

FINANCE DEPARTMENT**NOTIFICATION****Sachivalaya, Gandhinagar.****Dated the, 15-11-2002***Constitution of India*

No. : GN-37-GCS/102001/1598/CH-In exercise of the powers conferred by the proviso to Article-309 of the Constitution of India, the Governor of Gujarat hereby makes the following rules, namely :-

CHAPTER - I – GENERAL

- 1. Short Title and Commencement :** (1) These rules may be called the “**Gujarat Civil Services (Travelling Allowance) Rules” 2002.**
(2) They shall come into force on and from the date of their publication in the Official Gazette.
- 2. Extent of application :** Except where it is otherwise expressly or impliedly provided, these rules shall apply to -
 - (a) all members of services and holders of posts whose conditions of service; the Government of Gujarat is competent to prescribe, **and**
 - (b) the person in respect of whose service conditions, pay and allowances and pension or any of them, special provision has been made under an agreement, in respect of any matter not covered by the provisions of such agreement.
- 3. Right to Interpret :** If any question relating to the interpretation of these rules arises, it shall be referred to the State Government in Finance Department whose decision thereon shall be final.
- 4. Power to Relax :** Where the Government is of opinion that the operation of any of these rules may cause undue hardship to any person or class of persons, it may, by written order, for reasons to be recorded in writing, relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner :
Provided that no such order shall be made except with the prior concurrence of the Finance Department.
- 5. Validity of terms of contract :** The terms and conditions of a specific contract enforceable at law entered into by the Government with any person relating to service shall prevail over the provisions of these rules.
- 6. Regulation of claims to pay, allowances, leave :** A Government employee’s claim to pay and allowances is regulated by the rules in force at the time in respect of which the pay and allowances are earned and claim to leave shall be regulated by the rules in force at the time the leave is applied for and granted, and which would have been admissible but for the introduction of such changes.
- 7. Exercise and delegation of powers :** (1) The nature of powers specified in column 3 of **Appendix-I**, annexed to these rules shall be exercised by the authority specified in Column-4 to the extent specified in column 5 thereof.

- (2) Subject to the provision of sub-rule (1), the powers under these rules shall not be exercised or delegated except in consultation with the Finance Department.

Provided that the Finance Department may, by general or special order, specify the cases or class of cases in which it shall not be necessary to consult it.

- 8. Reasons for concessions to be communicated to Audit Officer :** When a competent authority, to whom the powers are delegated under **Appendix-I** other than the Government, communicates to the Audit Officer an order granting concessions under these rules to any Government employee in cases in which it is directed that the reasons therefore should be recorded, it shall at the same time forward to audit officer a copy of reasons.

CHAPTER - II DEFINITIONS

- 9.** Unless the context otherwise requires -

- (1) **“Actual travelling expenses”** means the actual cost of transporting a Government employee with his domestic employees and personal luggage, including charges for ferry and other tolls, if paid, and for carriage of camp equipment, if necessary and does not include charges for accommodation in hotels and traveller's bungalows, or for refreshments, or for the carriage of stores or conveyances or for presents to drivers and like or any allowance for incidental losses or expenses such as the breakage of crockery, wear and tear of furniture, and the employment of additional domestic employees.
- (2) **“Allotment”** means grant of licence to a Government employee to occupy a residential accommodation owned, leased or requisitioned by Government or a portion thereof for his use as residence.
- (3) **“Annexure”** means annexure appended to these rules.
- (4) **“Appendix”** means appendix appended to these rules.
- (5) **“Appointing Authority”** means the authority which is competent to make appointment to the service or post from which the Government employee seeks retirement.
- (6) **“Apprentice”** means a person deputed for training in a trade or business with a view to employment in Government service, who is paid at monthly rates by Government during such training but is not employed in or against a substantive vacancy in the cadre of a department.
- (7) **“Audit Officer”** means an Accounts Officer or Audit Officer appointed by the Comptroller and Auditor General of India whatever his official designation, in whose circle of audit a public servant is serving, or (in respect to verification of service) has served.
- (8) **“Cadre”** means the strength of a service or a part of a service sanctioned as a separate unit.
- (9) **“Camp Equipage”** means an apparatus for moving a camp.
Note : This definition distinctly shows that nothing is meant except moving apparatus or "carriage" which can only include baggage-camels, pack bullocks, carts, (together with the coolies who carry camp equipment and necessary bullocks, or horses etc.) drivers of the bullocks etc., coolies who carry camp equipments, and possibly employees employed as tent pitchers, but does not include private or extra employees.
- (10) **“Camp Equipment”** means an apparatus for moving a camp and includes 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 interests of public service for a Government employee to take with him on tour.

- (11) **“Class-IV service”** means service performed by a Government employee on a post classified as Class-IV services and such other unclassified Non-gazetted posts the maximum of the scale of which does not exceed Rs. 4000/-.

Note : This service has been defined as ‘Inferior Service’ under Clause (ii) of rule-2 of Gujarat Civil Services Classification and Recruitment (General) Rules, 1967.

- (12) **“Compensatory Allowance”** means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed and includes travelling allowance.
- (13) **“Competent Authority”** means in relation to the exercise of any power, means Government, or any authority to which the power is delegated by or under these rules.
- (14) **“Consolidated Fund of India or the State or the Union Territory”** All revenues received by the Government of India, all loans raised by that Government by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government in repayment of loans shall form one consolidated fund to be entitled “the Consolidated Fund of India” and all revenues received by the Government of a State/ Union Territory, all loans raised by that Government/Union Territory by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government/Union Territory in repayment of loans shall form one consolidated fund to be entitled “the Consolidated Fund of the State/Consolidated Fund of the Union Territory”.
- (15) **“Constitution”** means the Constitution of India.
- (16) **“Conveyance Allowance”** means an allowance granted to a Government employee, whose pay has not been fixed with special reference to the expenditure likely to be incurred upon touring in the performance of his duties and whose duties involve an extraordinary amount of travelling within a limited area.
- (17) **“Date of first appointment”** means the date on which the Government employee assumes the duties of his first post in Government service, or, if this be earlier, the date of his assumption of any duty which is treated as service counting for pension.
- (18) **“Daily Allowance”** means an allowance granted to a Government employee for each day of his absence from headquarters, which is intended to cover the ordinary daily expenses incurred by a Government employee in consequence of such absence.
- (19) **“Day”** means the period beginning from a midnight and ending with the next midnight.
- (20) **“Death-cum-Retirement Gratuity”** means the gratuity payable under rule-81 of Gujarat Civil Services (Pension) Rules, 2002.
- (21) **“Director of Pension and Provident Fund”** means the Director of Pension and Provident Fund or any other officer for the time being authorised to discharge the duties and functions of or on his behalf and it includes District Assistant Examiner in respect of the sanction of the retirement benefits to Class-IV employees.
- (22) **“Disbursing Authority for Pension”** means (i) branch of a Nationalised Bank or (ii) treasury including sub-treasury, and pension payment office from where the retired Government employee is receiving pension authorised under the Gujarat Civil Services (Pension) Rules, 2002.
- (23) **“Duty”** Duty includes -
- (a) service as a probationer;

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

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

Note 2 : The period spent by candidates at the Police Training College or School, for training and the interval between the satisfactory completion of the course and their assumption of duty should be regarded as duty for the purpose of this rule.

Note 3 : The period spent by candidates in the Prohibition and Excise Department for training and interval between the completion of the course and their assumption of duty, should be regarded as duty for the purpose of this rule.

Note 4 : When one or more holidays follow the period of training, the training period may be deemed to have been extended to cover such holidays.

- (d) the period occupied -
 - (i) in appearing for a language examination prescribed by Government at which a Government employee has been granted permission to appear,
 - (ii) in attending an obligatory departmental examination,
 - (iii) in attending an examination which a Government employee must pass to become eligible for a higher post in any branch of the Public Service, including the time reasonably necessary for going to and from the place of examination.

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

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

- (e) The period for which a Government employee is required to wait compulsorily until receipt of his posting orders in the cases mentioned below :-
 - (i) whose orders of transfer are held in abeyance, cancelled or modified while in transit, or
 - (ii) who, on return from leave or deputation or on abolition of the post held by him, has to await receipt of posting orders, or
 - (iii) who, on arrival at the headquarters of the post to which he is posted is not in a position to take charge of the post from the Government employee to be relieved.

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

- (f) the period intervening between the date on which a Government employee is engaged temporarily for special or other duty and the date on which he takes

over charge, provided the period does not exceed the joining time that would be permissible to a Government employee entitled to joining time.

- (g) the period spent by Government employee on training mentioned below :-
- (i) annual training courses of instruction or military service in accordance with the regulations framed under Territorial Army Act, 1948.
 - (ii) On Home Guard training or Home Guard duties with permission of the Head of office.
 - (iii) in training or in the camp in accordance with the rules of the National Cadet Corps and also such period of the vacations as are spent by National Cadet Corps Officers (Senior Division) who are Government employees holding officiating charge of units during the absence of regular Commanding Officers.
 - (iv) training at a Boy Scouts' camp;
Note : No travelling or halting allowance shall be admissible in respect of this duty.
- (h) the period spent by a Government employee where he is summoned by Court of Law whether criminal or civil or by a court of martial or by a authority constituted under any law, to give evidence regarding facts which came to his knowledge in the discharge of his public duties or to produce official documents in a civil suit.
- (i) the period spent by a Government employee in connection with work on the various University bodies in the Gujarat State -
- (a) as representatives of Government or ex-officio,
 - (b) by virtue of his official position such as Principal of a College, and
 - (c) for attending the meeting of a Board of Studies.

(24) **“Emoluments”** means -

- (i) Pay,
- (ii) payments from the Consolidated Fund of India or of the State or of the Union Territory and only that portion of the fees received by a Government employee which he is allowed to retain under the rules, if such payments or fees are received in the shape of a fixed addition to monthly pay and allowance as part of the authorised remuneration of a post.
- (iii) compensatory allowances other than travelling allowance, uniform allowance, clothing allowance, outfit allowance, special outfit allowance, uniform grant and grant for horse and saddlery whether drawn from the Consolidated Fund of India or of the State, or of the Union Territory.
- (iv) Pension and pension equivalent of death-cum-retirement gratuity except the following :-
 - (a) wound or injury pension and Family Pensions drawn under the provisions of Gujarat Civil Services (Pension) Rules, 2002.
 - (b) compensation received under the Workmen's Compensation Act, 1923.
Note : The word “Pension” means the full sanctioned pension prior to commutation.
- (v) in the case of a Government employee under suspension and in receipt of a subsistence allowance, the amount of the subsistence allowance
Provided that, if such Government employee is subsequently allowed to draw

pay for a period of suspension, the difference between the house rent recovered on the basis of the subsistence allowance and the house rent due on the basis of the emoluments ultimately drawn shall be recovered from him:

Provided further that if such Government employee is subsequently reinstated and the period of suspension is treated as leave, the difference between the house rent recovered on the basis of the subsistence allowance and the house rent due on the basis of emoluments defined in Note-2 below shall be recovered from him.

Note 1 : Allowances attached to the President's Police and Fire Services Medal, the Police Medal, or the Indian Order of Merit, Param Vir Chakra, Maha Vir Chakra, Vir Chakra are not included in the emoluments.

Note 2 : The emoluments of a Government employee 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.

(25) **“Executive Engineer”** means an officer appointed as such and incharge of the different types of Government residential accommodation and includes any other officer to whom the powers are delegated by the Government in respect of Gujarat Civil Services (Occupation of Residential Accommodation) Rules, 2002.

(26) **“Family”** means a Government employee's wife or husband, as the case may be, residing with the Government employee and legitimate children and step-children residing with and wholly dependent upon the Government employee. It includes, in addition, parents, sisters and minor brothers if residing with and wholly dependent upon the Government employee.

Note 1 : Not more than one wife is included in the term “family” for the purpose of these rules.

Note 2 : An adopted child shall be considered to be legitimate child if, under the personal law of the Government employee, adoption is legally recognised as conferring on it the status of a natural child.

Note 3 : A legitimate child or step child/parent/sister/minor brother who resides with the Government employee and whose income from all sources including pension (inclusive of temporary increase in pension) does not exceed Rs. 500 p.m. may be deemed to be "wholly dependent" upon the Government employee.

(27) **“Fee”** means a recurring or non-recurring payment to a Government employee from a source other than the Consolidated Fund of India or the Consolidated Fund of a State or the Consolidated Fund of a Union Territory, whether made directly to the Government employee or indirectly through the intermediary of Government, but does not include-

- (i) unearned income such as income from property, dividends, and interest on securities; and
- (ii) income from literary, cultural, or artistic, scientific or technological efforts if such efforts are not aided by the knowledge acquired by the Government employee in the course of his service.

Note 1 : The above definition is not applicable to the fees payable from the Consolidated Fund under the Gujarat Law Officers (Appointment and Condition of Services) Rules, 1965.

Note 2 : When a Government Department undertakes the work for a non-Government organisation and, in its turn, assign the work to its official, suited for the purpose, the payment therefore is made to the Department in the first instance and forms a part of the revenue of Government. The subsequent payments to the official concerned are, therefore, payments from the Consolidated Funds of Government and should accordingly be classed as honorarium.

