is eligible for permanent appointment:-

- (a) The date of his enrolment.
- (b) His caste, tribe, village, age, height and marks of identification when enrolled.
- (c) The rank which he from time to time holds, his promotions, and his reductions or other punishments.
- (d) His absences from duty, with or without leave.
- (e) Interruptions in his service.
- (f) Every other incident in his service which may involve forfeiture of a portion of it or may affect the amount of his pension.

The roll must be checked by the vernacular roll and order book and the punishment register and every entry in it must be signed by the District Superintendent.

S. R. 205. A service roll as described in rule 204 must be maintained for every other class of permanent, temporary or officiating non-gazetted Government servant for whom no service book is necessary, except coolies in the Post Office Department and the Government servants mentioned in exception (a), (b) and (c) under rule 197.

Part IV-- Leave**Division VIII . -- Authorities empowered to grant leave**

[Rules made under Fundamental Rule 66]

S. R. 206. *Non-gazetted Government servant.--Any leave, other than special disability leave, admissible under the fundamental rules may be granted to a non-gazetted Government servant by the authority whose duty it would be to fill up his post if it were vacant.*

Note 1. (a)-- The Administrative Officer, Salt Range Division, Khewra; the Chief Mining Engineer Khewra; the Electrical and Mechanical Engineer Khewra; the Assistant Collectors in the Central Excise and Salt Department, are empowered to sanction leave, other than disability leave, admissible under the Fundamental Rules to all non-gazetted Government servants below the rank of Deputy Superintendents provided that no extra expenditure other than that involved in the grant of acting promotion to the upper scale and selection grades of clerks is incurred.

NOTE 2. - Deleted.

NOTE 3. - Omitted.

NOTE 4. - Deleted.

NOTE 5. - Deleted.

NOTE 6. - Deleted.

NOTE 7. - Omitted.

NOTE 8. - Deleted.

NOTE 9. - Omitted.

NOTE 10. - Omitted.

NOTE 11.-- (a). All Gazetted Officers of the Department of Civil Aviation holding independent charge of an office, are empowered to grant leave admissible under the Fundamental Rules, other than disability leave, to non-gazetted staff employed in their offices, when no officiating arrangements are involved.

(b) The following officers of the Department of Civil Aviation are empowered to grant leave admissible under the Fundamental Rules, to Class II (Gazetted) Officers employed in their offices, when no officiating arrangements are involved. They are, however, not empowered to notify the leave in the Gazette:--

- (1) The Chief Aeronautical Inspector.
- (2) The Airport Manager Grade I.
- (3) The Regional Controller of Civil Aviation, East Pakistan.
- (4) The Controller, Central Engineering and Stores Establishment, and
- (5) The Principal, Air Training Centre.

[G.P., M.F., O.M. No.F.2(49)-RI(2)/58, dated the 5th September, 1958.]

NOTE 12.- The Superintendent of Post Offices and Railway Mail Service, the First Class Postmasters, and the officers of the Telegraph Traffic Service, Class I, in charge of Telegraph Offices and the Divisional Engineers, Wireless are empowered to sanction leave, other than disability leave, for periods not exceeding four months to Government servants in the Selection Grades under their control and to make suitable local arrangements in their places. The Divisional Engineers, Telegraphs, may exercise similar power in respect of Government servants in the Selection Grade and the Line Inspectors under their control.

NOTE 13.-- The Assistant Collectors, the Chemical Engineers and the Auditors in the Karachi Custom House and the Collector of Customs, Chittagong are empowered to sanction leave, other than disability leave, admissible under the Fundamental Rules to the non-gazetted staff in their charge, except Appraisers, up to a limit of four months. The Chief Inspectors of the Preventive Service are empowered to sanction leave, other than disability leave, admissible under the Fundamental Rules, to Preventive peons and other class IV establishments of the Preventive Departments including Boat Establishment provided that no extra expense is involved.

NOTE 14.-- The foreign employer is empowered to grant leave on average pay not exceeding four months to non-gazetted Government servants on foreign service in Pakistan and also to non gazetted Government servants on foreign service out of Pakistan if the foreign employer pays to general revenues leave contribution under sub-rule (b) of rule 123 of the Fundamental Rules.

[For a list of authorities in the Posts and Telegraphs Department, empowered to grant leave, see Appendix 25 in Volume II of this Compilation.]

²⁴⁰**S. R. 207. *Gazetted Government Servants.*-- (a) Except as otherwise provided in clause (b), no leave may be granted to a gazetted Government servant until a report as to the admissibility of the leave has been obtained from the Audit officer.**

(b) Leave on average pay not exceeding four months or earned leave, other than leave preparatory to retirement or leave extending beyond the date of

²⁴⁰Revised by G.P., M.F. Notification No.F.2(9)-R1(2)/57, dated the 28th February, 1958.

compulsory retirement, may be granted to a gazetted Government servant, if the Government servant concerned records a certificate to the effect that the leave applied for is admissible to him and the sanctioning authority is satisfied on the basis of facts known to him that the leave is admissible.

Auditor General's decision.-- The admissibility of leave in the case of a Government servant officiating in a gazetted post should be certified by the Audit Officer.

[Ar. G's letter No.1216 Admn/434-28, dated the 31st October, 1928.]

S. R. 208. Subject to the provisions of S. R. 207 leave, other than special disability leave, admissible under the Fundamental Rules may be granted to a gazetted Government servant by a competent authority.

Division IX.--Combination of holidays with leave and joining time.

[Rules made under Fundamental Rule 68]

S. R. 209. *General rule.*-- When the day immediately preceding the day on which a Government servant's leave begins or immediately following the day on which his leave or joining time expires is a holiday or one of a series of holidays, the Government servant may leave his station at the close of the day before, or return to it on the day following such holiday or series of holidays; provided that --

- (a) his transfer or assumption of charge does not involve the handing or taking over of securities or of moneys other than a permanent advance;
- (b) his early departure does not entail a correspondingly early transfer from another station of a Government servant to perform his duties; and
- (c) the delay in his return does not involve a corresponding delay in the transfer to another station of the Government servant who was performing his duties during his absence or in the discharge from Government service of a person temporarily appointed to it.

Government decision.--Deleted.

S. R. 210. *Exception.*-- On condition that the departing Government servant remains responsible for the moneys in his charge, a competent authority may declare that proviso (a) under rule 209 is not applicable to any particular case.

S. R. 211. *Effect upon pay and allowances.*-- Unless the competent authority in any case otherwise direct --

- (a) if holidays are prefixed to leave, the leave and any consequent re-arrangement of pay and allowances take effect from the first day after the holidays, and

- (b) if holidays are affixed to leave or joining time, the leave or joining time is treated as having terminated on, and any consequent re-arrangement of pay and allowances takes effect from, the day on which the leave or joining time would have ended if holidays had not been affixed.

Division X.--Form of medical certificate of fitness to return to duty.

[Rules made under Fundamental Rule 71.]

S. R. 212. Form of Certificate.-- A Government servant who has taken leave in Asia on medical certificate may not return to duty until he has produced a medical certificate of fitness in the following form:-

"We, the members of a Medical Committee-----
 Civil Surgeon of
 I,-----
 registered medical Practitioner of
 do hereby certify that we/I have carefully examined A. B. C. of the _____
 department, and find that he has recovered from his illness and is now fit to resume duties
 in Government service. We/I also certify that before arriving at this decision we/I have
 examined the original medical certificate(s) and statement(s) of the Case (or certified
 copies thereof) on which leave was granted or extended, and have taken these into
 consideration in arriving at our/my decision."

The original medical certificate(s) and statement(s) of the case on which the leave was originally granted or extended shall be produced before the authority asked to issue the above certificate. For this purpose the original certificate (s) and statement(s) of the case should be prepared in duplicate, one copy being retained by the Government servant concerned.

S. R. 213. By whom signed.-- If the Government servant on leave is a Gazetted Officer, such certificate should be obtained from a Medical Committee except in the following cases:--

- (1) Cases in which the leave is for not more than three months.
- (2) Cases in which leave is for more than three months or leave for three months or less is extended beyond three months, and the Medical Committee granting the original certificate or the certificate for extension state at the time of granting such certificate that the Government servant need not appear before another Medical Committee for obtaining the certificate of fitness.

In the excepted cases the certificate may be obtained from a commissioned medical officer, or a medical officer in charge of a civil station.

If the Government servant on leave is not a gazetted officer the competent authority may, in its discretion, accept a certificate signed by any registered medical practitioner.

Government decision.-It has been decided that a certificate signed by one or two medical officers obtained under S. R. 226, is equivalent for all practical purposes to a certificate from a committee and such cases should not be excluded from the operation of Supplementary Rule 213.

[G.I., F.D., No.7(35)-R.I/34, dated the 21st May, 1935.]

Division XI.--Leave procedure in the case of Government servants in Pakistan.

[Rules made under Fundamental Rule 74 (a) (i) and (ii)]

SECTION I.-- LEAVE ACCOUNTS.

S. R. 214. *By whom maintained.*--The leave account required by Fundamental Rule 76 shall be maintained in such form as the Auditor General may prescribe.

S. R. 215. (a) The leave account of a gazetted Government servant shall be maintained by, or under the direction of, the principal auditor responsible for the audit of his pay.

(b) The leave account of a non-gazetted Government servant shall be maintained by the head of the office in which he is employed.

Government order.—Deleted.

Auditor General's decision.--

“When a Government servant is appointed to officiate in a gazetted post, the Audit Officer should at once call for his leave account and maintain it under clause (a) of S. R. 215. When he takes leave, if he is expected to return after the expiry of the leave to a gazetted post, the account may remain with the Audit Officer, otherwise it would go to the head of the office in which he holds his non-gazetted post.

The status of such a Government servant during leave is non-gazetted in view of the provisions of F. R. 9(13), though merely constructively in case of those who are likely to return to their gazetted appointments after the expiry of the leave. A Government servant, who is not likely to return after the expiry of leave to officiate on a gazetted post should be taken as belonging to the establishment of the office, in which he holds a lien on a substantive post and the head of that office should draw his leave salary, and disburse it to him and should sanction extensions of leave, if any. In case of the applications for extension in leave the procedure laid down in paragraph (2) of Section I of Appendix 8 to Compilation of FR's SR's Vol. II should be followed.

As matter of convenience it has been decided that the Government servants, who are likely to return to officiate on gazetted posts after the expiry of the leave shall, notwithstanding their reversion to the non-gazetted posts during such leave, draw their leave salary themselves in accordance with the procedure prescribed for gazetted Government servants in the said Appendix 8. For the guidance of the Audit Officer the authority sanctioning the leave or its extension shall include in the sanction a certificate that the Government servant is likely to be appointed to officiate in a gazetted post after the expiry of the leave.”

[Ar. G's endorsement No.36-A/20-64 K.W.III, dated the 1st February, 1972.]

SECTION II.-- APPLICATION FOR LEAVE.

S. R. 216. *To whom application should be made.* -- Except as provided in rule 218, an application for leave or for an extension of leave must be made to the authority competent to grant such leave or extension.

S. R. 217. Deleted.

S. R. 218. An application by a commissioned medical officer in permanent or temporary civil employ for leave exceeding four months, other than leave on medical certificate, or for an extension of such leave must be submitted to the local administrative medical officer, by whom it will be forwarded to the Director General, Health. The Director General will countersign the application if the state of the public service admits of the grant of the leave; otherwise, he will abstain from countersigning it. In either case, he will forward the application for disposal to the authority competent to grant the leave.

S. R. 219. A Government servant transferred to foreign service must, before taking up his duties in foreign service, make himself acquainted with the rules or arrangements which will regulate his leave during such service.

S. R. 219-A. A Government servant on foreign service in Pakistan should submit all applications for leave, other than leave on average pay not exceeding four months, with the report of the Account Officer, through his employer to the authority competent to sanction the leave.

SECTION III.-- MEDICAL CERTIFICATE.

S. R. 220. *General rules.*--Medical officers must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government servant concerned will ever be fit to resume his duties. In such cases, the opinion that the Government servant is permanently unfit for Government service should be recorded in the medical certificate.

S. R. 221. Every certificate of a medical committee or a medical officer recommending the grant of leave to a Government servant must contain a proviso

that no recommendation contained in it shall be evidence of a claim to any leave not admissible to the Government servant under the terms of his contract or of the rules to which he is subject.

S. R. 222. Procedure in the case of Gazetted Government servants.-- Before a gazetted Government servant can be granted leave, or an extension of leave, on medical certificate, he must obtain a certificate in the following form:-

MEDICAL CERTIFICATE FOR GAZETTED OFFICERS.

Statement of the case of

Name (to be filled in by the applicant in the presence of the Civil Surgeon or official medical attendant).

Appointment.

Age.

Total Service.

Service in Pakistan.

Previous periods of leave of absence on medical certificate.

Habits.

Disease.

