

No. 5-1(354)/2016-PD

Dated 11.01.2024

From

संयुक्त सचिव (प्रशासन)
Joint Secretary (Admn.)

To

सी.एस.आई.आर. की सभी राष्ट्रीय प्रयोगशालाओं/संस्थानों/मुख्यालय/एककों के निदेशक/प्रधान
The Directors/Heads of all CSIR National Labs./Instts./Hqrs./Units

Sub : Regulation of remuneration in case of Contract Appointment of Retired CSIR/Central Government/Central Autonomous Bodies Employees in CSIR who retire under National Pension System (NPS) – reg.

Sir/ Madam,

I am directed to invite your kind attention to CSIR letter of even number dated 02.12.2022 regarding endorsement of Government of India, Ministry of Finance, Department of Expenditure OM No. 03-25/2020-E.IIIA dated 09.12.2020 on regulation of remuneration in case of contract appointment of retired CSIR/Central Government/CAB Employees in CSIR.

2. Now, with the concurrence of FA, CSIR, it has been decided to endorse Government of India, Ministry of Finance, Department of Expenditure OM No. 03-25/2020-E.III(A)/Pt dated 18.10.2023 for regulation of remuneration in case of contract appointment (including consultants) of retired CSIR/Central Government/CAB Employees in CSIR who retire under New Pension System (NPS), subject to the conditions stipulated in the above-mentioned CSIR letter dated 02.12.2022.

Yours faithfully,


(M Arun Manikanda Bharathi)
Under Secretary (PD)

Encl. : As above

Copy to:

1. CSIR Website.
2. Office copy.

OFFICE MEMORANDUM

Sub: Regulation of remuneration in case of contract appointment of Central Government Employees- Regarding

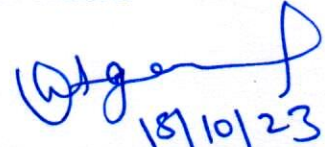
The undersigned is directed to invite attention to this Department's OM of even No. dated 9.12.2020 on the subject mentioned above and to say that the provisions contained in paragraph 6 thereof relating to fixation of remuneration governs the cases of those Central Government employees who retired with pension in terms of CCS(Pension) Rules, 1972 (now replaced by CCS(Pension) Rules, 2021).

2. The question of fixation of remuneration in respect of those central Government employees who retire under National Pension System(NPS), consequent upon their appointment on contract basis, has been considered. The case of such employees is altogether different from those governed by the CCS(Pension) Rules, 2021, as in the case of former annuity is admissible, which is based on the pension corpus accumulated at the time of retirement on the basis of contributions made by the Central Government and the employees during the service span of these employees. Therefore, annuity drawn by such employees is an outcome of contributions made by both the Central Government and the employees, unlike the case of those retiring under the CCS(Pension) Rules, 2021 where the entire pension is paid by the Central Government.

3. In the light of the above, it has been decided that while fixing remuneration in such cases in case of Central Government retirees under the NPS, an amount equivalent to 30% of the last basic pay as drawn at the time of retirement shall be deducted from the last basic pay and the resultant amount shall be the fixed monthly amount as remuneration

4. In respect of all other matters contained in paragraphs 5, 6.3, 7, 8, 9 of the aforesaid OM dated 9.12.2020 shall equally apply in all such cases.

5. These orders shall take effect from the date of issue of orders.


18/10/23

(Umesh Kumar Agarwal)
Deputy Secretary to the Govt. of India

To,
All the Ministries and Departments of the Government of India as per the standard list.

सा. / No.: 5-1(354)/2016-PD

Dated 02.12.2022

प्रेषक : संयुक्त सचिव (प्रशासन)
From : Joint Secretary (Admn.)

सेवा में: सी.एस.आई.आर के सभी राष्ट्रीय प्रयोगशालों/संस्थाओं/इकाईयों के निदेशक/प्रमुख
To : The Directors/Heads of all National Labs./Instts./Units of CSIR

**विषय/Sub.: Regulation of Remuneration in case of Contract Appointment
(including consultant) of Retired CSIR/Central Government/CAB
Employees in CSIR- reg.**

महोदया/ महोदय / Madam/Sir,

I am directed to state that DG, CSIR, with the concurrence of FA, CSIR, has accorded approval to endorse Government of India instructions as contained in the Department of Expenditure OM No. 3-25/2020-E.IIIA dated 09.12.2020 for regulation of remuneration in case of Contract Appointment (including consultant) of retired CSIR/Central Government/Central Autonomous Bodies (CABs) Employees in CSIR, subject to the following conditions:

1. Engagement of retired CSIR/CAB/Central Government Employees on contract in CSIR should be done in urgent and emergent cases where expert/professional services are required for urgent and identified work and should not be used as a common practice. Therefore, where the requirements can be met by engaging unskilled/semiskilled contractual manpower, there shall not be engagements of retired employees on contract, and in such cases, the requirement shall be met by hiring manpower through outsourcing contract. (i.e. MTS).
2. The engagement of retired CSIR/CAB/Central Government Employees on contract shall be made on six monthly basis with the prior approval of the following Approving Authority and the concurrence of Finance, prior to the issue of advertisement, in the following manner:



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S. No.	Level in which retired CSIR/CAB/Central Government Employee is to be engaged on contract	Approving Authority	Financial Concurrence
1.	Level 14 & above*	DG, CSIR	FA, CSIR
2.	Up to Level 13A	Director / Head of the concerned Lab./Instt./Unit and JS(Admn.) in the case of CSIR Hqrs.	<p>Sr.COFA/COFA/FAO of the Lab/Instt./Unit (Sr.DFA/DFA/FAO of Audit Section of CSIR-Hqrs. in case of CSIR-Hqrs.)</p> <p>Retired Employees of CSIR/CAB/Central Government can initially be engaged on contract in CSIR for six months only which can be further extended for six months with the approval of the Competent Authority and concurrence of Finance.</p> <p>In case extension beyond one year is required, the same may be approved by the Research Council (RC) of the concerned Lab./Instt. (DG, CSIR in case of HQ) that too limited to 2 years only.</p> <p>In a very rare case, on the recommendation of the RC, extension may be given beyond 2 years with the concurrence of FA and approval of DG, CSIR*</p> <p>In any case, extension sought shall not exceed six months at a time.</p>

*HR-II Section will be the nodal section for processing of cases i.e. take up all the necessary concurrence of FA, CSIR and approval of DG, CSIR and correspondence with Labs./Instts/Units.

Handwritten signature

3. On receipt of financial concurrence and approval of the Approving Authority, an advertisement shall be issued by Lab/Hqrs inviting applications from willing/eligible persons for engagement of retired CSIR/CAB/Central Government Employees on contract with the approval of the Competent Authority [i.e. Director/Head of Lab/Instt/Unit and JS(Admn.) in case of CSIR HQ].
4. A three-member Screening-cum-Selection Committee shall be constituted by the Director/Head of the concerned Lab./Instt./Unit and in the case of CSIR Hqrs. by JS(Admn.), CSIR.
5. The committee shall first shortlist the applications on the basis of criteria decided by it. Thereafter, the committee may hold a personal interaction/interview with shortlisted candidates, if required.
6. An offer letter shall be issued to selected candidates clearly indicating the terms and conditions of engagements after approval of the Competent Authority [Director/Head of the Lab/Instt/Unit or JS(Admn.) in case of CSIR HQ]. No person shall be allowed to join without first submitting an undertaking toward acceptance of the terms and conditions as mentioned in the offer letter.
7. The cases of existing engagement on contract basis (including Consultant), who has been engaged on contract in CSIR and its national Labs./Instts., shall not be reopened, until the normal term/tenure of those cases. After completion of normal term/tenure, all those cases may be reviewed and brought in line with the above conditions.
8. In emergent cases, a retired officer can be engaged on contract basis for a period of six months, without any advertisement, only with the prior concurrence of FA, CSIR and approval of DG, CSIR on justified exigencies of the official work where adequate functional necessity exists.

भवदीय/Yours faithfully,

 02 Dec 2022

(एम. अरुण मणिकण्ड भारति / M Arun Manikanda Bharathi)

अवर सचिव (नीति प्रभाग) / Under Secretary (PD)

संलग्नक : यथोपरि / Encl. : As above

प्रतिलिपि/ Copy to:

1. व.उप सचिव (मा. सं. -II)/ Sr.DS(HR-II)
2. सीएसआईआर वेबसाइट / CSIR website
3. कार्यालय प्रति / Office copy

3/3

F. No. 3-25/2020-E.IIIA
Government of India
Ministry of Finance
Department of Expenditure

Dated the 9th December, 2020

Office Memorandum

Subject: Regulation of Remuneration in case of Contract Appointment of Retired Central Government Employees.

The undersigned is directed to say that Ministries/Departments appoint retired Central Government employees on contract basis, including as Consultants on contract basis. However, at present there are no uniform guidelines for regulation of remuneration in such cases.