- (28) **“First Appointment”** means the appointment of a person who is not holding any appointment under Government, even though he may have previously held such an appointment.
- (29) **“Flat Rate Rent”** means a monthly rate of flat rate rent to be recovered from a Government employee for the authorised occupation of Government residential accommodation. The rates for the same shall be as laid down in rule-18 the Gujarat Civil Services (Occupation of Government Residential Accommodation) Rules, 2002 as amended from time to time.
- (30) **“Foreign Service”** means service in which a Government employee receives his pay with the sanction of Government from any source other than the Consolidated Fund of India or of a State, or of a Union Territory.
- (31) **“Form”** means a form appended to these rules.
- (32) **“Gazetted Government employee”** is one who is a member of an All India Service or State Service or a person appointed in accordance with the terms of a contract or agreement and whose appointment is gazetted by Government. Members of the Subordinate Civil Services, whose appointments are Gazetted by Heads of Departments and who are Non- gazetted Government employees. Notifications investing Government employees with powers under different Acts, in order that the Courts may take judicial cognisance of them, do not constitute the persons invested with such powers as Gazetted Government employees within the meaning of this sub rule.
- Provided** that in respect of any category of Government employees in whose case the conditions of this clause have not been fulfilled, Government may by order treat them as Gazetted Government employees for the purposes stated in the said order.
- Exception :** Officers whose appointments to Class II services or posts are made by the Heads of Departments or Heads of Offices subordinate to them and are not published in the Gazette should be treated as Gazetted Government employees.
- (33) **“Government”** unless the context otherwise requires in respect of anything done or to be done after the commencement of the Constitution, shall mean the Government of Gujarat.
- (34) **“Head of Departments”** this term includes the officers from Appendix-II who have been declared as such or any others officers whom Government may from time to time declare to be Heads of Departments.
- (35) **“Head of Office”** means a Gazetted officer declared as such by Government and includes such other authority or person whom the competent authority may by order, specify as Head of Office.
- (36) **“Head-Quarters”** means the station which has been or may be declared to be the headquarters of a Government employee by the appointing authority or a competent authority, or in the absence of such declaration the station where the records of his office are generally kept.
- (37) **“Holiday”** means -

- (a) a holiday declared or notified under Negotiable Instruments Act, 1881; **and**
- (b) in relation to any particular office, a day on which such office is ordered by Government, or by a duly constituted authority, by notification in the Gazette or otherwise, to be closed for the transaction of Government business without reserve or qualification.
- (38) **“Honorarium”** means a recurring or non-recurring payment sanctioned to a Government employee from the Consolidated Fund of India or the Consolidated Fund of the State or of a Union Territory as remuneration for special work of an occasional character.
- (39) **“House Rent Allowance”** means a monthly allowance towards defraying house rent granted to a Government employee in locations where such rents are high or granted in lieu of free residential accommodation.
- (40) **“Joining Time”** means the time allowed to a Government employee to join a new post or to travel to or from a station to which he is posted.
- (41) **“Leave”** means permission to remain absent from duty granted by a competent authority under the Gujarat Civil Services (Leave) Rules, 2002.
- (42) **“Leave Salary”** means the monthly amount paid by Government to a Government employee on leave.
- (43) **“Lien”** means the title of a Government employee 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.
- (44) **“Local Allowance”** is an allowance granted on account of the expensiveness or unhealthiness of an area. It is admissible to Government employees who have their headquarters within the area for which it is sanctioned and not to Government employees merely travelling in that area.
- (45) **“Medical Authority”** means Civil Surgeon/Superintendent of Civil Hospital or as the case may be the Medical Board.
- (46) **“Medical Board”** means a board constituted under Rule 13 of Gujarat Civil Services (General Condition of Services) Rules, 2002.
- (47) **“Mileage Allowance”** means an allowance calculated on the distance travelled and given to a Government employee to meet the cost of a particular journey. It can be drawn in the form of rail fare, bus or road mileage of the journey performed by road.
- (48) **“Ministerial employee”** means a Government employee of Class III services, whose duties are entirely clerical and any other class of employees specially declared as such by Government.
- (49) **“Minor”** means a person who has not completed the age of eighteen years.
- (50) **“Month”** means a calendar month. In calculating a period expressed in terms of months and days complete calendar months, irrespective of the number of days in each, should first be calculated and thereafter the odd number of days should be calculated subsequently.

Instruction : Calculations of period expressed in terms of months and days shall be made as under :-

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

	Y.	M.	D.
25th January to 31st January	0	0	07
February to April	0	3	00
1st May to 13th May	0	0	13
Total	0	3	20

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

	Y.	M.	D.
30th January to 31 January	0	0	2
February	0	1	0
1st March to 2nd March	0	0	2
Total	0	1	4

- (51) **“Non-Official Member”** means any person other than a Government employee who is required to attend a meeting or conference of a Commission of Inquiry or of a Board or of a Corporation or Committee or is required to perform any public duties in an honorary capacity.
- (52) **“Officiate”** means Government employee who officiates in a post when he performs the duties of a post on which another person holds a lien. A competent authority, may if it thinks fit, appoint a Government employee to officiate in a vacant post on which no other Government employee holds a lien.
- (53) **“Pay”** means the basic pay in the revised scales of pay prescribed under the Gujarat Civil Services (Revision of Pay) Rules, 1998 and includes stagnation increments.
- (54) **“Permanent Travelling Allowance”** means a monthly travelling allowance granted by Government to a Government employee whose duties require him to travel extensively. Such an allowances is granted in lieu of all other forms of travelling allowance for journeys within the Government employee's sphere of duty and is drawn all the year round whether the Government employee is absent from his headquarters or not.
- (55) **“Pension”** means any class of service pension including compensation pension referred to in rule 44 of Gujarat Civil Services (Pension) Rules, 2002 and gratuity but does not include temporary increase/dearness relief, granted by Government to a pensioner as compensation for higher cost of living.
- (56) **“Pensionable Pay”** means the average pay earned by a Government employee during the last ten months service as per provisions contained in rule 43 of the Gujarat Civil Service (Pension) Rules, 2002.
- (57) **“Pensioner”** means a retired Government employee who has been granted pension.
- (58) **“Pension Payment Office”** means an office declared as such for making payment to the pensioners and includes treasury and sub-treasuries.
- (59) **“Pension Payment Order”** means an order in a form approved by Government for sanctioning the payment of pension, to be issued by the Director of Pension and Provident Fund.
- (60) **“Pension Sanctioning Authority”** means a competent authority of the Government to whom the powers to sanction pension have been delegated.

- (61) **“Permanent Post”** means a post carrying a definite rate of pay sanctioned without limit of time.
- (62) **“Pay and Accounts Officer”** means the officer entrusted with pay and accounts functions of State transactions arising in Ahmedabad and Gandhinagar.
- (63) **“Personal Pay”** means additional pay granted to a Government employee -
- (a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or due to any reduction of such substantive pay otherwise than as a disciplinary measure; or
 - (b) in exceptional circumstances, on other personal considerations.
- (64) **“Presumptive Pay”** of a post, when used with reference to any particular Government employee, means the pay to which he would be entitled if he held the post substantively and was performing its duties; but it does not include special pay unless the Government employee performs or discharges the work or responsibility, in consideration of which special pay was sanctioned.
- (65) **“Probationer”** means a Government employee on probation in or against a substantive or temporary vacancy in the cadre of a department.
- Note 1 :** No person appointed substantively to a permanent post in a cadre is a probationer, unless definite conditions of probation have been attached to his appointment.
- Note 2 :** A Government employee (other than one who holds substantively a permanent post) appointed on promotion to a temporary post will be treated for all purposes as a temporary Government employee.
- Note 3 :** The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribe otherwise.
- (66) **“Public Account of India or the State”** means all other public moneys excluding those referred to in sub-rule (14) received by or on behalf of the Government of India or the Government of a State.
- (67) **“Public Conveyance”** means a train, steamer, aircraft or other conveyance which plies regularly, though not necessarily at fixed intervals, a regular course for the conveyance of passengers and does not deviate therefrom according to the wishes of the passengers.
- (68) **“Qualifying Service”** means service rendered while on duty or otherwise which may be taken in account for the purpose of pension and gratuity admissible under Gujarat Civil Services (Pension) Rules.
- (69) **“Registered Medical Practitioner”** means a medical practitioner registered under the Gujarat Medical Council Act, 1967 or the Gujarat Medical Practitioner Act, 1963 or a practitioner registered and entered in the Register maintained under the Gujarat Homeopathic Act, 1963 (Guj.XXXVI of 1963) or any other law corresponding thereto and in force in the State of Gujarat, or the respective Medical Registration Acts, of the several State Governments.
- (70) **“Rent”** means a monthly rate of compensation made by Government employee or a person not in Government service to Government for the use and possession of residential accommodation allotted or leased to him.
- (71) **“Residential Accommodation”** means building, bungalow, quarter or flat owned by Government and allotted for residential purpose. It also includes building, bungalow,

quarter or flat hired, requisitioned or leased by the Government for the said purpose.

Note : Requisitioned means requisitioned under the provisions of Requisition and Acquisition of Immovable Property Act, 1952.

- (72) **“Selection Grade”** means a scale of pay which has been sanctioned specifically as a selection grade by an order of Government.
- (73) **“Service Book”** means service book and includes service roll, if any.
- (74) **“Special Pay”** means an addition, of the nature of pay, to the emoluments of a post or of a Government employee granted in consideration of -
- (a) the specially arduous nature of duties,
- (b) a specific addition to the work or responsibility.
- (75) **“Sphere of duty”** means the area to which the duties of a Government employee are confined.
- (76) **“Standard Rent”** means a monthly rate of standard rent for different types of residential accommodation as laid down in rule-18 of the Gujarat Civil Services (Occupation of Government Residential Accommodation) Rule, 2002.
- (77) **“Subsistence Allowance”** means a monthly allowance granted to a Government employee who is not in receipt of pay or leave salary.
- (78) **“Substantive Pay”** means the pay other than special pay, personal pay which a Government employee is entitled on account of a post to which he has been appointed substantively or by reasons of his substantive position in a cadre.
- (79) **“Superintending Engineer”** means an officer appointed as such and to whom the powers are delegated by Government under the relevant rules.
- (80) **“Superior Service”** means any kind of service not being Class IV service.
- (81) **“Table”** means a table appended to these rules.
- (82) **“Temporary Post”** means a post carrying a definite rate of pay sanctioned for a limited time.

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

- (83) **“Temporary Transfer”** means a transfer to duty in another station which is expressed to be for a period not exceeding one hundred twenty days. For the purpose of these rules 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 the extension.
- (84) **“Tenure Post”** means a permanent post which an individual Government employee may not hold, for more than a limited period without re-appointment.

Note : The following posts have been declared by Government to be tenure posts :-

	Period of Tenure
	(Years)
(1) Chief Engineer in the Gujarat Service of Engineers (Class-I)	- 5

- | | | |
|-------|--|-----|
| (2) | Three posts of Assistant Directors of Social Welfare | - 3 |
| (3) | All technical posts of Under Secretaries and Deputy Secretaries in the Public Works Department. | - 5 |
| (4) | The following posts in the Legal Department : | |
| (i) | Deputy Secretaries (Three posts) | - 3 |
| (ii) | Solicitor and Ex-officio Deputy Secretary to Government Ex-Officer (one post) | - 3 |
| (iii) | Special Officer and Ex-officio Under Secretary to Government (one post) | - 3 |
| (5) | Nineteen cadre posts of Deputy Secretaries in the Secretariat Department excluding posts of Deputy Secretaries in the Legal Department and technical posts in the Public Works Department. | - 5 |
| (6) | Eight posts of Under Secretaries out of the total number of temporary and permanent posts on the Secretariat cadre excluding post of Under Secretaries on the Legal side of the Legal Department and Technical posts in the Public Works Department. | - 5 |

Provided that where a tenure post of an Under Secretary or a Deputy Secretary is held by a Secretariat Officer, such post shall, so long it is held by such officer, cease to be a tenure post.

- (85) **“Time-Scale Pay”** means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum.

Note-1 : Time scales are said to be identical if the minimum, the maximum, the period of increment and the rate of increment of the time-scales are identical.

Note-2 : A post is said to be on the same time-scale as an 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.

- (86) **“Transfer”** means the movement of a Government employee from one headquarter station in which he is employed to another such station, either -

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

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

- (88) **“Travelling Allowance”** means an allowance granted to a Government employee to cover the expenses which he incurs in travelling in the interest of the public service. It includes allowance granted for the maintenance of conveyance.

- (89) **“Treasury”** means the treasury established at the headquarters of a district and includes a sub-treasury / Pay and Accounts office.

CHAPTER - III

KINDS OF TRAVELLING ALLOWANCES AND CLASSIFICATION OF GOVERNMENT EMPLOYEES

- 10. Kinds of Travelling Allowances :** (1) The following are the different kinds of travelling allowances which may be drawn in different circumstances by the Government employees :-
- (1) Permanent Travelling Allowance
 - (2) Conveyance Allowance
 - (3) Mileage Allowance
 - (4) Daily Allowance
- (2) The circumstances in which the different travelling allowances are drawn shall be as laid down in respective chapters of these rules.
- 11. Classification of Government employees in pay ranges :** For the purpose of these rules the classification of Government employees in pay ranges shall be as under :-
- (i) Rs. 16,400 per month and above.
 - (ii) Rs. 8,000 and above but less than Rs. 16,400 per month.
 - (iii) Rs. 6,500 and above but less than Rs. 8,000 per month.
 - (iv) Rs. 4,100 and above but less than Rs. 6,500 per month.
 - (v) Below Rs. 4,100 per month.
- 12. Classification of Government employees for Mileage Allowance :** The Government employees shall be classified in various grades for the purpose of mileage allowance as per rule 51.
- 13. Regulation of supplementary claim when promoted/reverted/pay revised retrospectively :** The travelling allowance of a Government employee, who is promoted or reverted or is granted an increased rate of pay with retrospective effect shall not be revised in respect of the period intervening between the date of promotion or reversion or grant of an increased rate of pay and the date on which the orders are issued or notified unless it is clear that there has been actual change of duties.
- 14. Entitlement of Travelling Allowance to a re-employed pensioner :** The entitlement to travelling allowance in respect of a re-employed pensioner shall be determined on the basis of pay plus pension drawn if any, subject to the proviso that if the sum of such pay plus pension exceeds the pay of the post if it is on a fixed rate of pay, or the maximum pay of the post if it is on a time-scale of pay, such excess shall be ignored. For the purpose of this rule, the amount of pension to be taken into account will be the amount originally sanctioned, i.e., before commutation.
- 15. Travelling Allowance to a pensioner :** When a pensioner is required to perform journey under these rules, his entitlement to travelling allowance shall be based on the duty pay last drawn immediately before retirement.
- 16. Special Concessions :** The competent authority may, for reasons to be recorded, order that any Government employee or class of Government employees shall be included in a pay range or grade higher or lower than that prescribed in rule 11 or 51.