Surgeon of
I, _____
Medical Officer at or of

after careful personal examination of the case hereby certify that _____ is in a bad state of health and I solemnly and sincerely declare that according to the best of my judgment a period of absence from duty is essentially necessary for the recovery of his health and recommend that he may be granted _____ months leave with effect from _____

Dated _____

The

Civil Surgeon,
or Official Medical Attendant.

NOTE 1.-- This form should be adhered to as closely as possible and should be filled in after the signature of the applicant has been taken. The Certifying Officer is not at liberty to certify that the applicant requires a change from or to particular locality or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Medical Board to decide the question of his fitness for service.

NOTE 2.-- No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the Government servant under the terms of his contract or of the rules to which he is subject.

S. R. 223. Having secured such a certificate, the Government servant must, except in cases covered by rule 226, obtain the permission of the head of his office or, if he himself is the head of an office, of the head of his department to appear before a medical committee. He should then present himself with two copies of the statement of his case before such a committee. The committee will be assembled under the orders of the Administrative Medical Officer of the province in which the Government servant is serving, who will, where practicable, preside over it. The committee will be assembled either at the headquarters of the province or at such other place as the local Government may appoint.

S. R. 224. Before the required leave or extension of leave can be granted, the Government servant must obtain from the committee a certificate to the following effect:-

"We do hereby certify that, according to the best of our professional judgment, after careful personal examination of the case, we consider the health of C. D. to be such as to render leave of absence for a period of months absolutely necessary for his recovery".

NOTE.--In cases in which the leave recommended is for more than 3 months or leave for 3 months or less is extended beyond 3 months, the Medical Committee shall state at the time of granting this certificate whether the Government servant should or need not appear before another medical committee for obtaining the certificate of fitness for return to duty.

S. R. 225. Before deciding whether to grant or refuse the certificate, the committee may, in a doubtful case, detain the applicant under professional observation for a period not exceeding fourteen days. In that case it should grant to him a certificate to the following effect:-

"C. D. having applied to us for a medical certificate recommending the grant to him of leave, we consider it expedient, before granting or refusing such a certificate, to detain C. D. under professional observation for ____ days".

S. R. 226. If the state of the applicant's health is certified by a commissioned medical officer of Government or by a medical officer in charge of a civil station to be

such as to make it inconvenient for him to present himself at any place in which a committee can be assembled, the authority competent to grant the leave may accept in lieu of the certificate prescribed in rule 224, either --

- (a) a certificate signed by any two medical officers, being commissioned medical officers or medical officers in charge of civil stations, in whatsoever province they may be serving; or
- (b) if the authority considers it unnecessary to require the production of two medical opinions, a certificate signed by an officer in medical charge of a civil station and countersigned by the collector of the district or the commissioner of the division.

S. R. 227. The grant of a certificate under rule 224 or 226 does not in itself confer upon the Government servant any right to leave. The certificate should be forwarded to the authority competent to grant the leave and the orders of that authority should be awaited.

Government decision.—

The procedure, prescribed in the rules in Divisions X and XI of the Supplementary Rules, for obtaining and submission of medical certificates by Gazetted Government servants in support of applications for leave, or extension of leave, on medical grounds, or for return to duty on the expiry of such leave has on review, been found to need simplification, in the circumstances now obtaining which are different from those prevailing at the time the rules referred to above were framed. After careful consideration it has been decided as follows:--

- (i) A medical certificate given by the "authorised medical attendant", as defined in the relevant Medical Attendance Rules, should ordinarily be accepted by the leave sanctioning authority as a sufficient evidence as to the state of health of the Gazetted Government servant concerned, for purposes of grant of leave, or extension of leave, on medical certificate or for return to duty on the expiry of such leave, as the case may be;
- (ii) In special cases, however, in which the leave sanctioning authority has reason to doubt the genuineness of the medical certificate given by the authorised medical attendant, that authority may, before sanctioning leave, or extension of leave, on medical certificate or permitting return to duty on the expiry of such leave, as the case may be, arrange to get an appropriate medical committee set up and require the Government servant concerned to appear for medical examination before that committee, whose report as to the state of his health will be treated as final for purposes referred to above; and
- (iii) Grant of leave, and extension of leave, on medical certificate and grant of permission to return to duty on the expiry of such leave, will continue to be subject to the other conditions laid down in the relevant rules.

[G.P., M.F., O.M.No.F-9(21)-RI/69, dated 29-10-1969, as amended by O.M.No.14(4)R-3/70, dated 21-1-1971.]

S. R. 228. Deleted.

S. R. 229. Procedure in the case of non-gazetted Government servants, in superior service.-- (a) Every application for leave on medical certificate made by a non-gazetted Government servant in superior service shall be accompanied by a medical certificate in the form prescribed below this rule given by a registered medical practitioner defining as clearly as possible the nature and probable duration of the illness, or by a request for the issue of a requisition for examination by a medical officer of Government.

(b) The authority competent to sanction leave may, at its discretion secure a second medical opinion by requesting the Agency or Civil Surgeon to have the applicant medically examined. Should it decide to do so, it must arrange for the second examination to be made on the earliest possible date after the date on which the first medical opinion was given.

(c) It will be the duty of the Agency or Civil Surgeon to express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended, and for this purpose he may either require the applicant for leave to appear before himself or require the applicant for leave to appear before a medical officer nominated by himself.

NOTE 1.-- The possession of a certificate as prescribed in this rule does not in itself confer upon the Government servant concerned any right to leave.

NOTE 2.-- A Chief or Principal Medical Officer of a State which has acceded to Pakistan, who is in possession of any of the qualifications included in the Schedules to the Pakistan Medical Council Act (XXVII of 1933), may be regarded as the Civil Surgeon for the purposes of this rule.

Signature of applicant.

**MEDICAL CERTIFICATE FOR NON-GAZETTED OFFICIALS
RECOMMENDED FOR LEAVE OR EXTENSION OR COMMUTATION
OF LEAVE.**

I, _____ after careful personal examination of the case hereby certify that _____ whose signature is given above is suffering from _____ and I consider that a period of absence from duty of _____ with effect from _____ is absolutely necessary for the restoration of his health.

Dated _____

The

Government Medical Attendant
Or other registered practitioner

NOTE 1.--The nature and probable duration of the illness should be specified vide clause (a).

NOTE 2.-- This form should be adhered to as closely as possible, and should be filled in after the signature of the applicant has been taken. The Certifying Officer is not at liberty to certify that the applicant requires a change to (or from) a particular locality, or that he is not fit to proceed to a particular locality. Such certificate should only be given at the explicit desire of the administrative authority concerned to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Medical Board to decide the question of his fitness for service.

NOTE 3.-- No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the Government servant under the terms of his contract or of the rules to which he is subject.

Second Medical opinion (if called for by the authority competent to sanction leave).

Agency or Civil Surgeon.

NOTE.-- Should a second medical opinion be required the leave sanctioning authority should arrange for the second medical examination to be made at the earliest possible date. The Agency for Civil Surgeon's opinion both as to the facts of illness and the necessity for the amount of leave applied for, should be recorded. He may require the applicant to appear before him or before a medical officer nominated by him—vide clauses (b) and (c).

S. R. 230. Cancelled.

S. R. 231. Procedure in the case of Government servants in Class IV service.— In support of an application for leave, or for an extension of leave, on medical certificate from a Government servant in Class IV service, the authority competent to grant leave may accept such certificate as it may deem sufficient.

SECTION IV.— GRANT OF LEAVE.

S. R. 232. Priority of claims to leave.— In cases where all applications for leave cannot, in the interests of the public service, be granted, an authority competent to grant leave should, in deciding which application should be granted, take into account the following considerations:--

- (a) **The Government servants who can, for the time being, best be spared.**
- (b) **The amount of leave due to the various applicants.**
- (c) **The amount and character of the service rendered by each applicant since he last returned from leave.**

- (d) **The fact that any such applicant was compulsorily re-called from his last leave.**
- (e) **The fact that any such applicant has been refused leave in the public interests.**

S. R. 233. *Grant of leave to a Government servant who is unlikely to be fit to return to duty.--* When a medical committee in Pakistan has reported that there is no reasonable prospect that a particular Government servant will ever be fit to return to duty, leave should not necessarily be refused to such Government servant. It may be granted, if due, by a competent authority on the following conditions:-

- (a) **If the medical committee is unable to say with certainty that the Government servant will never again be fit for service in Pakistan, leave not exceeding twelve months in all may be granted. Such leave should not be extended without further reference to a medical committee.**
- (b) **If the medical committee declares the Government servant to be completely and permanently incapacitated for further service in Pakistan, the Government servant should, except as provided in clause (c) below, be invalidated from the service, either on the expiration of the leave already granted to him, if he is on leave when examined by the Committee, or if he is not on leave, from the date of the committee's report.**
- (c) **A Government servant declared by a committee to be completely and permanently incapacitated may, in special cases, be granted leave, or an extension of leave, not exceeding six months as debited against the leave account, if such leave be due to him. Special circumstances justifying such treatment may be held to exist when the Government servant's breakdown in health has been caused in and by Government service, or when the Government servant has taken a comparatively small amount of leave during his service or will complete at an early date an additional year's service for pension.**

*Audit Instruction.--*In the case of an officer who is granted leave under Supplementary Rule 233 (a) or under the 3rd sentence of the Note below Article 827-A, Civil Service Regulations, and who subsequently returns to duty, the leave should be treated as leave on medical certificate for purposes of the proviso to Fundamental Rule 81 (b) (ii) and article 319 or 327, Civil Service Regulations, respectively.

[Para. 23-A, Sec. II of Manual of Audit Instructions (Reprint).]

S. R. 234. *Grant of leave to a Government servant who ought to be dismissed.--* Leave should not be granted to a Government servant who ought at once to be

dismissed or removed from Government service for misconduct or general incapacity.

S. R. 235. *Procedure when a Government servant is not allowed to return to duty after leave.*-- If, in a case not covered by rule 234, an authority competent to remove a Government servant from service decides, before such Government servant departs from Pakistan on leave, that he will not be permitted to return to duty in Pakistan, it must inform him to that effect before he leaves Pakistan.

S. R. 236. If, when a Government servant is about to depart from Pakistan on leave, it is necessary to consider the propriety of removing him for incapacity, whether mental or physical, which is of such a nature that it is impossible to decide, before he leaves Pakistan whether it will be permanent or temporary, or if for any reason it is considered inexpedient that a Government servant on leave should return to Pakistan; a full report of the circumstances must be made to the ²⁴¹President in time to enable him to take any necessary measures before the Government servant would in the ordinary course be permitted to return to duty. The report should in any case reach the Government of Pakistan at least three months before the end of the Government servant's leave.

S. R. 237. *Cases in which a copy of the medical statement of a case must be forwarded to the High Commissioner.*--When leave on medical certificate has been granted to a Government servant or, in the case of a military officer in civil employ, when the grant of such leave has appeared in orders, if such Government servant or military officer proposes to spend his leave in Europe, North Africa, America or the West Indies, the ²⁴²President or the local administration, as the case may be, must without delay forward a copy of the medical statement of the case to the High Commissioner for Pakistan in U. K.

S. R. 237-A. When a Government servant who has been granted leave for reasons of health proceeds to any of the localities named in rule 252, the authority which granted the leave shall inform the High Commissioner for Pakistan in U. K. whether a certificate of fitness is required under the second sentence of Fundamental Rule 71.

SECTION V.-- DEPARTURE ON LEAVE.

S. R. 238. *Procedure when departing on leave out of Pakistan.*-- Every Government servant proceeding on leave out of Pakistan should procure from the audit officer and take with him a copy of the memorandum of information issued for the guidance of Government servant proceeding on leave out of Pakistan. If the leave

²⁴¹Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

²⁴²Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

has been granted on a medical certificate, he must take a copy of the medical statement of his case also.

S. R. 239. A Government servant taking leave out of Pakistan must, if so required by the audit officer, report his embarkation through that officer to the authority which granted his leave, in such form as the Auditor-General may prescribe.

SECTION VI.-- RETURN FROM LEAVE.

S. R. 240. *Report of return.*-- A gazetted Government servant, on return from leave, must report his return to the Government under which he is serving.

S. R. 241. A Government servant returning from leave is not entitled, in the absence of specific orders to that effect, to resume as a matter of course the post which he held before going on leave. He must report his return to duty and await orders.

DIVISION XII.--Leave procedure in the case of government servants on leave out of Pakistan.

[Rules made under Fundamental Rule 74 (b).]

REPORT OF ARRIVAL IN THE UNITED KINGDOM.

S. R. 242. A Government servant taking leave in the United Kingdom must report his arrival in that country to the High Commissioner for Pakistan in U. K.

PAYMENT OF LEAVE-SALARY.

S. R. 243. *Payment in England.*-- No Government servant can begin to draw leave-salary in England until he has presented to the High Commissioner a leave-salary certificate in such form as the Auditor-General may prescribe.

S. R. 244. Leave-salary is issued from the High Commissioner's Office monthly in arrears on the first day of each calendar month.