2. The existing instructions of Department of Personnel and Training, as contained in their Central Civil Services (Fixation of Pay of Re-employed Pensioners) Orders, 1986, as amended from time to time, provide for regulation of pay in case of re-employment. However, the instructions of Department of Personnel & Training as contained in their OM No. 26012/6/2002- Estt (A) dated 9.12.2002 provides that re-employment beyond the age of superannuation of 60 years shall not be permissible. Also, as per their OM No. 3(3)/2016-Estt (Pay II) dated 1.5.2017, the pay plus gross pension on re-employment is not to exceed Rs.2,25,000/-, i.e. Pay Level 17 as applicable to an officer of the level of Secretary to the Government of India.

3. Aforementioned instructions of Department of Personnel & Training on pay fixation in case of re-employment apply only to persons appointed on re-employment. These are not applicable to persons employed on contract basis except where the contract provides otherwise. Accordingly, in cases of appointment of retired Central Government employees on contract basis after the age of superannuation at 60 years, the instructions on pay fixation on re-employment will not directly apply.

4. Department of Personnel & Training has also informed that they are in the process of drafting a Note for Committee of Secretaries (CoS) regarding guidelines for engagement of retired Government servants as Consultant in Government Ministries and Department. In view of this, till Department of Personnel and Training finalizes their guidelines, there is a need to regulate remuneration in such cases of contract appointment of retired Central Government employees on a uniform basis. The matter has, therefore, been considered and it has been decided that regulation of remuneration in case of appointment of retired Central Government employees on contract basis, including as consultants, shall be regulated as provided hereinafter.



5. At the outset, such appointments shall not be made as a matter of practice and must be kept at a bare minimum. Such appointments may be made only in the justified exigencies of the official work where public interest is served by appointment of the retired employee. While making such appointments, adequate functional necessity with clear grounds must be placed before the appointing authority.

6. Remuneration

6.1 A fixed monthly amount shall be admissible, arrived at by deducting the basic pension from the pay drawn at the time of retirement. The amount of remuneration so fixed shall remain unchanged for the term of the contract. There will be no annual increment / percentage increase during the contract period.

Example

An employee retired in the Pay Level 13 and the pay at the time of retirement was Rs. 1,55,900. Thus, the basic pension will be Rs. 77,950. If the employee is appointed on contract basis, including as Consultant, the remuneration shall be fixed at Rs.77,950 (1,55,900-77950).

6.2 The basic pension to be deducted from the last pay drawn shall be the pension as fixed at the time of retirement and as such, if the employee has availed of the commuted value of pension, the commuted portion of pension shall also be included in the portion of pension to be deducted. Thus, in the above example, if 40% of pension was commuted, the commuted portion shall be Rs. 31,180 (40% of 77,950) and the pension actually drawn shall be Rs. 46,770. However, the amount of pension to be deducted from the last salary shall be Rs 77,950.

6.3 No Increment and Dearness Allowance shall be allowed during the term of the contract.

7. Allowances

7.1 House Rent Allowances

No HRA shall be admissible.

7.2 Transport Allowance

An appropriate and fixed amount as Transport Allowance for the purpose of commuting between the residence and the place of work shall be allowed not exceeding the rate applicable to the appointee at the time of retirement. The amount so fixed shall remain unchanged during the term of appointment. However, retired employees engaged as consultants may be allowed TA/DA on official tour, if any, as per their entitlement at the time of retirement.



7.3 **Leave of absence**

Paid leave of absence may be allowed at the rate of 1.5 days for each completed month of service. Accumulation of leave beyond a calendar year may not be allowed.

8. **Term of Appointment**

8.1 The term of appointment shall ordinarily be for an initial period not exceeding one year which is extendable by another one year. Beyond two years after the age of superannuation where adequate justification exists, the term may be extended based on a review of the task and the performance of the contract appointee, provided it shall not be extended beyond 5 years after superannuation.

8.2 The consultant shall sign an agreement of confidentiality with the Government of India containing a clause on Ethics and Integrity.

9. **Exemptions**

The terms of appointment provided for in these orders shall not apply to cases and to the extent where the Appointments Committee of Cabinet has allowed special terms OR where special provisions have been allowed with the approval of the Department of Personnel & Training OR Department of Expenditure.

10. These orders shall apply to appointments made in the Central Government and shall be effective from the date of issue of the orders, until further orders or until instructions are issued by DoPT regulating remuneration of retired Government employees on their engagement as consultants. The past cases shall not be reopened in the light of these orders until the normal term of those past cases. Any relaxation of the above will be required to be referred to Department of Expenditure.



(B.K.Manthan)
Deputy Secretary

To,

All the Ministries and Departments of the Government of India as per the standard list.