- 17. Grade or pay range of a Government employee in transit from one post to another :** A Government employee in transit from one post to another ranks in the grade or pay range to which the holding of the lower of the two posts would entitle him.
- 18. Grade or pay range of a part-time Government employee :** A Government employee whose wholetime is not retained for the public service, or who is remunerated wholly or partly by honorarium or fees, ranks in such grade or pay range as the competent authority may, with due regard to the Government employee's status, declare.

CHAPTER - IV

PERMANENT TRAVELLING ALLOWANCE

- 19. Fixing the amount of permanent Travelling Allowance :** The amount of permanent travelling allowance which can be sanctioned to a Government employee shall be worked out on the basis of following formula :

Where :

A = The number of days prescribed for touring in a month.

B = Average mileage to be travelled in a month.

C = Rate of daily allowance existing at the point of time.

D = Rate of mileage allowance existing at the point of time.

Explanation : In the above formula, A, B, C and D shall be calculated as follows :-

A = Number of days of touring prescribed : The number of days as prescribed for touring in a month for the post by the department according to its requirements shall be taken as basis and this shall remain constant unless changed for definite reasons by department concerned. The area of touring shall also be definite viz. a district, a sub-division, a taluka or a circle (cluster of villages). There shall be no change in the area unless the area of jurisdiction of the post is modified.

B = Average mileage to be travelled : Unless there are reasons to calculate the distances otherwise in which case adequate justification giving facts and figures shall be necessary, the average mileage to be travelled by the incumbent of the post shall be assumed as under :-

- (i) where the jurisdiction is a District, it shall be assumed at 30 K.M. per day to be performed on the touring days as laid down by the Administrative Department concerned.
- (ii) in the case of Head of the District Office, who may have to return to the head quarters frequently to attend to office work, the distance shall be taken as 45 K.M. per day of tour.
- (iii) in the case of Government employee with taluka wide jurisdiction, an average touring of 22 K.M. per day of tour shall be taken as broad guideline.

C = Rate of daily allowance : The rate of daily allowance shall be reckoned at ordinary rate as per rule 69 with reference to the minimum of the pay in the pay-scale for the group of posts for which permanent travelling allowance is to be fixed.

D = Amount of Mileage Allowance : For arriving at the amount one third mileage allowance shall be calculated as per entitlement under rule 52 on the basis of whether the entitlement is for Car or Motor Cycle or Scooter or Rickshaw etc. The balance of two third of the mileage allowance by public transport system shall be calculated at the rate of forty-five paise per K.M.

- 20. Drawal of Travelling Allowance in exchange of permanent Travelling Allowance :** Subject to fulfillment of other conditions laid down in the rules, a Government employee when he travels on duty beyond his sphere of duty, may, in exchange of his permanent travelling allowance in respect of the entire period occupied by the journey including such part of it as is within his sphere of duty, as well as the halts made at places outside the sphere of duty, draw travelling allowance including daily allowance for such halts under the normal rules.
- 21. Calculation of Permanent Travelling Allowance for a broken period of a month :** The amount of permanent travelling allowance for broken periods of a month shall be calculated at 1/30 of the allowance per day irrespective of the number of days making up the month.
- 22. Drawal of Travelling Allowance by a Government employee in addition to Permanent Travelling Allowance :** (1) A Government employee in receipt of permanent travelling allowance who has put in prescribed minimum of touring days and/or night halts within his jurisdiction, may draw in addition to permanent travelling allowance, travelling allowance when on duty beyond his jurisdiction.
- Note :** When travelling allowance is drawn in addition to permanent travelling allowance under this sub-rule, the controlling officer shall record the following certificate in the remarks column of the travelling allowance bill :-
- "Certified that travelling allowance in addition to permanent travelling allowance is drawn by Shri/Kum/Smt. under rule 22 (1) of the Gujarat Civil Services (Travelling Allowance) Rules 2002.
- (2) A Government employee holding a post in a pay scale the maximum of which does not exceed Rs. 4100 may draw, in addition to permanent travelling allowance, single fare for a journey by rail.
- 23. Permanent Travelling Allowance to a Government employee holding more than one post to which the same is attached :** When a Government employee holds, either substantively or in 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 permanent travelling allowances, as the competent authority may consider to be necessary in order to reimburse him the travelling expenses which he has to incur.
- 24. Permanent Travelling Allowance for the days of casual leave :** A Government employee who spends his casual leave at the places of duty outside his jurisdiction is not entitled to draw daily allowance for the days of casual leave. He may, however, be allowed to draw for these days daily allowance equal to the rate of his permanent travelling allowance, if any. These orders also apply to holidays immediately preceding or following a halt on duty beyond jurisdiction which are spent at the place of duty.
- 25. Drawal of Permanent Travelling Allowance by Government employees during training, leave and holidays prefixed or suffixed to leave :** Permanent travelling allowance shall not be admissible to a Government employee during training, leave and for the period of holidays permitted to be prefixed or suffixed to leave.
- 26. Admissibility of Permanent Travelling Allowance during Joining Time :** A permanent travelling allowance cannot be drawn during 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.
- 27. Admissibility of Permanent Travelling Allowance for day of taking over charge/handing over charge :** The fact that a Government employee on transfer receives travelling allowance for the special journey on transfer made on the day on which he leaves his old

station or arrives at the new station, does not however affect his title to permanent travelling allowance for the day on which he makes over charge in the afternoon, or receives charge of his new appointment in the forenoon.

- 28. Drawal of Permanent Travelling Allowance :** The amount of permanent travelling allowance sanctioned for the post shall be drawn by the incumbent in the pay bill form alongwith his pay and allowances.
- 29. Use of Government vehicles by Government employee in receipt of Permanent Travelling Allowance :** A Government employee in receipt of permanent travelling allowance shall lose half day's permanent travelling allowance and also full daily allowance for the days he uses Government vehicle if the entire maintenance expenditure whereof is borne by the Government.

CHAPTER - V

CONVEYANCE ALLOWANCE

- 30. Conveyance Allowance to whom admissible :** Government may grant, on such conditions as they think fit to impose, a monthly conveyance allowance to any Government employee 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.
- 31. Initial sanctioning of Conveyance Allowance :** The procedure to be adopted for sanctioning the conveyance allowance to a Government employee for the first time, shall be as under :
- (1) A Government employee claiming the conveyance allowance shall be required to maintain a log book of journeys on duty qualifying for the grant of allowance, for a minimum period of three months. The Controlling Officer shall scrutinize the log book as frequently as possible during this period. A longer period may be prescribed by the sanctioning authority at its discretion. The log book shall contain the following particulars :-
 - (a) the distance travelled daily on official duty;
 - (b) places visited with distance covered and purpose of each visit;
 - (c) the mode of conveyance maintained/used.
 - (2) The sanctioning authority shall satisfy itself from the details in the log book that the average monthly distance travelled by the Government employee makes him eligible for conveyance allowance. It may then sanction an allowance at the appropriate rate from any date from which in its opinion, the grant of the allowance is justified. No allowance shall be sanctioned from a date earlier than the date from which the log book is maintained.
 - (3) For any category of Government employees the nature of whose duties is the maintenance of a motor car, the condition of maintaining a log book may be waived with the prior concurrence of the Finance Department. In all such cases the allowance shall be admissible at the rates prescribed under rule 35.
- 32. Conditions governing the grant of Conveyance Allowance :** The following conditions shall govern the grant of conveyance allowance to the Government employees under rule 30 :-

- (1) Except as otherwise provided in these rules and unless the authority sanctioning it otherwise directs, a conveyance allowance shall be drawn all the year round, shall not be forfeited during the absence from headquarters and shall be drawn in addition to any other travelling allowance admissible under these rules.
- (2) No allowance shall be admissible unless the average monthly running on official duty is more than 200 Kilometers. Journeys between residence and normal place of work shall not be reckoned as running on official duty.
- (3) Journeys performed by foot or on bicycle shall not qualify for the grant of conveyance allowance.
- (4) Conveyance Allowance for Motor Car shall not be admissible to persons whose pay is less than Rs. 8000 per month, provided that this condition may be relaxed with the prior concurrence of the Finance Department in special cases in which the nature of duties is such as to require the maintenance of a motor car.
- (5) Allowance shall not be admissible for any period exceeding fifteen days at a time during which a Government employee in receipt of allowance does not maintain a vehicle or the vehicle maintained by him remains out of order or is not used for official journeys for any other reasons.
- (6) Drawal of allowance is subject to the Government employee owning and maintaining a vehicle in good running condition and using it for all official journeys for which the allowance is granted.
- (7) Allowance granted under these rules shall cover all journeys by road on official duty within the local jurisdiction of the Government employee, for which no daily/mileage allowance is admissible, irrespective of whether the points of duty reached lie within or beyond a radius of 8 kilometers from his usual place of work.

- 33. Period for which Conveyance Allowance can be sanctioned :** A conveyance allowance shall be sanctioned for a period not exceeding two years at a time and its continuance shall be reviewed at the end of each such period. The review shall be made in accordance with procedure laid down in rule 31 for the initial grant of an allowance. It shall not be necessary to incorporate in an order sanctioning a conveyance allowance any condition specifying minimum distance of travelling in a month for the purpose of becoming eligible for the said allowance in respect of that month.
- 34. Maintenance of a log book by a Government employee in receipt of Conveyance Allowance :** Once the amount of conveyance allowance is fixed in accordance with these rules, it shall not be necessary for a Government employee to maintain the log book for the purpose of drawing the allowance from month to month unless the controlling officer so desires. The allowance may be drawn during the currency of a sanction so long as the controlling officer is satisfied that there has been no change in the nature of duties of the Government employee or the extent of his touring to justify the withdrawal of or a reduction in the rate of the allowance.
- 35. Rates of Conveyance Allowance :** The rates of conveyance allowance to be sanctioned to the Government employees shall be as may be laid down by the Government from time to time. The same in force from 3-7-96 shall be as under :-

Average monthly Travel on official duty (KMs.)	Rates of Conveyance Allowance	
	for Owned motor car	for journey by other modes of conveyance
1	2	3
(1) 201-300	Rs. 612 P.M.	Rs. 175 P.M.
(2) 301-450	Rs. 901 P.M.	Rs. 245 P.M.
(3) 451-600	Rs. 1003 P.M.	Rs. 298 P.M.
(4) 601-800	Rs. 1207 P.M.	Rs. 350 P.M.
(5) Above 800	Rs. 1360 P.M.	Rs. 403 P.M.

36. Certificates for drawing Conveyance Allowance : A certificate of maintenance of vehicle as laid down in the order sanctioning conveyance allowance and having used it, shall be furnished by the Government employee concerned to the drawing officer every month.

37. Travelling Allowance for journeys beyond eight kms. : A Government employee in receipt of conveyance allowance shall be entitled to mileage allowance as under for journeys beyond and outside a radius of 8 kilometers from his usual place of work :-

- (a) If the journey is performed by rail or air, the conveyance allowance may be drawn in addition to the travelling allowance, i.e. daily allowance and/or mileage allowance admissible under the rules;
- (b) If the journey is performed by road, only conveyance allowance under this rule shall be admissible but if on any day a Government employee travels beyond 16 kilometers from his usual place of work, he may at his option, exchange his conveyance allowance at the rate of 1/30th for each day, for any travelling allowance, i.e. daily allowance and/or mileage allowance that may be admissible to him under this rule;
- (c) If the journey is performed partly by rail or air and partly by road, conveyance allowance shall be drawn in addition to the travelling allowance admissible for the portion of the journey performed by rail or air and the Government employee may at his option exchange his conveyance allowance at the rate of 1/30th for each day for any travelling allowance that may be admissible for the portion of the journey by road on any day on which the journey by road exceeds 16 kilometers.

38. Drawal of Conveyance Allowance during leave or temporary transfer : (1) No conveyance allowance shall be admissible to a Government employee during leave and temporary transfer.

(2) A conveyance allowance may be drawn by the following Government employees during leave or temporary transfer provided that no extra expense is thereby caused to the Government and provided further that the continued maintenance of the means of conveyance which they maintain while on duty is certified :

- (i) Inspectors and Sub-Inspectors of the Excise Department.
- (ii) Inspectors, Police Prosecutors and Sub-Inspectors of the Police Department.

Note : The authority competent to grant leave should decide in each case whether the officer on leave or the one performing his duties, should draw the conveyance allowance.