S. R. 245. Payment will be made, at the option of the Government servant drawing leave-salary, by any of the following methods:-

- (a) To the Government servant himself on his personal application.
- (b) To his banker or other agent, duly authorised under power-of-attorney, on production of a life certificate duly filled up and executed. In cases where the banker has guaranteed the High Commissioner against loss

consequent upon dispensation with proof of existence, a life certificate is unnecessary.

NOTE.--A supply of life certificate forms may be obtained from the High Commissioner.

(c) To the presenter of a payment form, comprising a receipt and a life certificate, both duly completed by the Government servant.

NOTE.-- If the Government servant intimates to the Commissioner the election of this method, he will be regularly supplied with the requisite payment form as the due date of issue approaches.

S. R. 246. *Payment in a Colony.*-- No Government servant can begin to draw leave-salary from a colonial treasury until a warrant in form I or I-A, as the case may be, has been issued in his favour. Such warrants will be issued in triplicate. The original, bearing the Government servant's signature, will be forwarded by the issuing authority to the Colonial authority concerned, the duplicate to the High Commissioner and the triplicate will be retained by the Government servant. Payment of leave-salary will not be made unless the Colonial authority is in possession of the original and the Government servant of the triplicate of the warrant.

S. R. 247. Each payment of leave-salary must be endorsed upon the back of both the original warrant and the triplicate, and an acknowledgement of receipt must be endorsed by the Government servant upon the back of both copies.

S. R. 248. When no space for the entry of endorsements of payment remains upon the back of a warrant, or when a warrant is lost or destroyed, a fresh warrant will be issued by the original issuing authority on the application of the Government servant submitted through the Colonial disbursing officer.

S. R. 249. If the transfer from one Colony to another of payment of the leave-salary of a Government servant is sanctioned by the Colonial authorities, such transfer must be reported by the Government servant to the ²⁴³President and to the High Commissioner.

S. R. 250. *Transfer of payment from England to Colony and vice versa.*--(a) If a Government servant who is drawing his leave-salary in a Colony desires to transfer payment to England he may do so on production of his warrant to the High Commissioner.

(b) If a Government servant who is drawing his leave-salary in England desires to transfer payment to a Colony, he must obtain a warrant in form I or I-A,

²⁴³Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

as the case may be, from the High Commissioner who will forward the original of the warrant to the Colonial authority concerned.

(c) A transfer sanctioned under clause (a) or (b) of this rule must be reported by the Government servant to the ²⁴⁴President.

EXTENSION OF LEAVE

S. R. 251. *General rule.*-- A Government servant absent from Pakistan on leave who desires an extension of his leave must make application for such extension not less than three months before the expiry of his leave. An application made within three months from such expiry will not be considered unless special reasons for consideration exist.

S. R. 252. *Applications by Government servant on leave in Europe, North Africa, America or the West Indies.*-- An application for extension of leave by a Government servant on leave in Europe, North Africa, America or the West Indies must be made to the High Commissioner. Unless the extension is desired on medical grounds or is for a period of not more than fourteen days, the application must be accompanied by evidence that the Government on whose cadre the Government servant is borne has been consulted and has no objection to the extension. It is in exceptional cases only that the High Commissioner will grant an extension without the production of such evidence, and then for such period only as may be necessary to obtain the orders of the Government concerned, which will be sought by telegraph at the applicant's expense.

Government orders.—

(1) It has been arranged that notification of that grant of extensions of leave and of permission to return to duty in the case of officers including military officers, under civil leave rules, serving under departments administered by the several Ministries and Divisions of the Government of Pakistan, will in future be sent by the High Commissioner for Pakistan in U. K. to the Ministry concerned and not to the Ministry of Finance as hitherto and that the necessary communication to Accounts Officers and others will be made by the Ministry receiving the intimation.

[G.I., F.D., No. 2332-C.S.R, dated the 22nd December, 1929.]

(2) When an application for extension of leave is received by an authority other than the High Commissioner from a Government servant on leave in any of the localities mentioned in rule 11 of the Leave Procedure Rules (S.R. 252) framed by the Governor-General under F. R. 74 (b) the local Government will inform the officer whether or not there is any objection to the grant of the desired extension and if the extension is approved, instruct him to apply to the High Commissioner for the formal grant.

²⁴⁴Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

[G.I., F.D., letter No. F./303-C.S.R./25, dated 14th October, 1925.]

Auditor-General's decision.--A Government servant originally granted leave out of Asia applied for the extension of the leave to the authority in Pakistan by whom the leave was originally granted and the question arose whether the orders of the local Government were necessary under S. R. 252. The Auditor-General has decided that the word "Government" occurring in S. R. 252 cannot be intended to mean other than the authority in Pakistan competent to sanction the extension of leave applied for.

[Auditor-General's letter No.1394-N.G.E./406-39, dated the 7th November, 1939.]

S. R. 253. If a Government servant on leave in any of the localities named in rule 252 desires, on medical grounds, an extension for a longer period than fourteen days, he must satisfy the Medical Board at the High Commissioner's Office of the necessity for the extension. In order to do so, he must, as a general rule, appear at his Office for examination by the Board but in special cases, and particularly if he be residing at a distance of more than sixty miles from London, a certificate in a form to be obtained from the High Commissioner may be accepted if signed by two medical practitioners. A certificate obtained outside the United Kingdom and signed by foreigners must be attested by consular or other authority as bearing the signatures of qualified medical practitioners.

S. R. 254. If a Government servant on leave in any of the localities named in rule 252 desires, on grounds other than medical, an extension of leave granted on medical certificate, he must satisfy the Medical Board at the High Commissioner's Office, by the procedure described in rule 253, that he has recovered his health.

S. R. 255. An application for extension of leave by a Government servant on leave out of Pakistan elsewhere than in the localities named in rule 252 must be made to the authority which granted the leave.

S. R. 256. *Application by Government servants on leave elsewhere out of Pakistan.*--If an application made under rule 255 is for an extension of leave on medical certificate, it must be accompanied by a certificate from two medical practitioners in the following form:--

"We hereby certify that we have carefully examined C. D. of the ----- who is suffering from and we declare upon our honour that, according to the best of our judgment and belief he is at present unfit for duty in Pakistan, and that it is absolutely necessary for the recovery of his health that his present leave, which will expire in Pakistan on----- shall be extended by-----months/weeks.

Date-----

Place-----

The certificate must describe in full detail the nature of the disease and the present condition of the Government servant. If it be signed by foreigners it must be attested by consular or other authority as bearing the signature of qualified medical practitioners.

²⁴⁵Note.--The possession of a certificate as prescribed in this rule does not in itself confer upon the Government servant any right to leave.

S. R. 257. *Certificate of leave necessary before extension can be granted to Government servant to whom a leave-salary certificate has not been issued.--An extension of leave will not be granted by the High Commissioner to a Government servant to whom no leave-salary certificate has been issued, or who has exchanged his leave-salary certificate for a warrant before leaving Pakistan, unless he produces a certificate of leave in form II.*

RETURN FROM LEAVE.

S. R. 258. *Permission to return.-- A Government servant who is required, by or under Fundamental Rule 71, to produce a medical certificate of fitness before returning to duty, must obtain permission to return to duty before so returning.*

S. R. 259. *If the Government servant desiring to return is on leave in any of the localities named in rule 252, his application must be made to the High Commissioner and he must satisfy the Medical Board at the Office of the High Commissioner for Pakistan in U. K. of his fitness to return at least two months before the expiry of his leave. In order to do so, he must follow the procedure prescribed in rule 253. When the Medical Board has been satisfied, the High Commissioner will grant permission to return.*

Government order.-- See item (1) of the Government orders below S. R. 252.

S. R. 260. *If the Government servant desiring to return is on leave, out of Pakistan elsewhere than in the localities named in rule 252, his application must be made to the authority which granted his leave and a must be accompanied by a certificate of fitness in the prescribed form.*

S. R. 261. *Permission to return cannot be granted to a Government servant to whom no leave-salary certificate has been issued or who has exchanged his leave-salary certificate for a warrant, before leaving Pakistan, until he produces a certificate of leave in form II.*

S. R. 262. *Last-pay certificate.-- Before returning to duty, a Government servant on leave in Europe must obtain a last-pay certificate from the High Commissioner. A last-pay certificate cannot be granted to a Government servant to*

²⁴⁵Introduced by G.P., M.F. Notification No.23(28)-RI(2)/55, dated the 21st July, 1955.

whom no leave-salary certificate has been issued unless he produces a certificate of leave in form II. A Government servant who has drawn his leave-salary on a warrant must, on return to Pakistan, deliver to the audit officer his copy of the warrant, which will serve as a last-pay certificate.

Division XIII.-- Vacation Departments.

[Rules made under Fundamental Rule 82 (a).]

S. R. 263. *Government servants who serve in vacation departments.--* A vacation department is a department, or part of a department, to which regular vacations are allowed during which Government servants serving in the department are permitted to be absent from duty.

S. R. 264. The following classes of Government servants serve in vacation departments when the conditions of rule 263 are fulfilled:-

- (a) Educational officers, other than inspecting officers, and their establishments.
- (b) Judicial officers of rank not higher than that of subordinate judge and their establishments.
- (c) Any other class of Government servants which a competent authority may declare to be so serving.

S. R. 265. In case of doubt, a competent authority may decide whether or not a particular Government servant is serving in a vacation department.

S. R. 266. *When vacation is treated as taken.--* A Government servant serving in a vacation department shall be considered to have availed himself of a vacation or a portion of a vacation unless he has been required, by general or special order of a higher authority, to forego such vacation or portion of a vacation; provided that, if he has been prevented by such an order from enjoying more than fifteen days of the vacation, he shall be considered to have availed himself of no portion of the vacation.

Division XIV.-- Maternity leave.

[Rules made under Fundamental Rule 101 (a).]

S. R. 267. A competent authority may grant to a female Government servant maternity leave on full pay for a period which may extend up to the end of three months from the date of its commencement or to the end of six weeks from the date of confinement, whichever be earlier.

*Government decision.--*It has been decided that the maternity leave under this rule is also admissible to temporary female Government servants. Lady Apprentices and part-

time female Law Officers are also entitled to maternity leave under this rule in addition to the leave admissible under Supplementary Rules 292 and 287 respectively.

[G.P., M.F. O.M.No.26.F.36(3)-RI(2)/54, dated 29-9-1954.]

S. R. 268. Leave of any other kind may be granted in continuation of maternity leave if the request for its grant be supported by a medical certificate.

Government decision.- Leave on average pay to the extent admissible under F. R. 81 (b) may be granted in continuation of maternity leave if the condition laid down in S. R. 268, viz., that the request for the grant of the leave should be supported by a medical certificate, is fulfilled.

[Ar. G's. letter No. T-882-A/178-36, dated the 3rd September, 1936.]

Division XV.--Hospital leave.

[Rules made under Fundamental Rule 101 (b).]

NOTE.--In the case of a person to whom the Workmen's Compensation Act, 1923, applies the amount of leave-salary payable under these rules shall be reduced by the amount of compensation payable under section 4(1) D of the said Act.

S. R. 269. To whom granted.-- A competent authority may grant hospital leave to Government servants of the following classes while under medical treatment for illness or injury, if such illness or injury is directly due to risks incurred in the course of their official duties:-

- (a) **Police officers of rank not higher than that of head constable.**
- (b) **Government servants of the Western Pakistan Salt Revenue Department of rank not higher than that of kotgasht.**
- (c) **Forest subordinates, other than clerks, in receipt of pay not exceeding Rs.40.**
- (d) **Head warders or warders, male or female, of jails or mental hospitals and matrons of the Jail Department.**
- (e) **Overseers of mail lines, postmen, mail carriers and mail coachmen.**
- (f) **Subordinates of the Railway Mail Service in receipt of pay not exceeding Rs.120 per mensem.**
- (g) ²⁴⁶[•••••] **Railway servants other than gazetted officers.**

²⁴⁶Deleted by G.P., M.F. Notification No.F.2(31)-RI(2)/59, dated 25th July, 1960.

- (h) Government servants employed in Government Presses whether on fixed pay or at piece rates, other than those in permanent superior service who are subject to the special leave rules applicable to press employees.
- (i) Subordinates employed in Government laboratories.
- (j) (i) Subordinates of the Engineering and Wireless Branches of the Pakistan Posts and Telegraphs Department drawing pay not exceeding Rs.120 per mensem if the illness or injury is caused by shock received by them from high electric voltage in attending to electric installations for charging plant or to lines at power crossings.
- (ii) Subordinates of other Departments employed on the working of Government machinery.
- (k) Peons and guards in permanent employ.
- (l) Syces of Government stallions.
- (m) Deleted.
- (n) Personnel of the General Lighthouses and Lightships Department employed at Lighthouses and on Lightships, on pay not exceeding Rs.40 per mensem.
- (o) Deleted.
- (p) Linemen in the Pakistan Posts and Telegraph Department.
- (q) Subordinate Customs Staff of rank not higher than that of a Jamadar employed on the Upper Sindh Frontier under the administrative control of the Collector of Customs, Karachi.

S. R. 270. *Amount of leave-salary.*-- Hospital leave may be granted on leave-salary equal to either average or half average pay, as the authority granting it may consider necessary.

S. R. 271. *Extent of leave.*-- Except as provided in rule 272, the amount of hospital leave which may be granted to a Government servant is limited to three months on average pay in any period of three years. Hospital leave on half average pay counts, for the purpose of this limit, as half the amount of leave on average pay.

S. R. 272. The amount of hospital leave which may be granted by the Railway Division to railway subordinates injured while on duty is unlimited, and the Railway Division may delegate to General Manager of Railways such powers in this connection as it may think fit.

S. R. 273. *Combination with other leave.*-- Hospital leave is not debited against the leave account and may be combined with any other leave which may be admissible; provided that the total period of leave, after such combination, shall not exceed 28 months.

Audit Instruction.--The limit of eight months [*vide* F. R. 81 (b)] is not applicable when hospital leave is taken in combination with ordinary leave on average pay.

[Para. 24, Section II of Manual of Audit Instructions (Reprint).]

Division XVI.-- Seamen's sick-leave.

(Rules made under Fundamental Rule 102.)

NOTE.-- In the case of a person to whom the Workmen's Compensation Act, 1923, applies, the amount of leave-salary payable under these rules shall be reduced by the amount of compensation payable under section 4(1) D of the said Act.

S. R. 274. *Officers and petty officer.*-- A Government servant serving as an officer, warrant officer or petty officer on a Government vessel may, while undergoing medical treatment for sickness or injury, either on his vessel or in hospital, be granted by a competent authority leave on leave-salary equal to full pay for a period not exceeding six weeks provided that such leave shall not be granted if a responsible medical officer certifies that the Government servant is malingering or that his ill-health is due to drunkenness or similar self-indulgence or to his own action in willfully causing or aggravating disease or injury.

S. R. 275. *Seamen.*-- A seaman disabled in the exercise of his duty may be allowed leave on leave-salary equal to full pay for a maximum period not exceeding three months, if the following conditions are fulfilled:-

- (a) A Government medical officer must certify the disability.
- (b) The disability must not be due to the seaman's own carelessness or inexperience.
- (c) The vacancy caused by his absence must not be filled.

Division XVII.-- Departmental leave.

(Rules made under Fundamental Rule 2.)

S. R. 276. *To whom admissible.*-- The following rules govern the grant of leave to Government servants of the following classes serving in the Survey of Pakistan Department:-

- (a) Subordinates in superior service.

(b) Class IV servants attached to parties or offices.

S. R. 277. In addition to leave under Chapter X of the Fundamental Rules, departmental leave may be granted in the circumstances and on the conditions prescribed in rules 278 to 283.

S. R. 278. (a) Departmental leave may not be granted except to a Government servant whose services are temporarily not required.

(b) Departmental leave with allowances may be granted during the recess by the head of the party or office to which the Government servant belongs; provided that, in the case of a class IV servant, the officer granting the leave considers it desirable to re-employ the class IV servant in the ensuing field season. Leave so granted may in special cases be extended by the Surveyor General up to a maximum of 18 months in all.

(c) Departmental leave with allowances may be granted at times other than the recess, for not more than six months at a time, by Directors; provided that the leave is granted in the interest of Government and not at the Government servant's own request, and leave so granted may in special cases be extended by the Surveyor General up to a maximum of one year in all. Leave on medical certificate should never be regarded as granted in the interest of Government.

(d) In cases authorised by the ²⁴⁷President by general or special order, departmental leave without allowances may be granted by the Surveyor General in continuation of departmental leave with allowances.

S. R. 279. Amount of leave salary.-- Departmental leave with allowances may be granted on such leave-salary, not exceeding half pay, as the officer granting the leave may think fit. The leave-salary is payable on return to duty after the expiration of the leave whether taken alone or combined with departmental leave without allowances, and is not payable unless the Government servant returns to duty when required by his superior officer to do so. If, however, a Government servant dies while on departmental leave, his leave-salary up to the date of his death or the last day of such leave with allowances, whichever is earlier, will be paid to his heirs.

S. R. 280. Effect on leave account.-- Departmental leave does not count as duty and such leave with allowances shall be debited to the leave account as though it were leave on half average pay.

S. R. 281. Departmental leave may be granted when no leave is due. Departmental leave granted shall not be taken into account when calculating the maximum amount of leave admissible under Fundamental Rule 81 (a).

²⁴⁷Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

S. R. 282. *Combination with other leave.*-- Departmental leave may be combined with any other kind of leave which may be due.

S. R. 283. *Special concession.*-- When a Government servant subject to these rules holds a post in which the Surveyor-General considers that he is unlikely to be eligible for departmental leave in future, the Surveyor General may, by special order in writing, declare that, with effect from such date not being earlier than the Government servant's last return from departmental leave, as the Surveyor General may fix, any balance of leave at debit in the Government servant's leave account shall be cancelled. All leave earned after such date will be credited as due in the Government servant's leave account, and all leave taken after such date, including departmental leave with all allowances, if any, will be debited in it.

Division XVII-A – Deleted.

Division XVIII.--Leave earned by temporary and officiating service.

[Rules made under Fundamental Rule 103 (a).]

S. R. 284. *Temporary engineers.*-- A competent authority may grant to a temporary engineer of the Public Works or Railway Department leave on such terms and with such leave-salary as it may think fit; provided that the leave and leave-salary are not in excess of those admissible to a Government servant subject to the ordinary leave rules.

S. R. 285. *Other Government servants.*-- Leave may be granted to any other Government servant without a lien on a permanent post while officiating in a post or holding a temporary post; provided that the leave-salary (limited to average or half average pay, as the case may be) drawn by the Government servant shall not exceed-- (i) if no substitute is appointed in his place, the normal duty pay which he would have drawn had he not proceeded on leave, and (ii) if a substitute is appointed, the difference between such normal duty pay and the pay of the substitute. On this condition such a Government servant may be granted--

- (a) leave on leave-salary equivalent to average pay up to one-eleventh of the period spent on duty, subject to a maximum of four months at a time, or
- (b) on medical certificate, leave on leave-salary equivalent to half average pay up to two-elevenths of the period spent on duty, subject to a maximum of three months at a time, or
- (c) extraordinary leave up to a maximum of three months at any one time or, if the Government servant is undergoing treatment for tuberculosis in a recognised sanatorium ²⁴⁸[or where no such sanatorium exists in the Province/District/Place, where the officer concerned fell ill, in an

²⁴⁸Inserted by G.P., M.F. Notification No.F.17 F.23(3)-RI(2)/54, dated 5th August, 1954.

institution giving treatment in tuberculosis, on the production of medical certificate from the head of the institution, countersigned by the Civil Surgeon or treatment for tuberculosis of bones or joints by a qualified T. B. Specialist or a Civil Surgeon, up to a maximum of twelve months at any time subject to such conditions as the ²⁴⁹President may by general or special order prescribe.]

Exception.-- In the case of a Government servant officiating in a permanent post, or holding a temporary post, in a vacation department, leave granted under clause (a) of the rule shall be leave salary equivalent to half average pay: provided that such a Government servant may be granted, under that clause, leave on leave-salary equivalent to average pay to the extent of one month for each year of duty in which he has not availed himself of any part of the vacation. [If a part only of the vacation has been taken in any year, the period of leave on average pay admissible under the above proviso will be reduced by a fraction of a month equal to the proportion which the part of the vacation taken bears to the full period of vacation.]

Government decision.-- See Government decisions below rule 15 of Appendix 7-A to Volume II of this Compilation.

Audit Instructions.—

(1) The different kinds of leave referred to in clauses (a), (b) and (c) of Supplementary Rule 285 are cumulative and not alternative.

[Para. 25 (i), Section II of Manual of Audit Instructions (Reprint).]

(2) When a Government servant holding a temporary post in an officiating or substantive capacity without a lien on a permanent post is granted leave on the termination of the temporary post, an extension of the temporary post to cover the period of leave is necessary, if the grant of leave is subject to the condition laid down in the proviso contained in the first sentence of Supplementary Rule 285; but no such extension is necessary in the absence of this condition (*e.g.*, in the case of the temporary Engineers referred to in Supplementary Rule 284 or of Government servants whose leave is governed by the Model Leave Terms).

[Para. 25 (ii), Section II of Manual of Audit Instructions (Reprint).]

(3) In cases where the leave reserve for several grades of the same establishment is provided for in the lowest grade and officiating arrangements in leave vacancies in the higher grades by the appointment of persons from the lower grades entail extra expense, the net extra cost involved in arranging for the work of the absentee should be taken in place of the "pay of the substitute" mentioned at the end of the proviso contained in the first sentence of S. R. 285.

²⁴⁹Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

[Para. 25(iii), Section II of Manual of Audit Instructions (Reprint).]

(4) Vacation may be combined with leave granted under Supplementary Rule 285 (a) or under rule 3 of the Model Leave Term (Appendix 10 of the Compilation of Fundamental and Supplementary Rules, Volume II) and vacation when so combined should be treated as leave for the purpose of the limit of 4 months prescribed in the rules mentioned above.

[Para. 25(iv), Section II of Manual of Audit Instructions (Reprint).]

S. R. 285-A. Subject to the general condition that the leave granted shall not be on more favourable terms than if the service had been substantive, permanent and continuous, and to any other conditions that the ²⁵⁰President may think fit to impose, he may grant to a Government servant whose service is temporary or officiating leave otherwise than under the above rules.

S. R. 286. If such a Government servant is, without interruption of duty, appointed substantively to a permanent post, his leave account will be credited with the amount of leave which he would have earned by his previous duty if he had performed it while holding a permanent post substantively, and debited with the amount of leave actually taken under rule 284, 285 or 285-A. Leave taken under rule 284, 285 or 285-A is not an interruption of duty for the purpose of this rule.

NOTE.-- For the purpose of this rule, uninterrupted temporary and officiating service rendered before 1st January, 1922, including privilege leave taken during such service, may be taken into account in calculating the amount of leave to be credited to the Government servants leave account. Uninterrupted temporary and officiating service under a Provincial Government, whether rendered before or after 1st January, 1922, may also be taken into account, if under the rules laid down by that Government it would have counted had the Government servant in question continued in the service of the Government without a break till confirmation.

Audit Instruction.--Interpretation of the words 'interruption of duty'.-- See item (2) of the 'Audit Instructions' under Fundamental Rule 65 in Section I of this Volume.

Auditor General's decision.--The words "interruption of duty" in Supplementary Rule 286 should be interpreted as "cessation of employment in Government service" and the proviso in Article 370, Civil Service Regulations to the effect that the particular temporary office in which service was rendered must eventually have been made permanent is no longer applicable. The interruption of duty referred to in Article 420 (d), Civil Service Regulations is an interruption while that referred to in Article 420 (g) is not an interruption within the meaning of Supplementary Rule 286.

[Ar. G's No. 64-A/205-22, dated the 17th January, 1923.]

²⁵⁰Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

Division XVIII-A.—Leave earned by service which is not continuous.

[Rules made under Fundamental Rule 103 (b).]

S. R. 286-A. Deleted.

S. R. 286-B. Deleted.

S. R. 286-C. The following rules regulate the grant of leave in establishments belonging to the subordinate services in the Pakistan Posts and Telegraphs Department, the duties of which are not continuous but are limited to certain fixed periods in each year:-

1. A Government servant not employed throughout the year may be granted earned leave, *i.e.*, leave earned in respect of periods spent on duty and extraordinary leave.

Note 1.-- A person appointed substantively to non-continuous establishment which at the time of his appointment is considered to be required for more than 6 months in each year over a period of not less than 5 years shall be treated as belonging to a permanent establishment and he shall retain his permanent status during his subsequent years of employment even though the non-continuous establishment may be abolished before the end of 5 years or its duration in each year reduced to six months or less.

Note 2.-- A person appointed to a non-continuous establishment which is employed for periods not exceeding 6 months in a year or which at the time of his appointment is considered to be required for more than 6 months in each year but for a period of less than 5 years, shall be treated as belonging to a temporary establishment.

Exceptions.--(a) A member of a non-continuous establishment originally sanctioned for a period exceeding six months a year who has already been treated as or belonging to a permanent establishment, shall retain his permanent status during all subsequent years.

(b) A member of a temporary establishment shall be treated as transferred to a permanent establishment from the date it is found that the establishment will (generally) be required for more than 6 months in each year over a period of not less than five years. He shall retain his permanent status thus acquired during all subsequent years.

2. The maximum amount of earned leave admissible to a Government servant in permanent employ is,

(a) to Government servant in superior service—one twelfth, and

(b) to a Government servant in Class IV service—one twenty fourth of the period spent on duty:

Provided that when the earned leave due to a Government servant amounts to 90 days if he is in superior service or to 30 days if he is in Class IV service he ceases to earn such leave.