39. Drawal of Conveyance Allowance during joining time and training period : A conveyance allowance shall not be drawn during joining time and training period :

Provided that it may be drawn during joining time on relinquishing the charge of the old post by Inspectors and Sub-Inspectors of the Excise Department; Police Inspectors, Police Prosecutors, Sub-Inspectors and Vaccinators to join a new post either at the same or a new station without availing himself of any leave on conditions that -

- (i) no extra expense is thereby caused to Government, and
- (ii) the continued maintenance of the means of conveyance which he maintained while on duty is certified.

40. Transport Allowances : (1) The employees shall be entitled to Transport Allowance at the following rates :-

No.	Pay Scales of the Employees	Rates of Transport Allowance per month (In Rupees)	
		A-1/A Class City	Other Places
1.	Employees drawing pay in the scale of pay of Rs. 8000-13500 or above.	800	400
2.	Employees drawing pay in the scale of pay of Rs. 6500-10500 or above but, below the scale of Rs. 8000-13500.	400	200
3.	Employees drawing pay below the scale of Rs. 6500-13500	100	75

(2) The grant of Transport Allowance shall be subject to the following conditions :-

- (i) The Cities referred to as "A" and "A-1" in these orders shall be the same as those classified as such for the purpose of Compensatory Local Allowance (CLA) to the employees. The term "Other Places" may include any place where offices/formations of State Government are located.
- (ii) The Allowance shall not be admissible to those employees (excluding blind and orthopaedically handicapped employees) who are residing within a distance of one kilometer from the place of work or within a campus housing the place of work and residence. In case, of blind or orthopaedically handicapped employees who have been provided with Government accomodation within a distance of one kilometer from the place of work or within a campus housing the place of work and residence, the allowance shall be admissible under these rules.
- (iii) The Allowance shall not be admissible to those employees who have been provided with the facility of Government transport.
- (iv) In case of officers of the level of Secretary and above, who have been provided with the facility of office car for commuting between office and residence on prescribed payment basis, an option shall be given to them either to avail

themselves of the existing facility or to switch over to the payment of Transport Allowance, as admissible under this rule. In case they opt for the latter, they may be paid the allowance at rates as applicable to them, subject to the condition that the existing facility of office car shall be withdrawn from the date they opt for the allowance. In case they opt for the former, the Allowance shall not be admissible to them and they would not be required to make any payment for the facility of office car between residence and office.

Note : Those officers who have already exercised such option before coming into force of these rules, need not exercise a fresh option under this sub-rule.

- (v) This allowance will not be admissible to an employee during his absence from duty due to leave, training, tour etc., if such absence exceeds thirty days inclusive of holidays prefixed and/or suffixed.
- (vi) The grant of Transport Allowance to the employees other than the blind and orthopaedically handicapped employees, would be subject to furnishing of the following certificate by the Head of Department/Head of Office :-

CERTIFICATE

"It is hereby certified that Shri/Shrimati/Kumari _____
(name of the employee) is serving in this Department/Office as a
_____ (designation of the employee). He/She is not residing within
one kilometer from the places of work or within a campus housing the places
of work and residence.

2. He/She is entitled for Transport Allowance in accordance with rule-40 of the Gujarat Civil Services (Travelling Allowance) Rules, 2002."

Office Seal :	Name and Signature
Date :	Designation of Head of
Station :	Department/Head of Office

Note : It shall be the personal responsibility of the Head of Department/Head of Office to verify such certificate before issue.

- 41. **Cycle Allowance :** (1) Head of Department may sanction a cycle allowance of Rs. 20 per month to a Government employee whose pay has not been fixed with special reference to the expenditure likely to be incurred upon touring in performance of his duties and whose duties involve an extraordinary amount of travelling within a limited area, provided the Government employee maintains his own cycle and uses the same for performance of the said duties.
 - (2) The cycle allowance at the rate of Rs. 20 per month shall also be admissible to Police Constable and Head Constable provided he maintains his own cycle and uses the same for performance of his duties.

CHAPTER - VI

MILEAGE ALLOWANCE

- 42. **Mileage Allowance for different modes of journey :** Mileage allowance is differently calculated, as shown in these rules accordingly as the journey is, or could be, made by railway, sea or by river steamer/launch or by road.
- 43. **Absence of a Government employee :** For the purpose of drawing daily allowance and mileage allowance for journey by rail/bus/air the absence of a Government employee from

headquarters shall be reckoned with reference to scheduled arrival and departure as shown in Railway/Bus/Air time table.

- 44. Beginning and end of journey :** A journey including a journey on transfer begins and ends at the actual residence of the Government employee concerned if it is situated within the headquarters or within an area contiguous to the Municipal or Corporation limits of the headquarters. The point in any station at which a journey on transfer made by a Government employee residing beyond these limits begins or ends shall be determined as under :-
- (i) If the Post Office (or if there are more than one, the principal Post Office) is permanently located in a Government building specially assigned for the purpose and not situated in a very outlying part of the station, it shall be considered the starting and terminal point.
 - (ii) If the Post Office is either located in a hired building, or is situated in a very outlying part of the station, the Chief Revenue Officer's Office or Village Panchayat Office shall be the point fixed.
- 45. Journey to be performed by shortest route :** (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; provided that, when there are alternative railway routes and the difference between them in point of time and cost is not great, mileage allowance shall be calculated on the route actually used.
- (b) The shortest route is that by which a 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 two or more routes.
 - (c) If a Government employee travels by a route which is not the shortest but is cheaper than the shortest, his mileage allowance shall be calculated on the route actually used.
 - (d) When the shortest route between two places is a rail route and the Government employee or a member of his family makes a journey between them by an alternative route which includes a rail journey and travels during such rail journey or part of it by a class lower than that to which he is entitled, the mileage admissible to him by the shortest route shall 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 on the alternative route. For this purpose any distance travelled on the alternative route by road shall be treated as distance travelled by the class of accommodation to which he is entitled.
 - (e) The following routes are recognised for the purpose of calculating travelling allowance although they are not the shortest or the cheapest:-

Journeys	Recognised route
(1) Between Ahmedabad and Junagadh	Via Botad and Dhola
(2) Between Ukai and Ahmedabad	Via Fort Songadh as connected by rail with Surat and Ahmedabad
(3) Between Ahmedabad and Delhi for the Government employees stationed at Ahmedabad, Gandhinagar	Rail route by broad gauge by Sarvodaya Express via Vadodara

- 46. Mileage Allowance for journeys performed by other than shortest route :** (1) 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 and provided that the travelling allowance

calculated on such route does not exceed that calculated on the shortest route by more than 50 per cent.

- (2) For the purpose of this rule, the absence in a train of the class of accommodation to which a Government employee is entitled under rule 49 may be taken as a special reason for allowing mileage allowance by road, and consequently the competent authority may on such occasion grant to a Government employee 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 shall be calculated according to the appropriate data in the Railway Time and Fare Table.
- (3) In granting this concession, the competent authority shall consider whether any public interest such as the saving of public time, inspection work enroute, etc., was served by the journey being performed by a route other than the cheapest which would not have been served had the Government employee travelled by the ordinary route. The competent authority may also, at its discretion, grant this concession to a Government employee who travels in his own motor car by a road route between places connected by road and also partly by road and partly by rail when the car is required by the Government employee for the performance of his duties at his destination. This discretion shall be exercised with due regard to the nature and extent of such duties.
- (4) In cases where the route actually used include the whole or part of the road journey included in the ordinary or cheapest route, the mileage on the whole or part of the road journey shall be excluded in calculating the excess of 50 per cent under this rule.

47. Entitlement for journey by Air : The following provisions shall govern the entitlement of the Government employee to travel by air, on tour / transfer :-

- (1) The officers in receipt of pay of Rs. 16,400 and above per month shall be entitled to travel by air at their discretion.
- (2) The officers drawing pay of Rs. 12,300 P.M. and above upto Rs. 16,399 P.M. may also travel by air at their discretion, if the distance involved is more than 500 kms. and the journey cannot be performed overnight by rail.
- (3) Secretaries of the Administrative Department, Heads of Departments who are in super time-scale of I.A.S., Director General of Police and Inspector General of Police and Principal Chief Conservator of Forest, can authorise their subordinate Government employees drawing pay of Rs. 10,000 per month or more to travel by air if the following conditions are fulfilled.
 - (i) the distance involved is more than 500 Kms.
 - (ii) the journey cannot be performed overnight by rail, and
 - (iii) such journey by air is considered essential in public interest.
- (4) The Secretary to the Governor/A.D.Cs to the Governor, who accompanies the Governor on journey by air.
- (5) The Secretary/Personal Secretary to Chief Minister who accompanies the Chief Minister on journey by air.

Note : Government employees entitled to travel by air shall travel by economy class. They may travel by private airline only if the station to which he is to go on official duty is not connected by Indian Airlines/Vayudoot.

- 48. Journey by air by Government employees who are not entitled for the same :** A Government employee who is not authorised to travel by air but preforms a journey by air can draw actual air fare or fare for the journey by rail of the class of accommodation to which he is entitled whichever is less
- 49. Entitlement for journey by rail on tour and transfer :** Based on the pay drawn the entitlement of a Government employee for journeys by rail on tour and transfer shall be as under :-

Pay Range	Entitlement
Rs. 16400 and above	AC First Class
Rs. 8000 and above but less than Rs. 16400	II AC 2-Tier Sleeper
Rs. 6500 and above but less than Rs. 8000	First Class-II AC III-Tier Sleeper/AC Chair Car *
Rs. 4100 and above but less than Rs. 6500	First Class/II AC-III Tier Sleeper/AC Chair Car *
Below Rs. 4100	Second Sleeper

* All Government employees who are entitled to travel on tour/transfer by First Class/ II AC III-Tier Sleeper/AC Chair Car may at their discretion, travel by II AC 2-Tier Sleeper where any of the trains connecting the originating and destination stations concerned by the direct shortest route do not provide these three classes of accommodation.

Travel by Rajdhani Express Trains :

Pay Range	Entitlement
Rs. 16400 and above	AC First Class
Rs. 8000 and above but less than Rs. 16400	II AC 2-Tier Sleeper
All others drawing pay below Rs. 8000	AC Chair Car *

* Travel by AC III-Tier Sleeper will be permissible in trains in which AC Chair Car accommodation is not provided.

Travel by Shatabdi Express Trains :

Pay Range	Entitlement
Rs. 16400 and above	Executive Class
All others drawing pay below Rs. 16,400	AC Chair Car

- 50. Drawal of Fares :** (1) A Government employee travelling on duty by air/rail/public bus shall draw the actual fare of the class of accommodation he is entitled to.
- (2) A Government employee or a member of his family travelling by rail in a class of accommodation lower than that to which he is entitled shall draw the fare of the class of accommodation actually used.
- (3) A Government employee who purchases a Air ticket through any agency, shall, in addition to the air fare, be entitled to agency charges limited to Rs. 10/- per journey.

51. Grades of Government employees for drawing Road Mileage Allowance : For the purpose of calculating the entitlement of road mileage allowance, the Government employees are divided into following grades :-

- (a) The first grade shall include :-
 - (i) Those in receipt of Pay not less than Rs. 8000/- per month.
 - (ii) Heads of Departments not included in (i) above.
- (b) The second grade shall include those in receipt of Pay of not less than Rs. 6500/- per month but less than Rs. 8000/- per month.
- (c) The third grade shall include those in receipt of Pay of not less than Rs. 4100/- per month but less than Rs. 6500/- per month.
- (d) The fourth grade shall include those in receipt of pay of less than Rs. 4100/- per month.

52. Rates of road mileage for journeys by Road : For journeys by road, road mileage allowance shall be calculated at the following rates for each kilometer travelled except in any case for which different rates are specially provided :-

Government employees using their own/borrowed/hired conveyance -

- (i) A Government employee of the First or Second Grade -

Conveyance by which journey is performed	Rate of mileage allowance
Motor Car/Jeep (Petrol)	400 paise per k.m.
Motor Car/Jeep (Diesel)	200 paise per k.m.
Motor Cycle	100 paise per k.m.
Any other means of conveyance	100 paise per k.m.

- (ii) A Government employee of the Third Grade -

Conveyance by which journey is performed	Rate of mileage allowance
Motor Cycle	100 paise per kilometer
Any other means of conveyance	100 paise per kilometer

- (iii) A Government employee of the Fourth Grade -

Conveyance by which journey is performed	Rate of mileage allowance
Any means of conveyance	100 paise per kilometer

Explanation : Journey by "any other means of conveyance" or "any means of Conveyance" includes journey performed on foot.

Note : In calculating mileage allowance for journey by road, fractions of a k.m. in each item of a bill shall be rounded off to the nearest figure, half and more than half a k.m. being taken as one k.m. and fractions less than half a k.m. being neglected.

53. General conditions for drawal of Road Mileage Allowance : The following shall govern the drawal of road mileage allowance by the Government employee :-

- (1) Two or more Government employees travelling on duty in the same conveyance may not all draw road mileage for the journeys but only that officer who either owns the conveyance or has borrowed or hired it may draw road mileage, if admissible under rule 54. The Government employee other than the one who owns the conveyance or has borrowed or hired it, should make a note showing the circumstances of such journey on the travelling allowance bill presented for payment.

- (2) Each of such Government employee shall draw daily allowance as admissible under these rules.
- (3) Each complete journey is to be considered separately as a journey on tour whenever the Government employee returns to headquarters or to a place in which his headquarters are situated whether he halts there or not.