3. (a) A Government servant in permanent non-continuous employ appointed to officiate in the twelve monthly grade may be granted, while so officiating or at any time after reversion to the non-continuous post, earned leave up to one-eleventh if he is in superior service, or up to one-twenty-second, if he is in Class IV service, of the period spent on duty in the twelve-monthly post, either by itself or in combination with the leave due to him under rule 2, subject to a maximum of 90 days at a time, if he is in superior service, or 30 days at a time, if he is in Class IV service.

(b) A Government servant transferred to permanent non-continuous establishment from the twelve-monthly grade may be granted the balance of leave at his credit on the date of his transfer from the twelve-monthly grade, either by itself or in combination with the leave due to him under rule 2, subject to a maximum of 90 days at a time, if he is in superior non-continuous service, or 30 days at a time, if he is in non-continuous Class IV service.

Note 1.-- For the purpose of clause (b) the balance of leave at his credit shall in the case of a Government servant who before his transfer to the non-continuous establishment was subject to the rules in Sections I to V of Chapter X of the Fundamental Rules or to Supplementary Rule 285, be the balance of leave on average pay only corresponding to one-eleventh of duty and, in the case of a Government servant who before such transfer was subject to the Revised Leave Rules, 1933, the balance of earned leave only.

NOTE 2.-- For the purposes of these rules the balance of leave carried forward shall be treated as earned leave.

4. (a) The maximum amount of earned leave, admissible to a Government servant not in permanent employ is, when he is in superior service, one-twenty-fourth of the period spent on duty; provided that when the leave due amounts to 30 days he ceases to earn such leave.

(b) No earned leave is admissible to a Government servant in Class IV service not in permanent employ.

5. A Government servant not in permanent employ appointed without interruption of duty substantively to a permanent post will be credited with the earned leave which would have been admissible if his previous duty had been duty as a Government servant in permanent employ diminished by any earned leave already taken. Leave is not an interruption of duty for the purpose of this rule.

6. (1) Extraordinary leave may be granted to any Government servant in special circumstances –

- (a) when no earned leave is by rule admissible, or
- (b) when earned leave is admissible, but the Government servant concerned applies in writing for the grant of extraordinary leave.

(2) Except in the case of a Government servant in permanent employ the duration of extraordinary leave shall not exceed three or twelve months on any one occasion, the longer period being admissible subject to such conditions as the ²⁵¹President may by general or special order prescribe only when the Government servant concerned is undergoing treatment for tuberculosis in a recognised sanatorium or treatment for tuberculosis of bones or joints by a qualified T. B. Specialist or a Civil Surgeon.

(3) Extraordinary leave may be granted in combination with or in continuation of earned leave.

(4) The authority empowered to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

7. No leave shall be granted beyond the date on which a Government servant must compulsorily retire:

Provided that the authority empowered to grant leave may allow any Government servant who has been denied in whole or in part on account of the exigencies of the public service the earned leave which was due to him pending retirement, the whole or any portion of the earned leave so denied, even though it extends to a date beyond the date on which such Government servant must compulsorily retire:

Provided further that a Government servant whose service has been extended in the interests of the public service beyond the date of his compulsory retirement may similarly be granted either within the period of extension or, if the conditions of the preceding proviso are satisfied, after its expiry, any earned leave which could have been granted to him under the preceding proviso had he retired on that date and in addition any earned leave due in respect of such extension.

8. (1) A Government servant on earned leave is entitled to leave-salary equal to his pay on the day before the leave commences:

Provided that no leave-salary will be admissible during leave taken beyond the period of employment of the establishment to which he belongs:

²⁵¹Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

Provided further that if a substitute is appointed in his place the leave-salary shall be limited to the difference between his pay on the day before the leave commences and the pay of the substitute.

(2) A Government servant on extraordinary leave is not entitled to any leave-salary.

9. The grant of leave to a Government servant who is transferred from the permanent non-continuous establishment to the permanent twelve-monthly grade shall be governed by the rules in Sections I to V of Chapter X of the Fundamental Rules or the Revised Leave Rules, 1933, as the case may be. On such transfer, the Government servant concerned shall carry forward the balance of leave at his credit on the date of transfer. This balance of leave shall be treated as 'leave on average pay' or 'earned leave (on average pay)' as the case may be. If the Government servant becomes subject to the Revised Leave Rules, 1933, the balance of leave carried forward shall be taken into account in calculating the number of days specified in rule 9 of those rules.

Government decisions.—

(1) See Government decisions below rule 15 of Appendix 7-A to Volume II of this Compilation.

(2) A case arose in which an official holding a permanent season post in a substantive capacity from the 29th April 1941, was appointed as a temporary 2nd grade clerk in the 12 monthly grade from 1st November, 1941 to 31st March 1942, 1st November, 1942 to 7th March, 1943 and 20th March, 1943 to 31st March, 1943 during the off-season periods, the season commencing on the 1st April and ending on the 31st October each year. He was granted earned leave for 12 days from the 8th March, 1943 to 19th March, 1943. In this connection the following questions were raised:-

1. whether the period of leave from the 8th March, 1943 to 19th March, 1943 taken during the off-season, should count for increment in the seasonal post.
2. at what rate service in the 12 monthly post during the off-season should earn leave, and
3. whether the leave earned by service in the twelve monthly grade during the off-season, if not availed of during such service, should lapse automatically.

As regards the first question it has been held that under F. R. 12-A the substantive holder of a permanent season post acquires a lien on the post and under F. R. 26(b) leave counts for increment in the time scale applicable to the post on which the Government servant holds a lien. The off-season in the case of permanent non continuous service is not duty and therefore, cannot count for increment under F. R. 26(a). It has, therefore, been

held that leave taken during the off-season period, being part of such period, cannot count for increment in the time scale of the season post.

As regards the second question, the omission of the concluding portion of S. R. 286-B "but in no case shall the leave extend beyond the date on which the non-continuous establishment is discharged on the termination of the season" from S. R. 286-C-3, is deliberate and the rule as it stands is unequivocal. Cases of grant of leave for temporary or officiating service in a 12 monthly grade during the off-season period are, therefore, to be regulated by this rule.

As regards the third question, S. R. 286-C-3 clearly implies that leave earned by service in the 12 monthly grade during the off-season, if not availed of during such service, should not lapse subject to the maxima prescribed. Leave so earned may, therefore, be availed of after reversion to the non-continuous post but no leave-salary will be admissible for any portion of leave enjoyed after the termination of the season.

[F. A. (C's) endorsement No. E-51-8/44, dated the 31st October, 1945.]

Division XIX.-- Leave earned by part-time service.

[Rules made under Fundamental Rule 103 (c).]

S. R. 287. *Part-time law officers.*-- A law officer holding one of the posts mentioned in Fundamental Rule 99, if his pay is fixed at a definite rate but his whole time is not retained for the service of Government, may be granted leave as follows:-

- (a) **Leave on full pay during the vacation of the High or Chief Court within whose jurisdiction he serves; provided that no extra expense is thereby caused to Government. Such leave will be counted as duty.**
- (b) **Leave on half pay for not more than six months once only in his service after six years of duty.**
- (c) **On medical certificate, leave on half pay up to a maximum of 20 months at any one time; provided that three years of duty must intervene between any two periods of leave on medical certificate.**
- (d) **On the conditions prescribed in Fundamental Rule 85, extraordinary leave.**

Government decision.-- See Govt. decision below S. R. 267.

S. R. 288. Leave under any one of the clauses of rule 287 may be combined with leave under any other clause.

Division XX.-- Leave earned by service remunerated by honoraria or daily wages.

[Rules made under Fundamental Rule 103 (c).]

S. R. 289. *Government servants remunerated by honoraria.*—A Government servant remunerated by honoraria may be granted leave on the terms laid down in rules 287 and 288; provided that he makes satisfactory arrangements for the performance of his duties, that no extra expense is caused to Government and that, during leave of the kind contemplated by clause (b) of rule 287, the whole of the honoraria are paid to the person who officiates in his post.

S. R. 290. *Daily labourers in railway workshops.*-- A labourer employed on daily wages in a railway workshop when temporarily absent from work owing to injuries received while on duty, may be granted by the Railway Division leave on full wages to such extent as may be considered necessary. The Railway Division may delegate to General Managers of Railways such powers in this respect as it may think fit.

The General Managers of Railways may delegate to authorities subordinate to them the whole or part of the powers delegated to them in this respect.

NOTE.-- In the case of a person to whom the Workmen's Compensation Act, 1923, applies, the amount of leave-salary payable under this rule shall be reduced by the amount of compensation payable under section 4(1) D of the said Act.

Division XXI.-- Leave earned by probationers and apprentices

[Rules made under Fundamental Rule 104 (b).]

S. R. 291. *Probationers.*-- Leave may be granted to a probationer, if it is admissible under the leave rules which would be applicable to him if he held his post substantively otherwise than on probation. If for any reason it is proposed to terminate the services of a probationer, any leave which may be granted to him should not extend beyond the date on which the probationary period as already sanctioned or extended expires, or any earlier date on which his services are terminated by the orders of an authority competent to appoint him.

S. R. 292. *Apprentices.*-- Leave of the following kinds may be granted to an apprentice:-

- (a) On medical certificate, leave on leave-salary equivalent to half-pay for a period not exceeding one month in any year of apprenticeship.
- (b) Extraordinary leave under Fundamental Rule 85.

Government decision.—See Govt. decision below S. R. 267.

PART V.—JOINING TIME

Division XXII.— Amount of joining time admissible.

[Rules made under Fundamental Rule 106.]

S. R. 293. General rules.-- Not more than one day is allowed to a Government servant in order to join a new post when the appointment to such post does not necessarily involve a change of residence from one station to another. A holiday counts as a day for the purpose of this rule.

S. R. 294. The joining time of a Government servant in cases involving a transfer from one station to another, neither of which is in a remote locality not easy of access, is subject to a maximum of 30 days. Six days are allowed for preparation and, in addition, a period to cover the actual journey calculated as follows:--

(a) A Government servant is allowed--

For the portion of the journey which he travels or might travel. One day for each

By railway.....	250 miles
By Ocean Steamer..	200 miles
By river steamer..	80 miles

or any longer time actually occupied in the journey.

By motor-car or horse-drawn conveyance

plying for public hire..	80 miles
In any other way ...	15 miles

- (b) A day is allowed for any fractional portion of any distance prescribed in clause (a).**
- (c) When part of the journey is by steamer, the limit of six days for preparation may be extended to cover any period unavoidably spent in awaiting the departure of the steamer.**
- (d) Travel by road not exceeding five miles to or from a railway station or steamer ghat at the beginning or end of a journey does not count for joining time.**
- (e) A Government servant whose pay does not exceed Rs.100 is not ordinarily expected to travel by motor-car or horse-drawn conveyance plying for public hire, and his joining time is calculated accordingly.**

- (f) A Sunday does not count as a day for the purpose of the calculations in this rule, but Sundays' are included in the maximum period of 30 days.**

Exception 1.— The authority sanctioning the transfer may, in special circumstances, reduce the period of joining time admissible under this rule.

Exception 2.— The joining time of a Government servant who is transferred from one to another of the stations named in the table below shall be six days for preparation and in addition the actual time spent on the journey; provided both combined do not exceed the period prescribed for the particular journey in the table:--

Journey	Period
Between Meshed and Birjand13 days.
Between Meshed and Zahidan	..21 days.
Between Birjand and Zahidan ..	13 days.
Between Meshed and Zabul ..	32 days.
Between Birjand and Zabul ..	24 days.
Between Meshed and Khanikin	26 days.

Government decision.—A question has been raised what joining time should be allowed to Government servants when journeys on transfer are performed by air, in the absence of any specific provision in S. R. 294 for regulating joining time in such cases. The Government of Pakistan have, after full consideration, been pleased to decide, that when air journeys on transfer are performed in the interest of public service by a Government servant entitled to travel by air or specially authorised to do so by a competent authority, 6 days for preparation and in addition, the number of day(s) actually taken in the air journey should be allowed as joining time.

[Ministry of Finance letter No D-4445-R/-48, dated the 1st December, 1948.]

Audit Instruction.—The concession referred to in clause (c) of this rule is intended to apply also in cases where the entire journey is to be performed by steamer.

Clause (c) of this rule has further been interpreted to mean that if a steamer is not due to start immediately after the expiry of 6 days from the day when the Government servant gives over charge, the Government servant may add to his joining time the number of days intervening between the expiry of the six days and the departure of the next steamer, whether he actually starts during the first six days or by the next boat after their expiry.

[Para.26. Sec II of Manual of Audit Instructions (Reprint).]

S. R. 294-A. For a journey between a place in a remote locality mentioned in column 1 of the table and the station specified against it in column 2 of the table, the joining time of a Government servant under Fundamental Rule 105 (d) is the period shown in column 3 of the table irrespective of whether the journey is performed on

transfer or on leave; provided that in the case of leave, the concession is admissible to a Government servant—

- (1) who is of genuine Pakistani or European domicile and has been specially recruited outside the remote locality concerned for service there, and
- (2) who, though not specially recruited outside the remote locality concerned for service there, is of genuine Pakistani or European domicile and is in service whether in a permanent or other capacity on the 8th January 1937; provided that there is no break in his service after that date. The joining time shall be held to commence on the day following the handing over of charge of the Government servant's post or on the day of his arrival at the specified station according as the Government Servant is proceeding from or to the place in the remote locality. To the joining time admissible under this rule, may be added any joining time, including days allowed for preparation, that a Government servant may be entitled to under Fundamental Rule 105(a), (b) or (c) for such portion of his journey as may not be covered by this rule.

Station in the Remote Locality	Specified Station	Joining Time
1. Zaibul	1. Quetta or Spezand	21 days.
	2. Khanikin	21 days for journeys connected with leave to Europe and 12 days for other journeys.
	3. Pehlevi	21 days.
	4. Baghdad	23 days for journeys connected with leave to Europe.
2. Birjand	1. Quetta or Spezand	18 days.
3. Meshed	1. Quetta	26 days.
	2. Spezand	26 days.
	3. Khanikin	17 days for journeys connected with leave to Europe and 26 days for other journeys.
	4. Pehlevi	14 days.
4. Kerman	5. Baghdad	19 days for journeys connected with leave to Europe.
	1. Quetta via Zahidan	21 days.
	2. Karachi via Bundar Abbas or Basra.	21 days.
5. Kashgar	3. Basra	31 days.
	1. Srinagar	50 days.
	2. Havelian	52 days.
6. Shiraz	1. Karachi	16 days.
	2. Basra	14 days.
7. Kermanshah	1. Karachi	19 days.
	2. Basra	12 days.
	3. Baghdad	4 days.
8. Dizful	1. Karachi	15 days.
	2. Basra	10 days.
9. Ahwaz	1. Karachi	15 days.
	2. Basra	10 days.
10. Maskat	1. Karachi	10 days.
	2. Basra	15 days.
11. Kamaran	Karachi	11 days.

Station in the Remote Locality	Specified Station	Joining Time
12. Baghdad	1. Karachi	7 days.
13. Bandar Abbas	1. Karachi	13 days.
	2. Basra	13 days.
14. Bahrein	1. Karachi	12 days.
	2. Basra	10 days.
15. KhurramShahr	1. Karachi	13 days.
	2. Basra	8 days.
16. Bashire	1. Karachi } 2. Basra }	The actual number of days occupied in the transmission of mail letters at the time when the journey is made plus 8 days
17. Kowait		
18. Lingah		
19.	1. Quetta	2 days.
20.		
21. Deleted.		
22.		
23.		
24. Nok-Kundi	2. Ahmedwal	1 day.
25. Dalbandin	1. Quetta	2 days.
	2. Ahmedwal	1 day.
26. Mirjawa	1. Quetta	2 days.
27. Khawash	1. Quetta	6 days.
28. Zahidan	1. Quetta or Spezand	3 days.
	2. Khanikin	12 days.
	3. Baghdad	14 days.
29. Gilgit Agency	1. Srinagar	14 days.
	2. Havelian	16 days.
30. Chilas	1. Srinagar	14 days.
	2. Havelian	11 days.
31. Kabul	Peshawar	12 days.
32. Jalalabad	Peshawar	10 days.
33. Khandhar	Chaman	10 days.
34. Mekran	Mastung (a)	7 days.
35. Jeddah	Karachi(b)	20 days.
36. Deleted		
37. Deleted.		
38. Deleted.		
39. Misgar	Srinagar(f)	24 days.
40. Chitral (State)	Malakand(g)	15 days or the number of days occupied in the transmission of mail letters at the time when the journey is made Plus 8 days, whichever is less.
41. Sherjah	Karachi	8 days.
42. Tehran	1. Quetta	34 days.
	2. Karachi	21 days.
43. Gwadar	1 Karachi	10 days.
	2. Basra	15 days.
	3. Mastung	12 days.
44. Jiwani	Karachi	11 days.
45. Jask	Karachi	The actual number of days occupied in the transmission of mail letters at the time when the journey is made plus 8 days.
46. Tehran	Khanikin	8 days.
47 to 63 deleted		

²⁵²(a) The concession is not to be enjoyed while proceeding on, or returning from leave by any Government servant more than once in four years, and if a tenure is prescribed and it is less than four years, more than once during the tenure. This restriction will not apply in cases where leave is taken immediately prior to the completion of tenure and before joining a post elsewhere.

(b) For the staff of the Pakistan Embassy.

(d) Deleted.

(e) Deleted.

(f) The concession is not to be enjoyed by the Signaller-in-charge of the Government Telegraph Office, Misgar, more than once in four years while proceeding on or returning from leave.

(g) The concession is not to be enjoyed by any particular clerk more than once in four years while proceeding on or returning from leave.

NOTE 1.—Basra is to be regarded as the specified station for any remote locality in Iran and the Persian Gulf when a journey to Europe is made by the overland route via Baghdad and Haifa or Bayrout, or when the journey is made by Air, provided that if the journey covers travel by air between Bushire and Basra, the joining time will terminate or commence at Bushire, as the case may be.

NOTE 2.—The joining time shown in column 3 of the table is subject to periodical revision.

*EXCEPTIONS.—*Joining time under Fundamental Rule 105(d) is not admissible to a non-gazetted Government servant in superior service in Iran or the Persian Gulf on pay not exceeding Rs.400 if his departure on leave necessitates the importation of a substitute from Pakistan to fill a vacancy extending over less than three months exclusive of the joining time shown in columns 3 of the table.

S. R. 294-B. A Government servant posted to a place within the territories administered by a local Government which has prescribed a rule similar to rule 294-

²⁵²As revised by G.I., F.D., Correction No.485(S.R.), dated the 1st September, 1939. Prior to the issue of this amendment the foot note read as follow:-

- (a) The concession is not to be enjoyed by any particular clerk more than once in four years while proceeding on or returning from leave. The concession is also not to be enjoyed by Government servants under the administrative control of the Ministry of States and Frontier Regions who, while proceeding on leave from the Gilgit Agency or returning from leave to that Agency, are carried free of charge by Pakistan Air Force planes.

A for Government servants under its administrative control, may be allowed joining time in accordance with the rules so prescribed.

S. R. 295. *Minimum in the case of Government servants returning from long leave out of Pakistan.*-- When a Government servant, returning from leave out of Pakistan exceeding four months, takes joining time before joining his post, his joining time shall begin from the date of his arrival at the port of disembarkation, or, if he returns by air, from the day following that on which the aircraft in which he returns arrives at his first regular port in Pakistan and be calculated from such port; provided that it shall, if he so desires, be subject to a minimum of ten days.

S. R. 296. *Route by which calculated.*-- By whatever route a Government servant actually travels, his joining time shall, unless a competent authority for special reasons otherwise order, be calculated by the route which travelers ordinarily use.

S. R. 297. *Time and place from which joining time is calculated.*-- If a Government servant is authorised to make over charge of a post elsewhere than at its headquarters, his joining time shall be calculated from the place at which he makes over charge.

S. R. 298. If a Government servant is appointed to a new post while in transit from one post to another his joining time begins on the day following that on which he receives the order of appointment.

Audit Instruction.—A second period of 6 days for preparation should not be allowed, in calculating the joining time of a Government servant who is appointed to a new post while in transit from one post to another.

[Para. 27, Sec. II of Manual of Audit Instructions (Reprint).]

S. R. 299. If a Government servant takes leave while in transit from one post to another the period which has elapsed since he handed over charge of his old post must be included in his leave, unless the leave is taken on medical certificate. In the latter case the period may be treated as joining time.

S. R. 300. If a Government servant is appointed to a new post while on leave on average pay of not more than four months' duration, his joining time will be calculated from his old station or from the place in which he received the order of appointment, whichever will entitle him to the less joining time.

Government decision.—See item(3) of the Government decisions below Fundamental Rule 105 in Section I of this Volume.

Audit Instruction.—See item (4) of the Audit Instructions below F. R. 105, in Section I of this Volume.

S. R. 301. *Special concessions.*-- Except in the case of joining time admissible under rule 294-A, a competent authority may in any case extend the joining time admissible under these rules, provided that the general spirit of the rules is observed.

Audit Instruction.—If a competent authority sanctions under this rule an extension of joining time beyond a period of 30 days for the reasons stated in clause (b) of Supplementary Rule 302, it should be considered that the general spirit of the rules has been observed,

[Para. 29, Sec. II of Manual of Audit Instructions (Reprint).]

S. R. 302. Except in the case of joining time admissible under rule 294-A, within the prescribed maximum of 30 days, a competent authority may, on such conditions as it thinks fit, grant to a Government servant a longer period of joining time than is admissible under the rules in the following circumstances:

- (a) when the Government servant has been unable to use the ordinary mode of travelling or, notwithstanding due diligence on his part, has spent more time on the journey than is allowed by the rules; or
- (b) when such extension is considered necessary for the public convenience or for the saving of such public expenditure as is caused by unnecessary or purely formal transfers; or
- (c) when the rules have in any particular case operated harshly; as for example, when a Government servant has through no fault on his part missed a steamer or fallen sick on the journey.

S. R. 302-A. When a Government servant under the administrative control of the ²⁵³President is transferred to the control of a Government which has made rules prescribing amounts of joining time, his joining time for the journey to join his post under that Government and for the return journey will be governed by those rules.

Division—XXIII.

- S. R. 303. Deleted.**
- S. R. 304. Deleted.**
- S. R. 305. Deleted.**
- S. R. 306. Deleted.**
- S. R. 306-A. Deleted.**

²⁵³Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

PART VI.-- FOREIGN SERVICE.**Division XXIV.-- Interest on overdue contributions.**

[Rules made under Fundamental Rule 119 (b).]

S. R. 307. If a contribution for ²⁵⁴[***] pension, due in respect of a Government servant in foreign service is not paid within fifteen days from the end of the month in which the pay on which it is based has been drawn by the Government servant concerned, interest must be paid to Government on the unpaid contribution, unless it is specifically remitted by the ²⁵⁵President, at the rate of ²⁵⁶[two paisa] a day per Rs.100, from the date of expiry of the period of fifteen days up to the date on which the contribution is finally paid. The interest shall be paid by the Government servant or the foreign employer according as the contribution is paid by the former or the latter.

Note.—*Deleted.*

Division XXIV-A.-- Travelling Allowance.

S. R. 307-A. The travelling allowance of a Government servant both in respect of the journey on transfer to foreign service and the journey on reversion therefrom to Government service will be borne by the foreign employer.

NOTE.— *The above rule applies even in cases where the Government servant lent takes leave on reversion before joining duty under Government.*

²⁵⁴In S. R. 307 the words “leave salary or” omitted and for the words “four pies” the words “two paisa” substituted by SR.O. 799 (1) 84, dated 17th Sept, 1984, Gazette of Pakistan, Extraordinary, Part II, Page No. 1689, dated Sept., 20, 1984.

²⁵⁵Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

²⁵⁶In S. R. 307 the words “leave salary or” omitted and for the words “four pies” the words “two paisa” substituted by SR.O. 799 (1) 84, dated 17th Sept, 1984, Gazette of Pakistan, Extraordinary, Part II, Page No. 1689, dated Sept., 20, 1984.

PART VII.—DELEGATIONS.**Division XXV.— Delegations of powers.**

[Orders issued under Fundamental Rules 4,6 and 7]

S. R. 308. (a) Appendix 4 schedules the delegations of powers made by the ²⁵⁷President under Fundamental Rules 4 and 6.

(b) Appendix 13 schedules the authorities subordinate to the ²⁵⁸President which exercise the powers of a competent authority under the various Supplementary Rules made under the Fundamental Rules by the ²⁵⁹President in virtue of the power conferred upon by Fundamental Rule 4.

(c) For convenience of reference, cases in which the Ministry of Finance has declared, under Fundamental Rule 7, that its consent may be presumed to have been given to the exercise by a Ministry or Division of the Government of Pakistan of powers conferred by the Fundamental Rules upon a local Government have been included as delegations in both Appendices.

S. R. 309. The Ministry of Finance has declared, under Fundamental Rules, that its consent may be presumed to have been given to the exercise by the authorities to whom they are delegated, of the powers delegated by Appendices 4 and 13.