- 54. Entitlement of Road Mileage Allowance for journey by own or borrowed or hired car :** (1) For the purpose of drawal of full road mileage allowance at the rate laid down in rule-52, the Secretaries, the Joint Secretaries and Heads of Departments in the scale of Joint Secretary to Government and above and whose jurisdiction is whole state, can use their own/ borrowed or hired car for all journeys.
- (2) Other Government officers who travel by their own or borrowed or hired car between places connected by rail shall be entitled to road mileage allowance limited to the fare of highest class of entitled by railway available on that particular route.
- 55. Journey by own car between Air Port and Residence :** Principle Secretaries, Additional Chief Secretaries and Secretaries of Government using their own car for the journey between air port/railway station/bus stand and residence on the day of departure and arrival on/from tour, shall be entitled to road mileage allowance at the rate laid down in rule 52 for the mileage covered by their empty car for going and coming to residence on both occasions, provided the staff car is not available for the said journey and the concurrence of Additional Chief Secretary of the Finance Department is obtained before claiming the said mileage allowance.
- 56. Entitlement for journey by public bus :** Based on the pay drawn by a Government employee, he shall be entitled to travel by public bus as under :-

S.N. Pay Range	Entitlement
(i) Rs. 18400 and above	(i) Actual fare by any type of public bus, including air conditioned bus; OR At prescribed rates for AC Taxi when the journey is actually performed by AC Taxi; OR At prescribed rates for autorickshaw for journey by autorickshaw; OR At prescribed rates of road mileage for journeys by scooter/motor cycle/ moped etc.
(ii) Rs. 8000 and above but less than Rs. 18400	(ii) Same as at (i) above with the exception that journeys by AC Taxi will not be permissible.
(iii) Rs. 6500 and above but less than Rs. 8000	(iii) Same as at (ii) above with the exception that journeys by AC Bus will not be permissible.
(iv) Rs. 4100 and above but less than Rs. 6500	(iv) Actual fare by any type of public bus, other than AC Bus or AC Taxi; OR At prescribed rates for autorickshaw for journey by autorickshaw; OR At prescribed rates of road mileage for journeys by scooter/motor cycle/ moped etc.

- (v) Below Rs. 4100
- (v) Actual fare by ordinary public bus only; **OR**
At prescribed rates for autorickshaw for journey by autorickshaw; **OR**
At prescribed rates of road mileage for journeys by scooter/motor cycle/moped etc.

57. Grant of Road Mileage to collectors and district development officers in lieu of permanent Travelling Allowance : Collectors and District Development Officers of all districts shall be entitled to road mileage at the following rates in lieu of permanent travelling allowance for all journeys including journeys by road between places connected by rail as well as other journeys in the car provided by Government subject to following maximum monthly ceiling of the amount of daily allowance and road mileage :-

Type of car provided by Government	Rate of Road Mileage per Kilometer	Maximum monthly amount of daily allowance and road mileage admissible
Collectors and District Development officers of all districts except Gandhinagar, Narmada, Navsari, Porbandar, Valsad and Dangs.		
Petrol driven car	325 Paise	Rs. 4800 Per month
Diesel driven car	125 Paise	Rs. 4800 Per month
Collectors and District Development Officer of Gandhinagar, Narmada, Navsari, Porbandar, Valsad and Dangs districts.		
Petrol driven car	325 Paise	Rs. 3600 Per month
Diesel driven car	125 Paise	Rs. 3600 Per month

58. Rates of Road mileage for journeys performed in vehicles supplied by Government on rental basis : A Government employee who has been allotted a Government vehicle, on rental basis and he himself bears the expenses on petrol, diesel, oil, minor repairs and driver, or drives himself shall be entitled to claim mileage allowance at the following rates for the journeys on official duties performed by him in the said vehicle.

- (1) For petrol driven four wheeler vehicle 325 paise per k.m.
(2) For petrol driven two wheeler vehicle 100 pasie per k.m.
(3) For diesel driven vehicle 125 paise per k.m.

Note : Where Government has supplied a vehicle to a Government employee on hire basis; but travels by his own car, his road mileage will be calculated as if the vehicle supplied by Government is used for the journey within or beyond the jurisdiction of the concerned employee.

59. Private use of Government vehicles by Government officers allotted vehicles on rental basis : A Government employee who has been allotted a Government vehicle on rental basis and he himself bears the expenses on petrol, oil minor repairs and driver or drives himself, can use such Government vehicle, for his private purposes within and outside his jurisdiction but only inside the State of Gujarat subject to following conditions :-

- (i) Vehicles on rental basis are provided primarily for Government work and the use of such vehicle for private purpose shall be only incidental.
- (ii) Prior approval of next superior officer shall always be obtained while taking out the vehicle, outside his jurisdiction for private journey.
- (iii) In emergencies such as serious illness in the family, postfacto sanction of superior officer shall be obtained.

60. Journey between Ahmedabad and Gandhinagar : (1) Government officers other than the Secretaries, the Joint Secretaries and Heads of Departments in the scale of the Joint Secretary to Government and above can travel by their own or borrowed or hired car between Ahmedabad and Gandhinagar and draw the road mileage at the rates laid down in rule 52 provided they take prior permission of the Secretary of their Administrative Department or the Head of Department for the same. In respect of others including those who travel by two wheeler conveyance the amount of road mileage admissible shall be limited to the rail fare of the class of accommodation to which they are entitled to.

Note : No permission of Secretary or Head of Department shall be necessary to draw road mileage limited to rail fare under this rule.

- (2) A Government employee having his headquarters at Ahmedabad/Gandhinagar and who is allowed to reside at Gandhinagar/Ahmedabad shall not be entitled to travelling allowance including daily allowance for his stay on duty at the place of residence unless the journey starts and ends at headquarters.

61. Local journeys at Headquarters and in camp while on tour : (1) A Government employee undertaking the following journeys while proceeding/arriving on/from tour and at the place of camp. inside or outside the state while on duty shall be entitled to claim road mileage at the rates laid down in sub-rule (2) :-

- (i) Journey from Residence or duty point at Head Quarters to Railway Station/Bus Stand/Airport and back on the day of departure for tour and on the day of arrival from tour.
- (ii) Journey from Railway Station/Bus Stand/Airport/place of duty to residence / duty point at the place of arrival and similarly on the day of departure from the place of camp.
- (iii) Journey from the place of his stay to the place of duty, once for going and then coming back to the place of stay, every day, at the place of camp.

Note 1 : The condition "once for going and than coming back to the place of stay" will not be applicable to the journey performed at Delhi and Bombay.

Note 2 : No road mileage will be admissible for other journeys at the place of camp.

- (2) The rates of the road mileage allowance for the journeys mentioned in sub-rule (1) shall be as follows :

Conveyance by which journey is performed	Rate of Road Mileage
(i) By full taxi/auto Rickshaw	At the rate of taxi/auto Rickshaw fare as prescribed by concerned State Government.
(ii) By own Car/Jeep (petrol driven)	400 paise per K.M.

1	2
(iii) By own Car/Jeep (diesel driven)	200 paise per K.M.
(iv) By Tonga/Cycle Rickshaw/	200 paise per K.M. man driven rickshaw (Three wheeler)
(v) By Scooter/Motor Cycle	100 paise per K.M. (Two wheeler)

- (3) Where the Taxi/Auto Rickshaw and other modes of journey are shared by more than one Government employee or where a Government employee takes a single seat in Taxi/Auto Rickshaw etc., the mileage allowance admissible shall be the actual share of hire charges limited to fifty percent of the rates in sub-rule 2.
- (4) A Government employee not in receipt of permanent travelling allowance or conveyance allowance or transport allowance travelling on duty within eight kilometers of headquarters or within municipal limits, whichever is further, or for attending the office on Sunday and Holiday, shall be entitled to rickshaw charges at scheduled rates of fares for public conveyance actually paid by him, the amount reimbursable per day being limited to one daily allowance.
- 62. Mileage Allowance for journeys by steamer or launch :** A Government employee travelling by steamer/launch within the State of Gujarat shall be entitled to actual fare charged for the journey. The entitlement of the class of accommodation to a Government employee for the journeys by sea/river steamer outside the State of Gujarat shall be as may be decided by the respective Head of Department giving approval to the said journey.
- 63. Due date for payment of Travelling Allowance bills :** (1) The claim of a Government employee for travelling allowance including daily allowance shall be considered to have fallen due for payment on the date succeeding the date of completion of a journey or on the first date of next calendar month to which the claim relates.
- (2) In the case of transfer travelling allowance claim falls due on the date succeeding the date of completion of journey. In cases, where a Government employee and member of his family travel separately, the dates shall be reckoned separately for each, on the date succeeding the day of completion of each individual journey. Similarly, travelling allowance claims in respect of transportation of personal effects and conveyance shall be considered as falling due on the dates succeeding the date on which these are actually delivered to him at the new station.
- 64. Forfeiture of right to Travelling Allowance claim :** The right of a Government employee to the travelling allowance including daily allowance and transfer travelling allowance shall be forfeited or deemed to have been relinquished if the claim for it is not preferred within one year from the date on which it becomes due as per rule 63.
- 65. Cancellation charges in respect of unused tickets :** The controlling officer shall allow the reimbursement of cancellation charges in respect of air/rail/bus tickets purchased by a Government employee for travel on official duty if the journey is cancelled in exigencies of public service. For the reimbursement of cancellation of air tickets, permission of the authority if any, which authorised the travel by air would be necessary.

CHAPTER - VII

DAILY ALLOWANCE

- 66. Daily Allowance when admissible :** Unless in any case it be otherwise expressly provided in these rules, a daily allowance shall be drawn while on tour by every Government employee, whose duties require that he should travel, and shall not be drawn except while on tour.

67. General conditions for the drawal of Daily Allowance : The following are the general conditions which shall govern the grant of daily allowance to Government employees under these rules :-

- (1) Daily allowance may not be drawn except during absence from headquarters on duty. A period of absence from headquarters begins when a Government employee 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.
- (2) Daily allowance may not be drawn for any day on which a Government employee does not reach a point outside a radius of eight kilometers from his headquarters or beyond municipal limits, whichever is farther, or returns to his headquarters from a similar point.
- (3) A Government employee who takes casual leave when on tour, is not entitled to draw daily allowance during such leave but if he returns to his headquarters or proceeds to another place of halt after the expiry of causal leave he may draw mileage allowance for the journey by the shortest route from the old place of halt to the place at which duty is resumed after the causal leave is availed of.
- (4) A Government employee on tour shall draw daily allowance on a Sunday or a public holiday intervening his halt, if he certifies that he had not returned to his headquarters for attending to his private business on that day and has spent atleast a part of such day at the camp.
- (5) A Government employee who proceeds first on causal leave from headquarters and resumes duty at an outstation on tour, may draw travelling allowance from the place where causal leave is spent to the place of tour, limited to that admissible between headquarters and the tour station.

68. Classification of cities for the drawal of Daily Allowance : For the purpose of drawal of daily allowance the various cities are classified as under :-

"A-1" Class City Rates

Cities : (1) Brihan Mumbai UA (2) Chennai UA (3) Delhi UA (4) Kolkata UA

"A" Class City Rates

Cities :

Ahmedabad UA	Hyderabad UA	Kanpur UA	Nagpur UA
Banglore UA	Jaipur UA	Lucknow UA	Pune UA

Specially Expensive Localities :

Darjeeling District (except Siliguri sub-division)	NEFA areas beyond Inner Line
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Darjeeling Town	Naga Hills Tuensange area beyond the Inner Line
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Expensive / Remote Localities of Himachal Pradesh :

Lahaul and Spiti District	Chhuhar Valley of Jogindernagar
Kinnaur District	Tehsil of Mandi District
Bharmour sub-division and Pangri sub-division of Chamba District	Mangal Panchyat area of Solan District
Pargana of Pandrahbis	Dodrakwar area of Rohru Tehsil
Other Seraj and Malana Panchayat	Parganas of Chhebis, Naubis,

Areas of Kulu District
 Sarahan and Gram Panchayats of
 Munish, Darkali and Kashapet of
 Rampur Tehsil of Simla District

Barabis, Pandrahbis and Atharahbis
 Chhota Bhangal and Bara Bhangal
 areas of Palampur sub-division of
 Kangra District

The following hills areas in Manipur which do not fall on the National Highway :

Ukhrul
 Churachandpur
 Siluk sub-division (in Senapati District)

Tamenlong
 Jiribam

Mao Maram
 Tengnampal

"B-1" Class City Rates

Cities :

Agra UA	Jamshedpur UA	Patna UA
Allahabad UA	Kochi UA	Surat UA
Bhopal UA	Kozhikode UA	Thiruvananthapuram UA
Coimbatore UA	Lucknow UA	Vadodara UA
Dhanbad UA	Ludhiana	Varanasi UA
Indore UA	Maduri UA	Vijayawada UA
Jabalpur UA	Meerut UA	Visakhapatnam UA
Nagpur UA		

Expensive Localities :

Shimla
 Laccadive, Minicoy and
 Amindivi Islands

Jammu and Kashmir
 Andaman and
 Nicobar Islands

The following areas of Himachal Pradesh :

Janjehli Block of Chachoit Tehsil
 of Mandi District

Churah Tehsil, Kunr Panchayat
 and Belej Pargana of Chamba
 Tehsil and Salooni Tehsil of
 Chamba District

Chopal Tehsil of Shimla District
 Trans-Giri Tract of
 Sirmur District

Manali-Ujhi area, Parvati and
 Lagg Valley and Banjar
 Block of Kulu District

(UA) = Urban Agglomeration

Note : UA = Urban Agglomeration : The localities which are included in urban agglomeration of different cities are as adopted for the population census 1991. The same in respect of the above cities of Gujarat State are reproduced in **Annexure** to these rules. The same in respect of cities of other States/Union Territories shall be as laid down by the Central Government for their employees stationed at those places.