S. R. 310. The delegations made in Appendices 4 and 13 are subject to the following conditions:—

- (a) Except where the ²⁶⁰President by general or special order directs otherwise, a power may be exercised by an authority to which it is delegated in respect of those Government servants only who are under the administrative control of that authority;**
- (b) The nature of each power delegated is shown in column 3 of the Appendices. The delegation extends to the power so specified only, and not to any other power conferred by the rule quoted in column 2.**

²⁵⁷Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

²⁵⁸Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

²⁵⁹Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

²⁶⁰Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

- (c) **If any power conferred upon a local Government or a competent authority by the Fundamental or the Supplementary Rules, as the case may be, is not shown in the Appendices, it is to be understood that such power is not delegated to any authority subordinate to the ²⁶¹President.**
- (d) **Any power delegated by either Appendix to a head of a department may be exercised by the Governor North West Frontier Province in his capacity of agent to the ²⁶²President, a Chief Commissioner, a political resident of the first class, a Ministry or Division of the Government of Pakistan, or the Railway Board.**
- (e) **Nothing contained in Appendices 4 and 13 will operate to restrict powers conferred upon any authority by other rules made under the Act.**
- (f) **The Ministry of Finance has declared, under Fundamental Rule 7, that its consent may be presumed to have been given to the exercise by the Railway Division of any power under the Fundamental Rules which is shown as conceded to that department in the schedule of the powers of the Government of Pakistan in the Railway Division in railway matters, whether or not such power is scheduled in Appendices 4 and 13.**

Government decision.—The powers delegated to the Chief Engineer, Pakistan Public Works Department and the Superintending Engineers, Pakistan Public Works Department [vide Appendix 13 (Volume II) of this Compilation] in respect of ²⁶³Federal Government buildings in the charge of the Pakistan Public Works Department will be exercised by the Chief Engineer, Pakistan Public Works Department or the Superintending Engineers, Pakistan Public Works Department, as the case may be, also in the case of the Government servants who are not under their administrative control.

[G.I., Deptt. of Labour, letter No.B-30, dated the 6th September 1941, copy received under G.I., F.D., endorsement No.D.-3495-Ex.1/41, dated the 13th October, 1941.]

Audit Instruction.—

(1) *Deleted.*

(2) The words ‘who are under the administrative control of that authority’ in S. R. 310 (a) should be understood to mean who are serving under the orders of that authority.

[Para. 30 (i), Sec. II of Manual of Audit Instructions (Reprint).]

²⁶¹Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

²⁶²Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

²⁶³Substituted by Ministry of Law Notification No.F.24(2)/75-Pub., dated 01-8-1975, Gaz. Of Pak., Extra., Pp.435-436, dated 01-8-1975.

PART VIII.-- GOVERNMENT RESIDENCES.**Division XXVI.-- Allotment of residences.**

[Rules made under Fundamental Rule 45.]

S. R. 311. When a building owned or leased by Government or a portion thereof has been made available by the Government for use as a residence by an officer under its administrative control, the competent authority may allot such building or part of a building to a post specified in the order of allotment for use as a residence by the incumbent of the post.

S. R. 312. (1) The incumbent of a post to which a residence has been allotted under rule 311 shall be considered to be in occupation of the residence during the period of his incumbency unless the allotment is changed or suspended under these rules.

(2) An officer shall not be considered to be in occupation of a residence only by reason of the fact that he shares it with an officer who is in occupation thereof.

(3) An officer shall be considered to be in occupation of his residence when absent on tour or at hill station where he is permitted, but not required by Government to reside.

(4) An officer shall not be considered to be in occupation of a residence when he proceeds on leave, unless the competent authority otherwise directs.

S. R. 313. (1) The competent authority may suspend the allotment of a residence to a post—

- (a)** which is temporarily held by an officer under Fundamental Rule 49 in addition to another post, if the officer does not actually occupy the residence;
- (b)** the incumbent of which discharges the duties of another post, if such duties prevent him from occupying the residence;
- (c)** to which an officer has been transferred from another post in the same station, if the officer is in occupation of a residence allotted to such other post and the competent authority does not consider it necessary that he should change his residence;
- (d)** Deleted.

(e) Deleted.

(f) in which an officer is officiating for a period not exceeding two months, if the officer is prevented from actually occupying the residence by circumstances which, in the opinion of the competent authority justify the suspension of the allotment.

(2) No allotment shall be suspended otherwise than in accordance with sub-rule (1) save by order of the ²⁶⁴President.

(3) An order of suspension under this rule shall terminate on the next change of incumbents or when the circumstances justifying the suspension cease to exist, whichever is earlier.

(4) When the allotment of a residence to a post has been suspended under this rule, the competent authority may allot the residence to any officer of Government or, if it is not required by any officer, to any suitable person:

Provided that the allotment to such officer or person shall terminate not later than the date upon which the period of suspension terminates.

S. R. 314. An officer in occupation of a residence may sublet it, subject to the following conditions, namely:-

- (a) the lessee shall be approved by the competent authority;
- (b) the sub-tenancy shall not be recognised by Government;
- (c) the lessor shall remain personally responsible for the rent and for any damage caused to the residence beyond fair wear and tear;
- (d) the sub-tenancy shall terminate not later than the date on which the lessor ceases to hold the post to which the residence has been allotted;
- (e) the rent payable by the lessee shall not, except with the previous sanction of the competent authority, exceed the rent payable to Government by the lessor; and
- (f) the rent payable to Government by the lessor shall be the rent payable by him if he had not sub-let the residence, or the rent payable by the lessee, if the residence had been allotted to him direct by the Government, whichever is higher.

²⁶⁴Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

Government decision.— The Governor-General has decided under S. R. 314 (f) that in the case of subletting of a Government residence when the lessor is not entitled to rent-free quarters or house rent allowance in lieu, but the lessee is so entitled, the rent payable by the lessor should be the rent payable by him if he had not sublet the residence, or the rent payable by the lessee if the residence had been allotted to him direct by Government otherwise than free of rent, whichever is higher.

When a Government residence is sub-let and the lessor and the lessee are, or the lessor is, entitled to rent-free quarters or house rent allowance in lieu, the following procedure should be adopted in regard to the recovery of rent:—

- (i) when both the lessor and the lessee are entitled to rent-free quarters or house rent allowance in lieu, the lessor will pay to Government an amount equivalent to the higher of the two house rent allowances; and
- (ii) when the lessor is entitled to rent-free quarters or house rent allowance in lieu and the lessee is not so entitled, the lessor will pay to Government an amount equivalent either to the house rent allowance admissible to him or to the rent payable by the lessee if the house had been allotted to him direct by Government, whichever is higher.

[G.I., F.D., endorsement No.F.20(6)-Ex.11/45, dated the 14th August, 1945.]

S. R. 315. Officers holding posts to which residences have been allotted may exchange residences with the permission of the authority which made the allotment. Such exchange shall not be recognized by Government. Each officer shall remain responsible for the rent of the residence allotted to the post held by him.

S. R. 316. The competent authority may permit an officer during temporary absence from his station to store his furniture and other property at his own risk, free of rent, in the residence occupied by him prior to such absence, unless—

- (a) the officer, if any, who discharges the duties of the absent officer is responsible for payment of the rent of the residence, or
- (b) arrangements are made to let the residence during such temporary absence.

S. R. 316-A. If the officer to whom a residence is allotted dies, is dismissed from the service or retires from the service, the allotment to him of the residence shall be cancelled, with effect from one month after the date of his death, dismissal or retirement, as the case may be, or with effect from any date after such death, dismissal or retirement on which the residence is actually vacated, whichever is earlier.

Audit Instruction.—In cases covered by S. R. 316-A the recovery of rent should be governed by F. R. 45-A and not by F. R. 45-B that is to say, while the original allotment subsists, rent should be charged at the same concessional rate as was being paid by the Government servant before his death, dismissal or retirement, as the case may be. Similarly, the concession of rent-free quarters if it was granted in any case, should continue during the period of grace.

[Para. 5 (v), Chapt. V, Sec. I of the Manual of Audit Instructions (Reprint) as inserted by Correction slip No. 65, dated the 1st April, 1942.]

S. R. 317. (1) Rules 311 to 316, both inclusive, shall be deemed to have come into force on the 1st April 1924; and rule 316-A, on the 31st January, 1940.

(2) Rules 311 to 316-A, both inclusive, shall not apply to any class of residence in respect of which rules, other than rules 311 to 316-A, made by the ²⁶⁵President under Fundamental Rule 45, are in force.

Divisions XXVI-A to Division XXVI-F.—Deleted.

Division XXVI-G.—Allotment of residences under the administrative control of the Salt Revenue Department.

[Rules made under Fundamental Rule 45.]

S. Rs. 317-A-VI to 317-P-VI. —Not Printed.

Division XXVII.— Rent of Government Residences.

[Rules made under F.R.45-A.]

S. R. 318. For the purposes of clause II of Fundamental Rule 45-A, the present value of a residence including its subsidiary buildings, and of the site on which it stands, shall be estimated by—

- (a) a Public Works Officer, of rank not lower than an Executive Engineer, nominated in that behalf by the competent authority; or**
- (b) a Divisional Engineer of the Pakistan Posts and Telegraphs Department, when the residence is in charge of the said Department, and when—**
 - (i) the residence is in occupation of an officer whose pay does not exceed Rs.150 a month; or**

²⁶⁵Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

- (ii) the capital cost of the residence and of the subsidiary buildings attached thereto, are known only collectively but not separately.

The estimate shall be forwarded to the competent authority, who shall determine the present value of the residence and of the site.

S. R. 319. For the purposes of clause II of Fundamental Rule 45-A, expenditure incurred on such works as—

- (a) raising, leveling and dressing sites;
- (b) construction of revetments, retaining walls, compound walls, fences, and gates;
- (c) storm water drainage; and
- (d) approach roads and paths within the compound;

shall be regarded as expenditure upon the preparation of a site.

S. R. 320. For the purposes of proviso (vi) to clause II of Fundamental Rule 45-A, the following shall be regarded as fittings, namely:-

ELECTRIC FITTINGS.

- (a) Lamps of all kinds (excluding bulbs);
- (b) Fans, including switches and regulators, the hire of which is not charged separately;
- (c) Meters.
- (d) Electric heaters and water heaters, which are fixed to walls, floors or ceilings, and
- (e) Electric lifts.

SANITARY AND WATER SUPPLY FITTINGS.

- (a) Apparatus for hot water supply;
- (b) Baths, basins and lavatory equipment; and
- (c) Meters.

S. R. 321. In the calculation of the standard rent of a leased residence under sub-clause (a) of clause III of Fundamental Rule 45-A, the addition to be made for meeting the charges on Government other than the sum paid to the lessor shall be—

- (a) for meeting such charges for both ordinary and special maintenance and repairs, the amount estimated by the competent authority to be the probable cost of the maintenance and repairs of the residence (including maintenance and repairs of any additional work done at Government expense) and all the rates or taxes in the nature of house or property tax payable in respect of the residence under any law or custom by the owner to a municipality or other local body, unless the amount of such rates or taxes has been included in the sum paid to the lessor, and**
- (b) for meeting such charges for capital expenditure on additions or alterations and for the interest on such capital expenditure, an amount estimated by the competent authority to be sufficient to repay to Government during the period of the lease such charges, or such part thereof as the lessor may not have agreed to reimburse to Government plus interest calculated at the rate fixed by the ²⁶⁶President under sub-clause (b) (i) of clause III of Fundamental Rule 45-A--**
 - (i) if no part of such charges is to be reimbursed by the lessor, on half such charges; or**
 - (ii) if part of such charges is to be reimbursed by the lessor, on half the sum of such charges and the amount to be reimbursed.**

S. R. 322. (1) In the calculation under sub-clause (b) of clause III of Fundamental Rule 45-A of the standard rent of a residence owned by Government, the addition to be made for municipal and other taxes payable by Government and for both ordinary and special maintenance and repairs shall be--

- (a) the amount estimated by the competent authority to be the probable cost of the maintenance and repairs of the residence (including sanitary, water supply and electric installations and fittings) plus the amount of the rates or taxes in the nature of house or property tax payable in respect of the residence under law or custom by the owner to a municipality or other local body; or**
- (b) if no such estimate has been made, a percentage of the sum taken under clause II of Fundamental Rule 45-A as the capital cost of the residence, to be fixed by the competent authority and based on the average proportion which the amounts actually charged for such taxes, maintenance and**

²⁶⁶Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

repairs in respect of residences of similar design and with similar conveniences in the same locality bear to the capital cost of such residences.

(2) For the purpose of making the estimate or fixing the percentage referred to in sub-rule (1)--

- (a) "probable" shall include all charges which may reasonably be expected to be incurred;
- (b) "ordinary repairs" shall include repairs executed annually or periodically, but shall not include special repairs;
- (c) "special repairs" shall include renewal of floors and roofs and other replacements recurring at long intervals; and
- (d) the cost or probable cost of repairs necessitated by the occurrence of fire, flood, earthquake, abnormal storm or other natural calamity shall not be taken into consideration.

(3) The competent authority may at any time revise the amount estimated or the percentage fixed by it under sub rule (1) and shall so revise it if no revision has taken place for five years.