69. Rates of Daily Allowance : The rates of daily allowance shall be as follows :-

**I. When a Government employee stays in Government/
Public Sector Guest House or makes his own arrangements**

Pay Range	Localities other than those mentioned in columns (3), (4) and (5)	B-1 Class cities and expensive localities	A Class cities and specially expensive localities	A-1 Class cities
1	2	3	4	5
	Rs.	Rs.	Rs.	Rs.
Rs. 16400 and above	135	170	210	260
Rs. 8000 and above, but less than Rs. 16400	120	150	185	230
Rs. 6500 and above, but less than Rs. 8000	105	130	160	200
Rs. 4100 and above, but less than Rs. 6500	90	110	135	170
Below Rs. 4100	55	70	85	105

II. When a Government employee stays in a hotel or other establishment providing boarding and/or lodging at scheduled rates

Pay Range	Localities other than those mentioned in columns (3), (4) and (5)	B-1 Class cities and expensive localities	A Class cities and specially expensive localities	A-1 Class cities
1	2	3	4	5
	Rs.	Rs.	Rs.	Rs.
Rs. 16400 and above	335	425	525	650
Rs. 8000 and above, but less than Rs. 16400	225	330	405	505
Rs. 6500 and above, but less than Rs. 8000	200	250	305	380
Rs. 4100 and above, but less than Rs. 6500	130	160	195	245
Below Rs. 4100	65	85	100	125

70. Pattern of Daily Allowance : Daily allowance for the entire absence from headquarters shall be regulated as follows :-

- (1) Full daily allowance shall be granted for each completed calendar day of absence reckoned from midnight to midnight.
- (2) For absence from headquarters for less than twenty four hours, the daily allowance shall be admissible, at the following percentage of the prescribed rates :-
 - (i) If the absence from headquarters does not exceed six hours 30%
 - (ii) If the absence from headquarters exceed six hours but does not exceed twelve hours 50%
 - (iii) If the absence from headquarters exceeds twelve hours 100%
- (3) For days of departure and arrival at headquarters as well as when the period of absence from headquarters falls on more than one calendar day, they shall be reckoned as separate days and daily allowance shall be calculated for each day separately as per above sub-clause (2).
- (4) When more than one tour is undertaken on the same day, each tour should be treated separately and daily allowance should also be calculated separately, subject of course to the condition that daily allowance calculated separately for each tour on any calender day shall not exceed one daily allowance.

71. Enhanced rate of daily allowance for officers entitled to Travel by owned or hired or borrowed car if they travels by public conveyance : Government Officers who are allotted Government vehicles and also those officers who are entitled to road mileage for journeys performed by their owned/hired/borrowed car will be entitled to daily allowance at 50% more than the normal rates for halts upto 10 days, if they travel by public conveyance i.e. by public bus or by railway.

72. Calculation of admissible Daily Allowance for stay in hotel : (1) The daily allowance for stay in hotel etc., shall be admissible at the respective rate for the concerned locality as shown in rule-69-II reduced by 10% thereof and in addition the lodging charges (exclusive of breakfast/meals) incurred by the Government employee for each calendar day subject to the condition that the daily allowance so calculated per day shall not exceed the rate laid down in the said rule for that locality.

- (2) When the daily allowance is claimed under sub rule (1), the Government employee shall attach with the travelling allowance bill or the voucher/s showing the lodging/boarding charges actually paid for the halts in hotel/institution and also give a certificate in the following form :-

"Certified that I have stayed in _____ hotel/institution at _____ from _____ to _____ and the said hotel/institution provides lodging/boarding at scheduled rates."

Date _____

Signature

Name and Designation

Note : Where more than one Government employee share the same room, the proportionate share of lodging charges for each day shall be treated as his lodging

charges and the daily allowance for him shall be calculated in the manner indicated above.

- 73. Daily Allowance when boarding or lodging is allowed free to a Government employee on tour :** A Government employee who, while on tour is allowed free boarding and lodging at the expense of any Government or an Autonomous, Industrial or Commercial Undertaking or Corporation, or a Statutory body or a Local Body, in which Government funds have been invested or in which Government have any other interest, shall draw only one-fourth the rate of daily allowance admissible to him at the station concerned. If only boarding or lodging is allowed free to such a Government employee he shall draw daily allowance at one-half of the admissible rate.
- 74. Daily Allowance to a Government employee who stays in circuit house, rest house etc., :** A Government employee, who stays while on tour in a Circuit House, Inspection Bungalow, Rest House, Aram Gruh, Pathikasharm etc., owned by Government or Local body without having to pay any charges for accommodation, shall also draw one-half of the appropriate rate of daily allowance. If however, such a Government employee has to pay any charges for his stay at such places, even though the said charges may not cover the entire cost of the facilities provided; no reduction in daily allowance shall be made.
- 75. Daily Allowance on Tour or Temporary Transfer :** The admissibility of daily allowance to a Government employee for continuous halts at places outside his headquarters during tour/ temporary transfer shall be as follows :-
- | | | |
|-------|------------------|----------------------|
| (i) | First 90 days | Full daily allowance |
| (ii) | For next 90 days | 50% daily allowance |
| (iii) | Beyond 180 days | Nil |
- Note 1 :** A halt is continuous unless terminated by an absence on duty at a distance from the halting place exceeding eight kilometers for a period including not less than three nights.
- Note 2 :** In calculating the duration of a halt, any day on which the Government employee travels or halts at a distance from the halting place exceeding eight kilometers shall be excluded.
- Note 3 :** A halt is considered to be terminated when a Government employee returns to his headquarters even though the return be for less that three nights.
- Note 4 :** For the purpose of this rule absence on leave is not "absence on duty" and should not be regarded as an interruption of halt.
- 76. Daily Allowance during training :** (1) The admissibility of daily allowance to a Government employee during the period of training at a place outside his headquarters, where boarding and lodging are not provided, shall be as follows :-
- | | | |
|------|-----------------|----------------------|
| (i) | First 180 days | Full daily allowance |
| (ii) | Beyond 180 days | Nil |
- (2) When free boarding and/or lodging is provided to the Government employee under training either by Government or by the sponsoring institution etc., the rate of daily allowance shall be regulated in accordance with the rule 73.

CHAPTER - VIII
TRANSFER TRAVELLING ALLOWANCE

- 77. Transfer Travelling Allowance when admissible :** (1) Travelling allowance may not be drawn under this chapter by a Government employee on transfer from one station to another unless he is transferred in public interest 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 in the public interest unless the authority sanctioning the transfer, for special reasons which should be recorded, otherwise directs.
- (2) A Government employee shall draw mileage allowance for a journey on transfer, including transfer from military to civil employ.
- (3) With a view to encouraging the adoption of small family norms by State Government employees, it has also been decided that travelling allowance on transfer will be restricted to only two dependent children of an employee. This restriction shall not, however, be applicable in respect of those employees who already have more than two children prior to 16-9-1998. Further, children of employees born between 16-9-1998 and 30-6-1999 will also be entitled to such benefits as are admissible under these rules to employees and their families on transfer irrespective of the number of children that they may already have. This restriction shall not also be applicable in respect of those employees who are presently issue less or have only one child and the subsequent pregnancy results in multiple births as a consequence of which the number of children exceeds two.
- 78. Entitlement of Transfer Travelling Allowance to Government employee in transit from one post to another :** (1) A Government employee in transit from one post to another shall be entitled to transfer travelling allowance to which the holding of the lower of the two posts would entitle him.
- (2) If the initial order of transfer is modified while the Government employee is in transit he shall be entitled to travelling allowance to which the holding of the lowest post of initial or the final order of transfer, would entitle him. Provided that if the initial order entitles him to travel by a higher class of accommodation by rail/road/ he may be allowed to claim travelling allowance admissible accordingly on his certifying that he actually travelled by the higher class.
- Instruction :** In a case covered by sub-rule (2) the officer who countersigns the travelling allowance bill should certify on the bill that the Government employee was initially transferred to one post and that by a subsequent order he was transferred to the post of which he assumed charge. The post or posts involved and the number and date of orders regarding such transfer should also be specified in the certificate.
- Note :** "Transit" shall include a period of leave.
- 79. Transfer of a Government employee from one station to another and again to a third station :** If a Government employee is transferred from station A to station B and again to station C, the interval between the first and subsequent transfer being within six months, he shall draw the actual fare for the journey from station A to station C made by any member of the family subject to the condition that the total amount claimed from station A to station C shall not exceed the amount admissible from station A to station B plus that admissible from station B to station C. For the purposes of this rule, the entitlement of a Government employee 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, subject to the condition that no travelling allowance would be admissible in respect of a member added to the family after the date of transfer.

- 80. Journeys of a family member of Government employee within six months before or after transfer :** A member of a Government employees' family who follows him to the new station within six months from the date of his taking over charge or precedes him to the new station by not more than one month before handing over charge may be treated as accompanying him. These time-limits may be extended by the competent authority in individual cases depending on special circumstances. If such member travels to the new station from a place other than the Government employee's old station, the Government employee 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 Rule 90, 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.
- 81. Transfer Travelling Allowance when husband and wife are both Government employees :** When both husband and wife are Government employees and are transferred at the same time or within six months of his / her transfer, from one and the same old station to one and the same new station, transfer travelling allowance shall not be admissible to both of them as independent Government employees. Either of them may claim transfer travelling allowance, the other being treated as a member of his / her family not in the Government's employment on furnishing the following certificate :-
- "Certified that my wife/husband _____ who is employed under the State Government and who has been transferred from _____ to _____ within six months of my transfer has not already claimed any Transfer Travelling Allowance in consequence of her/his transfer."
- 82. Transfer Travelling Allowance when charge of a post is taken or handed over at a place other than headquarters of the post :** A Government employee transferred from one post to another, under the orders of competent authority, if permitted to hand over charge of his old post or to take over charge of the new post at a place other than its headquarters, is entitled to the following concessions :-
- (a) Travelling allowance as on tour for the Government employee's actual journeys -
 - (i) from the old headquarters to the place of handing or taking over charge;
 - (ii) from the place of handing over charge to the place of taking over; and
 - (iii) from the place of handing/taking over charge to the new headquarters.
 - (b) In addition, travelling allowance for the conveyance of family and personal effects will be admissible from the old headquarters to the new headquarters at the prescribed rates and conditions.
- 83. Transfer Travelling Allowance when headquarters are changed while on tour :** A Government employee whose headquarters are changed while he is on tour and who proceeds to his new headquarters without returning to his old headquarters is entitled to travelling allowance at tour rates from the old headquarters to the tour outstation and from the tour outstation to the new headquarters, plus the concessions referred to in rule 82 (b).

- 84. Transfer Travelling Allowance when family members travel to a new station :** If the family of a Government employee, 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.
- 85. Government employee taking leave before joining a new post :** (1) A Government employee who goes on leave (excluding leave on medical certificate) not exceeding six 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 transfer travelling allowances under this chapter as for a journey from his old headquarters to new headquarters.
- (2) A Government employee who takes leave exceeding six months excluding leave exceeding six months on medical certificate while in transit from one post to another shall draw transfer travelling allowance excluding composite transfer grant.
- 86. Government employee posted to a new station on return from long leave :** When on return from leave exceeding six months but excluding leave exceeding six months on medical certificate, a Government employee is stationed at a headquarter other than that at which he was stationed when he proceeded on leave, he shall be entitled to transfer travelling allowance as admissible under this chapter.
- 87. Entitlement for journeys by Air on Transfer :** (i) A Government employee travelling by air on transfer between places connected by rail and/or steamer, is entitled to draw -
- (a) if he is entitled to travel by air on transfer, the air fares actually paid for himself and the members of his family; or if he is not so entitled, the air fares actually paid for himself and the members of his family, or the railway and/or steamer fares which would have been paid had he travelled by the appropriate class by rail and/or steamer, whichever is less; and
- (ii) A Government employee travelling by air on transfer between places connected by road only, is entitled to draw -
- (a) if he is authorised to travel by air on transfer, the air fare actually paid for himself and members of his family, or
- if he is not so authorised, lower of the following two :-
- (1) the air fares actually paid for himself and the members of his family; or
- (2) a single road mileage allowance at the rate which would have been applicable to him had he performed the journey by road if he travels alone, at twice the above rate if he is accompanied by two members of his family, and at thrice the above rate if accompanied by more than two members of his family.
- 88. Entitlement for journeys by rail on transfer :** A Government employee transferred from one place to another shall be entitled to the following in respect of the journeys on transfer performed by him by rail/steamer :-
- (1) actual fare by rail or steamer not exceeding the fare of the class to which he is entitled while in tour under rule 49.
- (2) 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.

- 89. Entitlement of class for journeys by road by public conveyance :** A Government employee himself or a member of his/her family travelling by public bus shall be entitled to actual bus fare paid limited to his entitlement under rule 56.
- 90. Entitlement for journey by road by mode other than public conveyance on transfer :** Where the Government employee himself with members of his family travels by road by a mode other than public conveyance on transfer, the entitlement shall be as under -
- (a) **Between places connected by rail :** Road mileage, limited to rail mileage by the entitled class.
- (b) **Between place connected by road only :** (i) For journeys in full taxi. Road mileage at prescribed rates under rule 51 as under notwithstanding how the Government employee and members of his family travelled -

For self	One road mileage
For one additional member of family	Nil
For two additional members of family	One additional road mileage
For more than two additional members	Two additional road mileage for family

- 91. Personal effects :** 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 of personal effects is reasonable.
- 92. Composite Transfer grant :** A Government employee transferred in public interest from one place to another shall be entitled to Composite Transfer grant as under :-
- (1) Half month's basic pay in case of transfers involving a change of station located at a distance of or more than 20 km. from each other.
- (2) In cases of transfer to stations which are at a distance of less than 20 km. from the old station and of transfers within the same city, the Composite Transfer Grant will be restricted to one-fourth of the basic pay, provided a change of residence is actually involved.
- 93. Entitlement of carriage of personal effects by rail on transfer :** The pay ranges and the entitlement for carriage of personal effects by rail shall be as under :-

Pay Range	Personal effect that can be carried
Rs. 16400 and above	Full four wheeler wagon or 6000 kg by goods train, or one Double Container.
Rs. 8000 and above but less than Rs. 16400	Full four wheeler wagon or 6000 kg by goods train, or one Single Container.
Rs. 6500 and above but less than Rs. 8000	3000 kg by goods train.
Rs. 4100 and above but less than Rs. 6500	1500 kg by goods train.
Below Rs. 4100	1000 kg by goods train. *

- * Such of those employees as are in receipt of pay of Rs. 3350 p.m. and above may be also be permitted to transport 1500 kg of personal effects by goods train.

- 94. Carriage of personal effects by road between places connected by rail :** In cases of carriage of personal effects by road between places connected by rail, a Government employee can draw the actual expenditure on transportation of personal effects by road or the amount admissible on transportation of the maximum admissible quantity by rail and

additional amount of not more than 25 per cent thereof, whichever is less.

Note : For the purpose of this rule Gandhinagar shall be treated as a place not connected by rail.

- 95. Carriage of personal effects by road from one place to another at new or old headquarters :** The allowance for carriage of personal effects between places connected by road only shall be at the following uniform rates :-

Pay Range	A-1/A/B-1 Class Cities	
	Other Cities	Rs. Per Km.
1	2	3
Rs. 8000 and above	30.00	18.00
Rs. 6500 and above but less than Rs. 8000	15.00	9.00
Rs. 4100 and above but less than Rs. 6500	7.60	4.60
Below Rs. 4100	6.00	4.00

Note-1 : The allowance at higher rates mentioned in column (2) will be admissible, only for carriage of personal effects from one place to another within the limits of A-1/A/B-1 Class Cities.

Note-2 : Such of those employees as are in receipt of pay of Rs. 3350 p.m. and above will, however, be entitled to the rates of allowance prescribed for employees in the next higher pay range of Rs. 4100 and above but less than Rs. 6500. The higher rate mentioned in Column (2) will be admissible in their cases as well only for carriage of personal effects from one place to another within the limits of A-1/A/B-1 Class Cities.

- 96. Carriage of personal effects from a place other than old station :** Subject to the prescribed maximum number of kilograms a Government employee may draw the actual cost of transporting personal effects to his new station from a place in India 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 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 kilograms been transported by goods train from the old to the new station direct.
- 97. Carriage of personal effects by "Quick Transit Service" :** The cost of transportation of personal effects on transfer may be allowed, subject to the maximum quantity prescribed under these rules, at the "Quick Transit Service" rates, if personal effects are actually transported by such service. A certificate to the effect that the personal effects were transported by the "Quick Transit Service" and that they reached the destination within the specified period, should be recorded by the claimant on the Travelling Allowance Bill.
- 98. Carriage of personal effects by passenger train :** If a Government employee carries his personal effects by passenger train 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 kilograms by goods train.

- 99. Expenditure on transportation of personal effects :** A Government employee claiming the cost of transporting personal effects must support his claim by a certificate that the actual expenses 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, etc., and the controlling officer shall scrutinize the details and satisfy himself that the claim is reasonable.
- 100. Carriage of conveyance of the Government employee on transfer :** (1) A Government employee travelling to join a post in which the possession of a conveyance is advantageous from the point of view of his efficiency, may draw the cost of transporting at owner's risk conveyance as per rule 102.

Explanation : A post in which the possession of a conveyance is advantageous from the point of view of efficiency is -

- (1) a post the duties of which entail touring over an area as large or larger than a taluka, or
- (2) a post to which a conveyance or permanent travelling allowance is attached, and
- (3) any other post in respect of which Government considers that it is in the interest of the public service that the Government employee holding the post should use a conveyance for the performance of his duties.

Note : When a Government employee who is transferred from a post in which the possession of a conveyance 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 is advantageous from the point of view of his efficiency, he may draw the cost of its transport from the first to the last station, provided, that the conditions, in this sub-rule are fulfilled and he certifies that the conveyance was possessed by him at the first station.

- (2) A Government employee claiming the cost of transporting a conveyance, must support his claim by a certificate that the actual expense incurred was not less than the sum claimed. Such a certificate must give details of the conveyances transported.
- (3) The scales for transportation of conveyance on transfer at Government expense will be as follows :-

Pay RangeScale

Rs. 6500 and above	One motor car, or one motor cycle/scooter.
Less than s. 6500	One motor cycle/scooter/moped or one bicycle.

- 101. Journey of a chauffeur or cleaner :** A second class rail fare, by the shortest route between the stations from and to which the motor car is actually carried by rail, may be drawn in respect of a chauffeur or cleaner, provided a certificate is furnished by the officer concerned that a chauffeur or cleaner, other than a domestic employee, was actually employed and that he (the chauffeur or cleaner) actually travelled by rail on the route for which transportation charges of the motor car by rail are claimed. The chauffeur or cleaner need not necessarily travel in the same train which carried the car.

102. Reimbursement of the cost of transportation of conveyance by rail : (1) On occasions when a Government employee is authorised to convey his motor car or motor cycle by rail at the public expenses, he may do so at railway's risk by passenger train or goods train at his option. In the former case the actual freight charged by the Railways may be drawn by the Government employee. In the latter case, i.e., if the conveyance is despatched by goods train, the Government employee may draw in addition to the freight charged by the Railways, the cost of packing and of transporting the packed conveyance to and from the goods-shed at the stations of departure and arrival, provided that the total amount so drawn shall not exceed the freight charged for transporting the conveyance by passenger train.

(2) If a Government employee has kept his conveyance at a station other than the one from which he is transferred, he may draw the actual cost of transporting the conveyance from the station where it is kept to the station to which he is transferred, provided that the amount so drawn shall not exceed, the amount admissible, had it been conveyed from the old station to the new station direct, and provided further that the conveyance is actually transported to the new station within a reasonable time before or after the officer is transferred.

103. Transportation of the conveyance under its own propulsion or loading it on a truck : (1) When a Government employee who is authorised to convey his motor car or motor cycle at public expense, transports the same under its own propulsion by road or by loading it on a truck between places connected by rail, he shall be entitled to claim the cost of transportation limited to expenditure on transportation by passenger train.

(2) When a Government employee who is authorised to convey his motor car or motor cycle at public expense, transports the same under its own propulsion by road or by loading it on a truck between places not connected by rail, he shall be entitled to claim the transportation charges at the rates laid down in rule 104.

Note : Where the conveyance is sent under its own propulsion and the Government employee does not travel in the conveyance he shall be entitled to a separate fare by rail/air or to a separate road mileage for himself. However, when the Government employee travels in his/her own car, he shall not be entitled to any separate fare by train/air or road mileage. Appropriate mileage allowance will be admissible for the members of his family if they travel otherwise than by the conveyance being transported under its own propulsion.

104. Rates of transportation of conveyance by road : Allowances admissible for transportation of conveyance by road shall be at the following rates, subject to the condition that the Government employee himself and the members of his family, if they accompany him on transfer and for whom travelling allowances has been claimed, do not travel by the conveyance transported and further subject to that the total amount of the allowance claimed does not exceed the cost condition of transportation of the conveyance by passenger train :-

Motor car (petrol driven)	400 paise per K.M.
Motor car, jeep, station wagon (diesel driven)	200 paise per K.M.
Motor cycle/scooter (two wheeler)	100 paise per K.M.

105. Additional fare to Government employee on transfer : A Government employee will be entitled to an additional fare for himself by the entitled class for both onward and return journey, in addition to the normal transfer travelling allowance entitlement, if he has to leave his family behind because of non-availability of Government residential accommodation at the new place of posting.

Note-1 : In cases where the Government accommodation is available and the officer does not accept the Government accommodation allotted to him on the ground of being of lower category or for any other reason, he shall not be entitled to the additional fare under this rule, since the Government accommodation is made available and the officer had refused it.

Note-2 : When a Government employee brings family before actual allotment and if transfer travelling allowance has been claimed for such family members, he is not entitled to additional fare under this rule.

CHAPTER - IX OTHER JOURNEYS

106. Travelling Allowances admissible on retirement : A Government employee shall be entitled to travelling allowances on his retirement as follows :-

- (1) A permanent Government employee on retiring (including voluntary retirement), superannuation, invalid or compensation pension shall be entitled to following travelling allowances in respect of journey of himself and members of his family from the last station of his duty to his home town and in respect of the transportation of his personal effects between the same places :-
 - (i) For journeys by rail or steamer or air, actual fares of the class of accommodation to which he was entitled on the date when he was last on duty in respect of self and members of his family.
 - (ii) For the journeys by road one mileage allowance for himself and one member of his family, a second mileage if two members of the family travel with him and a third mileage allowance if more than two members of his family travel with him as per rate applicable to the Government employee on the date when he was last on duty under rule 52.
 - (iii) Actual cost of transportation of personal effects as per scale as admissible under rules 93 to 96.
 - (iv) Composite Transfer Grant equal to half month's basic pay last drawn in case of those employees who, on retirement, settle down at places other than the last station(s) of their duty located at a distance of 20 k.m. or more than 20 km. Government employees who, on retirement, settle at the last station of duty itself or within a distance of less than 20 km may be paid the Composite Transfer Grant equal to one fourth of the basic pay last drawn by them, subject to condition that a change of residence is actually involved.
 - (v) The expenditure on transportation of conveyance by Government employees on their retirement shall be reimbursed at the rates prescribed under rule-100 (3) without insisting on the requirement that the possession of the conveyance by them while in service at their last places of duty should have been in public interest.

Note : For journey partly by one mode of travel and partly by another, the travelling allowances shall be admissible as per clauses (i) and (ii) in so far as they are respectively applicable.

- (2) The travelling allowance under sub-rule (1) shall be admissible by the shortest route from the last place of duty of the Government employee to his home town which a Government employee has declared as such for the purpose of leave travel concession. When a home town is not declared the place entered in his service book or other service record shall be treated to be his home town.

- (3) Where a Government employee desires to settle at a place other than his home town he may be paid travelling allowances under sub-rule (1) upto the later place, subject to the condition that the amount reimbursable to him would be that which would have been admissible had he actually proceeded to his home town; or the amount reimbursable had the later place been the home town; whichever is less.
- (4) Travelling allowance under this rule shall not be admissible to Government employees who quit service by resignation or who is dismissed or removed from service.
- (5) The travelling allowance under this rule shall also be admissible to temporary Government employees including those borne on work-charged establishment who retire on attaining the age of superannuation or are invalidated or retrenched from service without being offered any alternative employment provided they have put in a total service of not less than ten years under the State Government at the time of such retirement or invalidation or retrenchment.
- (6) The travelling allowance under this rule shall not be admissible to Government employees -
 - (a) who are not in whole time employment,
 - (b) who are paid from contingencies, and
 - (c) those who are engaged on contract basis.
- (7) Where an officer is re-employed under the state Government within six months of the date of his retirement, the travelling allowance admissible under sub-rule (1) may be allowed to him within six months from the expiry of the period of his re-employment.

107. Option for drawing Travelling Allowance on retirement : (1) The retiring Government employee shall have the following option to prefer the claim for retirement travelling allowance :-

- (i) to prefer the travelling allowance claim after actually performing the journey and transportation of personal effects within six months after the date of retirement

OR

- (ii) to draw lump sum travelling allowance in lieu of the travelling allowance as admissible under the said rule as follows :
 - (a) Railway / Air fare for the class of entitlement for self and eligible family members.
 - (b) Composite Transfer grant as per scale admissible under rule 92.
 - (c) Transportation cost of personal effects as if maximum weight prescribed under rule 93 is conveyed to hometown by goods train.

- (2) The Government employee who opts for drawal of lump sum travelling allowance under sub rule (1) shall not be required to produce any certificate regarding journey performed etc., at the time of claiming the said amount. The amount of lump sum travelling allowance shall be paid on the last working day of his service.
- (3) In case of drawal of lump sum travelling allowance under sub rule (1) the Government employee shall give to the controlling officer within six months from the date of drawal of the lump sum amount a certificate that he/she has actually performed journey and shifted the personal effects as claimed in the said lump sum bill.

108. Procedure for drawing Travelling Allowance bills for journey to hometown on retirement : The provisions for drawal and payment of travelling allowance bills for the journey of the Government employee on his retirement to hometown under rule 106 shall be as under :-

- (1) The travelling allowance claims admissible under this rule shall be drawn on travelling allowance bill forms like transfer travelling allowance claims and the same in respect of the Government employees who were their own controlling officers before retirement and shall be countersigned by the next superior administrative authority.
- (2) Before reimbursing the travelling allowance admissible under rule 106, or after making lump sum payment of travelling allowance amount under rule 107 the countersigning authority shall satisfy itself, as far as possible, that the claimant and members of his family actually performed the journey to the hometown or the other place to which he might have proceeded to settle there, e.g. by requiring the production of original vouchers relating to transportation of personal effects, conveyance etc.
- (3) Payment of travelling allowance claims under rule 106 shall be made by the Treasury Officer or Pay and Accounts Officer even after the issue of a last pay certificate.