S. R. 323. When the standard rent of a residence has been calculated, minor additions and alterations may be made without the rent of the residence being increased, subject to the following conditions, namely:—

- (a) the total cost of such additions and alterations shall not exceed 5 per cent, of the capital cost on which the standard rent was last calculated, and
- (b) such additions and alterations shall be made within five years after the last calculation of the standard rent.

S. R. 324. (1) When, by reason of additions and alterations, the capital cost of a residence exceeds by more than 5 per cent the capital cost on which the standard rent was last calculated, the standard rent shall be recalculated with effect from the 1st April next following or from the date upon which a new tenant becomes liable for the payment of rent, whichever is earlier.

(2) Subject to the provisions of sub-rule (1), the standard rent of a residence shall be recalculated on the expiry of five years from the date of the last calculation

and the recalculation shall take effect from the 1st April next following, or from such other date as the ²⁶⁷President may direct.

S. R. 325. (1) If a residence is supplied with services other than water supply, sanitary or electric installations and fittings, such as furniture, tennis court or garden maintained at the cost of Government (other than a garden in respect of which rules, other than these rules, made by the ²⁶⁸President under clause VI of Fundamental Rule 45-A are in force), the rent to be charged for such services in addition to, and during the same period as, the rent payable under clause IV of Fundamental Rule 45-A, shall be determined by the competent authority subject to the following provisions, namely:—

- (a) the rent shall, in the case of furniture, be calculated for durable and non-durable articles separately;
- (b) the rent shall be expressed as a monthly rent and shall be one-twelfth of the amount annually required for the payment of—
 - (i) interest at a rate to be fixed from time to time by the ²⁶⁹President in this behalf on the capital cost of such services;
 - (ii) in the case of furniture, depreciation and repairs; and
 - (iii) in the case of such services, other than furniture, maintenance charges;
- (c) if the capital cost of such services is not known, it may be estimated by the competent authority.

(2) If a residence is supplied by Government with electric energy and water, the charges for such services shall be recovered in addition to the rent payable under sub-rule (1) and under clause IV of Fundamental Rule 45-A, and shall be determined by the competent authority subject to the following provisions, namely:—

- (a) In the case of electric energy and water, the supply of which is regulated by meters, the charges shall be calculated on the number of units consumed each month as indicated by the meters. The rate of the cost per unit shall be so fixed as to include, in addition to such margin of profit to

²⁶⁷Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

²⁶⁸Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

²⁶⁹Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

Government as the competent authority may deem reasonable, the amount required for the payment of—

- (i) **interest at a rate to be fixed by the ²⁷⁰President from time to time in this behalf on the capital outlay incurred on the system up to the point of contact with the internal installation;**
 - (ii) **depreciation and maintenance charges of the capital assets; and**
 - (iii) **actual running expenses.**
- (b) **In the case of electric energy and water, the supply of which is not regulated by meters, the charges recoverable shall be fixed at such rates as the competent authority may deem reasonable.**
- (c) **If the capital outlay or cost mentioned in clause (a) (i) is not known, it may be estimated by the competent authority:**

Provided that nothing contained in this sub-rule shall operate to prevent the competent authority from grouping a number of residences whether in a particular area or of a particular class or classes for the purpose of assessment of charges for electric energy and water subject to the condition that the basis of assessment is uniform.

(3) **The ²⁷¹President may in special circumstances, by order, remit or reduce the additional rent and charges referred to in sub-rules (1) and (2) for reasons which should be recorded in the order.**

Government decisions.—

(1) The Governor-General has decided that the same rate of interest which is applied for purposes of Fundamental Rules 45A-II and 45 B-III should be adopted for the purposes of the Supplementary Rules made under Fundamental Rules 45A and 45B.

[G.I., F.D., No.F.3-XLVII-R.I./29, dated the 19th February, 1930.]

(2) *Deleted.*

S. R. 326. Fundamental Rule 45-A shall be deemed to have been applied, with effect from the 1st April, 1929 to all Government servants, other than those

²⁷⁰Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

²⁷¹Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

occupying residences belonging to State Railway or rented at the cost of Railway revenues, who fulfill the conditions set forth in rule 1 of these rules.

Division XXVIII.-- Rent of Government Residences-- contd.

[Rules made under F. R. 45-B.]

S. R. 327. For the purposes of clause II of Fundamental Rule 45-B, the present value of a residence including its subsidiary buildings, and of the site on which it stands, shall be estimated by—

- (a) a Public Works Officer, of rank not lower than an Executive Engineer nominated in that behalf by the competent authority; or
- (b) a Divisional Engineer of the Pakistan Posts and Telegraphs Department when the residence is in charge of the said Department and when—
 - (i) the residence is in the occupation of an officer whose pay does not exceed Rs.150 a month; or
 - (ii) the capital cost of the residence and of the subsidiary buildings attached thereto, are known only collectively but not separately.

The estimate shall be forwarded to the competent authority, who shall determine the present value of the residence and of the site.

S. R. 328. For the purposes of clause II of Fundamental Rule 45-B, expenditure incurred on such works as—

- (a) raising, leveling and dressing sites;
- (b) construction of revetments, retaining walls, compound walls, fences and gates;
- (c) storm water drainage; and
- (d) approach roads and paths within the compound;

shall be regarded, as expenditure upon the preparation of a site.

S. R. 329. For the purposes of proviso (vi) to clause II of Fundamental Rule 45-B, the following shall be regarded as fittings namely:—

ELECTRIC FITTINGS.

- (a) Lamps of all kinds (excluding bulbs);
- (b) Fans including switches and regulators, the hire of which is not charged separately;
- (c) Meters;
- (d) Electric heaters and water heaters, which are fixed to walls, floors or ceilings; and
- (e) Electric lifts.

SANITARY AND WATER SUPPLY FITTINGS.

- (a) Apparatus for hot water supply;
- (b) Baths, basins and lavatory equipment; and
- (c) Meters.

S. R. 330. In the calculation of the standard rent of a leased residence under sub-clause (a) of clause III of Fundamental Rule 45-B, the addition to be made for meeting the charges on Government other than the sum paid to the lessor shall be—

- (a) for meeting such charges for both ordinary and special maintenance and repairs, the amount estimated by the competent authority to be the probable cost of the maintenance and repairs of the residence (including maintenance and repairs of any additional work done at Government expense) and all the rates or taxes in the nature of house or property tax payable in respect of the residence under any law or custom by the owner to a municipality or other local body, unless the amount of such rates or taxes has been included in the sum paid to the lessor, and
- (b) for meeting such charges for capital expenditure on additions or alterations and for the interest on such capital expenditure, an amount estimated by the competent authority to be sufficient to repay to Government during the period of the lease such charges, or such part thereof as the lessor may not have agreed to reimburse to Government plus interest calculated at the rate fixed by the ²⁷²President, under sub-clause (b) of clause III of Fundamental Rule 45-B—

²⁷²Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

- (i) if no part of such charges is to be reimbursed by the lessor, on half such charges; or
- (ii) if part of such charges is to be reimbursed by the lessor on the expiry of the lease, on half the sum of such charges and the amount to be reimbursed.

S. R. 331. (1) In the calculation under sub-clause (b) of clause III of Fundamental Rule 45-B of the standard rent of a residence owned by Government, the addition to be made for municipal and other taxes payable by Government, and for both ordinary and special maintenance and repairs shall be—

- (a) the amount estimated by the competent authority to be the probable cost of the maintenance and repairs of the residence *Plus* the amount of the rates or taxes in the nature of house or property tax payable in respect of the residence under any law or custom by the owner to a municipality or other local body; or
- (b) if no such estimate has been made, a percentage of the sum taken under clause II of Fundamental Rule 45-B as the capital cost of the residence, to be fixed by the competent authority and based on the average proportion which the amounts actually charged for such taxes, maintenance and repairs in respect of residences of similar design and with similar conveniences in the same locality bear to the capital cost of such residences.

(2) For the purpose of making the estimate or fixing the percentage referred to in sub-rule(1)—

- (a) "probable cost" shall include all charges which may reasonably be expected to be incurred;
- (b) "ordinary repairs" shall include repairs executed annually or periodically, but shall not include special repairs;
- (c) "special repairs" shall include renewal of floors and roofs and other replacements recurring at long intervals; and
- (d) the cost of probable cost of repairs necessitated by the occurrence of fire, flood, earthquake, abnormal storm or other natural calamity shall not be taken into consideration.

(3) The competent authority may at any time revise the amount estimated or the percentage fixed by it under sub rule (1) and shall so revise it if no revision has taken place for five years.

S. R. 332. When the standard rent of a residence has been calculated, minor additions and alterations may be made without the rent of the residence being increased, subject to the following conditions, namely:-

- (a) the total cost of such additions and alterations shall not exceed 5 per cent, of the capital cost on which the standard rent was last calculated, and
- (b) such additions and alterations shall be made within five years after the last calculation of the standard rent.

S. R. 333. (1) When, by reason of additions and alterations, the capital cost of a residence exceeds by more than 5 per cent. the capital cost on which the standard rent was last calculated, the standard rent shall be recalculated with effect from the 1st April next following or from the date upon which a new tenant becomes liable for the payment of rent, whichever is earlier.

(2) Subject to the provisions of sub-rule (1), the standard rent of a residence shall be recalculated on the expiry of five years from the date of the last calculation and the recalculation shall take effect from the 1st April next following, or from such other date as the ²⁷³President may direct.

S. R. 334. (1) If a residence is supplied with services such as water supply, sanitary or electric installations and fittings, furniture, tennis court or garden maintained at the cost of Government (other than a garden in respect of which rules, other than these rules, made by the ²⁷⁴President under clause VI of Fundamental Rule 45-B, are in force); the rent to be charged for such services in addition to, and during the same period as, the rent payable under clause IV of Fundamental Rule 45-B shall be determined by the competent authority subject to the following provisions, namely:—

- (a) the rent shall, in the case of furniture, be calculated for durable and non-durable articles separately;
- (b) the rent shall be expressed as a monthly rent and shall be one-twelfth of the amount annually required for the payment of—
 - (i) interest at a rate to be fixed from time to time by the ²⁷⁵President in this behalf on the capital cost of such services;

²⁷³Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

²⁷⁴Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

²⁷⁵Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

- (ii) in the case of such services other than tennis court and garden, depreciation and repairs; and
- (iii) in the case of tennis court and garden, maintenance charges;
- (c) if the capital cost of such services is not known, it may be estimated by the competent authority.

(2) If a residence is supplied by Government with electric energy and water the charges for such services shall be recovered in addition to the rent payable under sub-rule (1) and under clause IV of Fundamental Rule 45-B, and shall be determined by the competent authority subject to the following provisions, namely:—

- (a) In the case of electric energy and water, the supply of which is regulated by meters, the charges shall be calculated on the number of units consumed each month as indicated by the meters. The rate of cost per unit shall be so fixed as to include, in addition to such margin of profit to Government as the competent authority may deem reasonable, the amount required for the payment of—
 - (i) interest at a rate to be fixed by the ²⁷⁶President from time to time in this behalf on the capital outlay incurred on the system up to the point of contact with the internal installation;
 - (ii) depreciation and maintenance charges on the capital assets; and
 - (iii) actual running expenses.
- (b) In the case of electric energy and water, the supply of which is not regulated by meters, the charges recoverable shall be fixed at such rates as the competent authority may deem reasonable.
- (c) If the capital outlay or cost mentioned in clause (a) (i) is not known, it may be estimated by the competent authority:

Provided that nothing contained in this sub-rule shall operate to prevent the competent authority from grouping a number of residences whether in a particular area or of a particular class or classes for the purpose of assessment of charges for electric energy and water subject to the condition that the basis of assessment is uniform.

²⁷⁶Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

(3) The ²⁷⁷President may in special circumstances, by order, remit or reduce the additional rent and charges referred to in sub-rules (1) and (2) for reasons which should be recorded in the order.

Government decisions.—

(1) The Governor-General has decided that the same rate of interest which is applied for purposes of Fundamental Rules 45-A-III and 45-B-III should be adopted for the purposes of the Supplementary Rules made under Fundamental Rules 45-A and 45-B.

[G.I., F.D. No.F—3-X. LVII-R.I/29, dated the 19th February, 1930.]

(2) *Deleted.*

S. R. 335. Rules 327 to 334, both inclusive, shall be deemed to have come into force on the 3rd August, 1927.

²⁷⁷Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lag is., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

INDEX

This index has been compiled solely for the purpose of assisting reference. No expression used in it should be considered in any way as interpreting the rules. The following abbreviations have been used:-

A.I.	: Audit Instruction.	G.G.	: Governor-General.
A.R.	: Audit Ruling.	Govt.	: Government.
A.G.	: Auditor General.	S.R.	: Supplementary Rules.
F.R.	: Fundamental Rules	S.S.	: Secretary of State.

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NOTE OF POSTING OF CORRECTIONS

Serial No. of correction	Rule affected	Date of posting	Serial No. of correction	Rule affected	Date of posting	Serial No. of correction	Rule affected	Date of posting