109. Travelling Allowance for settling down on retirement at last station of duty : A Government employee who on retirement, wishes to settle down permanently at the last station of duty and who is required to change his residence as a result of his retirement, shall be entitled to travelling allowance to the extent indicated below :-

- (i) For the road journey between old residence to new residence one road mileage allowance for self and one additional for each member of his family as per scale admissible under rule 52.
- (ii) Actual cost of transportation of personal effects not exceeding the amount admissible under rules 93 to 95 excluding composite transfer grant.
- (iii) An allowance for transportation of conveyance as admissible under rule 104 where allowance referred to in sub-clause (i) shall not be admissible for self and members of his family travelling by the conveyance. If they travel otherwise, the same shall be admissible.

Note 1 : No other travelling allowance shall be admissible.

Note 2 : The admissibility of the travelling allowance shall be subject to other conditions laid down in rule 106.

Note 3 : The term 'last station of duty' means the area falling within the jurisdiction of the Municipality or Corporation, including urban agglomeration areas and the places, where the Government employee was posted immediately before his retirement.

110. Journey by families of Government employee who dies while in service : (1) The members of the family of a Government employee who dies while in service may draw the following travelling allowances, provided they complete the journey within six months after his death :-

- (i) For journeys by rail, road or river actual fares of the class of accommodation to which he was entitled on the date when he was last on duty in respect of self and member of his family;

- (ii) Actual cost of transportation of personal effects as per scale as admissible under rule 93 to 96.
 - (iii) For the journeys by road by hired/owned/borrowed vehicle one mileage allowance for one member of his family, a second mileage if two members of the family travel and a third mileage allowance if more than two members of his family travel as per rate applicable to the Government employee under rule 52 on the date when he was last on duty.
 - (iv) Composite Transfer grant on the scale referred to in rule 92 on the basis of duty pay, last drawn before death.
Note : For journey partly by one mode of travel and partly by another, the travelling allowances shall be admissible as per clause (i) and (iii) in so far as they are respectively applicable.
- (2) The travelling allowance under sub rule (1) shall be admissible by the shortest route from the last place of duty of the Government employee to his home town which a Government employee has declared as such for the purpose of leave travel concession. Failing such a declaration by the Government employee of his home town the place entered in his service book or other service record shall be treated to be his home town.
 - (3) If at the time of a Government employee's death a member of his family happens to be at a station other than the Government employee's last headquarters or being there proceeds to a station other than a place referred to in sub-rule (2), such member may draw the actual fare for the journey made by rail or road or steamer, for the actual distance travelled and cost of transport of personal effects from the place where he was at the time of the Government employee's death to the place to which he actually travelled provided that the total expenses claimed shall not exceed the total mileage allowance and cost of transportation of personal effects up to the prescribed limits that would have been admissible had such member travelled from the headquarters of the Government employee to a place referred to in sub-rule (2).
 - (4) The forgoing provisions of this rule shall not apply to -
 - (a) the Government employees engaged on contract and those who are not in the whole-time employment of Government.
 - (b) the Government employees paid from contingencies.
 - (c) the Retired Government employees who have been re-employed.
 - (d) the Temporary Government employees who have not rendered three year's continuous service.
 - (5) (a) The payment of travelling allowance to the families of the deceased Government employee shall be made in the order of precedence given below :-
 - (i) The surviving widow or the eldest among them if there be more than one surviving widow (not being a minor) if the deceased Government employee was a male officer, or the husband if the deceased was a female officer;
 - (ii) The eldest surviving (dependent) child of the deceased Government employee provided that he/she has attained the age of majority;

(iii) Any person who in the opinion of the Head of Office, is fit to receive payment on behalf of the minor, (s), subject to the execution by such person of a bond, duly signed by two sureties, agreeing to indemnify Government against any subsequent claim, provided that such a bond may be dispensed with when payment is made to a legal guardian.

(b) The amount may be drawn on Travelling Allowance bill by the Head of office under whom the deceased Government employee last served.

111. Journey when proceeding on or returning from leave : (1) Except as otherwise provided in these rules, a Government employee shall not be entitled to any travelling allowance for a journey made during leave or while proceeding on or returning from leave.

(2) Government may for special reasons permit any Government employee to draw for a journey of the kind specified in rule 115, travelling allowance as for a journey on tour.

Note : The Travelling allowance of a Government employee on leave, if otherwise admissible, shall be regulated by the pay and grade of the post held by him, prior to his proceeding on leave.

(3) A military officer in civil employ being a departmental warrant officer when proceeding on or returning from leave on medical certificate, is entitled to the same concessions which he would have received in military employ.

112. Journey during leave or suspension : (1) If a Government employee while on leave undertakes a journey under proper authority in the public interest, he may draw travelling allowance as for a journey on tour; provided that if the journey extends beyond the limits of the State of Gujarat previous sanction of the Government shall be required.

(2) A Government employee under suspension shall be entitled to travelling allowance as on tour for journeys performed by him while under suspension for appearing before the Enquiry Officer when the enquiry is held at a station other than his headquarters provided that the enquiry is not so held at that place at express request of the Government employee under suspension.

Note : The Travelling Allowance of such Government employee, if otherwise admissible, shall be regulated by the pay and grade of the post held by him, prior to his suspensions.

113. Travelling Allowance admissible to a Government employee when compulsorily recalled to duty from leave : (1) When a Government employee 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 journey from the place where the order of recall reaches him. If the period by which the leave is curtailed is less than one month, the authority recalling the Government employee shall decide whether mileage allowance should be granted or not.

(2) If in similar circumstances he is transferred, he may in lieu of so much of the travelling allowance admissible under rule 85 as relates to himself and his family draw at his option mileage allowance from the place prescribed in sub-rule (1) to his new station.

114. Journey to attend meeting of non Government bodies : When a Government employee attends in his official capacity, any meeting or function of a non-official body like a Board, a Corporation or such other Institution, which entitles him to claim travelling allowances for such attendance, his travelling allowance shall be regulated as under :-

The Government employee shall claim the travelling allowance, from the non-official body

concerned and he may either -

- (i) retain the travelling allowance received by him from body and in that case he shall not claim any travelling allowance from Government; or
- (ii) draw the travelling allowance admissible to him under the rule from Government and credit the amount of travelling allowance received by him from the non-official body concerned to Government under the relevant Budget Head.

115. Journey undertaken for inspection of documents etc. during leave/suspension : A Government employee including Government employee on foreign service who travels from his own headquarters to any other place for inspection of documents relevant for the purpose of preparing his defence case against charges framed against him, shall be entitled to travelling allowance as on tour, whether he is on duty or on leave or under suspension, provided that -

- (i) The inquiry officer certifies that the official records to be inspected are relevant and essential for the preparation of defence statement.
- (ii) The competent authority certifies that the original records could not be sent to the Head quarters of the Government employee or copies thereof could not be made out and sent.
- (iii) The Head of Office under whose administrative control the Government employee is, has given his approval to the journey provided that where the enquiry is held at a place other than the headquarters of the Government employee expressly at his own request, no such certificate under condition (ii) shall be given.

Provided further that the Government employee shall not be entitled to any daily allowances for halts for more than three days on journey or at the out stations.

Note : In the case of a Government employee who is under suspension at the time he undertakes the journey, and who is subsequently reinstated in service, the period spent in transit to and from and the minimum period of stay required at the place where official records are made available, shall be treated as on duty, leave or otherwise in accordance with the orders passed by the competent authority regulating the period of suspension.

116. Journey to give evidence of facts of which the Government employee has official knowledge : The following provisions apply to a Government employee who is summoned to give evidence 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 :-

- (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 paid by 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 eight kilometers 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.

Provided that the facts as to which he is to give evidence have come to his knowledge in the discharge of his public duties.

Note 1 : A Government employee summoned to give evidence while on leave or under suspension is entitled to travelling allowance under this rule for the journey from and to the place from which he is summoned as if he was on duty.

Note 2 : A Government employee summoned to give evidence in circumstances other than those described in this rule or summoned for any other purpose in his private capacity as for example, to serve as juror or assessor, is not entitled by reason of his position as a Government employee to any payments other than 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.

Note 3 : The period, spent by the Government employees in attending Court of law as juror or assessors, with the permission of their respective Head of Department, should be treated as special causal leave, which should not be debited to the casual leave account. However, such Government employees during period of leave, will not be given any extra leave for such attendance nor will their leave be considered to have been interrupted by such attendance.

117. Travelling Allowance to a retired Government employee for attending departmental enquiry : (1) A retired Government employee may be allowed travelling allowance as on tour by the shortest route for the following journeys from his "hometown" (declared as such for the purposes of the Leave Travel Concession) to the place of enquiry and back :-

- (i) to attend departmental inquiry against him.,
- (ii) to act as defence assistant in a departmental inquiry against another Government employee.
- (iii) to give evidence in a departmental inquiry against a Government employee.
- (iv) to peruse the official documents in preparation of his defence in the departmental proceedings against him.
- (v) for attending Courts in connection with a departmental proceedings against him or against any other Government employee.

Alternatively, in case the person concerned has taken up residence after retirement at a place other than his "hometown", he may be allowed travelling allowance for journeys from such place of residence to the place of enquiry and back. The place of residence means the place for which post-retirement travelling allowance claim was drawn or the place (Bank/Treasury) from which pension is being drawn. However, if at the time of receipt of summons, the retired Government employee is at a place different from his "hometown" or place of residence, the travelling allowance should be restricted to the shorter of the two journeys between that place to the place of enquiry and the "hometown" / place of residence to the place of enquiry.

- (2) On furnishing the necessary details of attendance from the respective authority by the retired Government employee, the travelling allowance bills shall be drawn by the office from which he retired if the journey has been undertaken in connection with the departmental inquiry against him otherwise by the office to which the Government employee pertaining to whom the departmental proceedings, Court case belongs.

Note : The travelling allowance shall be regulated in accordance with entitlement based on the pay of the retired Government employee immediately prior to retirement.

118. Journey to attend examination : (1) A Government employee appearing for any departmental or language examination shall be entitled to draw travelling allowance as on tour for the journey undertaken and daily allowance for halts made subject to following conditions :-

- (1) Travelling allowance shall not be drawn under this rule more than twice for any particular examination, and

- (2) a Head of a Department may disallow travelling allowance under this rule to any candidate who in his opinion -
 - (i) has culpably neglected the duty of preparing himself for an obligatory examination, or
 - (ii) does not display a reasonable standard of proficiency in an examination which is not obligatory.
- (3) Where a Government employee performs journey to the place of examination but the examination is not held, he shall be allowed to draw travelling allowance provided intimation regarding cancellation of the examination was not given to him or could not reach him before the commencement of the journey by him.
- (4) Candidates who have failed and claim travelling allowance should be required to produce a certificate for its payment from the authority conducting the examination concerned.
- (5) Proportionate permanent travelling allowance for the days for which daily allowance is drawn under this rule shall be deducted in respect of the Government employees in receipt of permanent travelling allowance.
- (2) A Government employee on leave may, for a journey undertaken for the purpose of appearing for an examination, draw, if he is otherwise eligible, travelling allowance and daily allowance as per sub rule 1 for a journey on tour from the place where he was last on duty or from the place where he is residing, whichever entitles him to less.

119. Miscellaneous Journeys : The following journeys performed by a Government employee shall be treated as tour on duty :

- (1) Government employees summoned by or at the request of the Gujarat Public Service Commission, or of Government, or of Head of Department or Office for interview, not connected with advertised posts, may be allowed to draw travelling allowance as for a journeys on tour. No daily allowance for halts on the journey may however, he allowed in such cases.
- (2) A Government employee proceeding in his official capacity to a police station to lodge a complaint or give information of an offence but no travelling allowance is admissible to Government employee summoned by a police officer to give evidence before him.
- (3) A Government employee performing journeys for the purpose of answering civil or criminal charges brought against him in consequence of acts performed him in the course of his official duties in the cases in which a competent authority has decided to undertake his defence at the public cost.
- (4) A Government employee who is compelled to travel to another station in order to obtain a medical certificate in support of his application for leave or to obtain countersignature of a medical officer of Government on the certificate in support of an application for leave issued to him by a registered medical practitioner, and the medical officer of Government requires the Government employee to see him.

Note-1 : A certificate from the Government medical officer to the effect that the Government employee was required to appear before him should accompany the claim for the travelling allowance.

Note-2 : The countersignature should ordinarily be obtained from the nearest medical officer of Government.

Note-3 : Travelling Allowance shall not be admissible for a journey to obtain a medical certificate or countersignature upon a medical certificate in support of an application for extension of leave.

- (5) A Government employee is required under the orders of the head of his office to obtain the countersignature of medical board or officer upon a certificate pronouncing him fit to return to duty from leave granted on medical certificate.
- (6) A Government employee who is directed by his appointing authority in the interest 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 or Medical Officer.

Note : Travelling Allowance bill must be supported by a certificate that he was directed to apply for an invalid pension in the interest of the public service and that he did not voluntarily ask to retire.

- (7) A journey undertaken by a Government employee to appear before a Medical Board in case his appeal against the report of a Medical Officers or a Standing Medical Board recommending invalidation is referred to a Medical Appeal Board and if the findings of the board are in his favour.

Instruction-1 : The journey referred to sub-rules (4), (5) and (6) should not be undertaken without the previous permission of the controlling officer, if such permission can be obtained without risk to the Government employee requiring medical advice, Controlling Officers must take care, that undue advantage is not taken of this privilege. If the absence of the invalid Government employee from his station be prolonged, he should be required to ask leave on medical certificate.

Instruction-2 : Except as provided in sub-rules (4) to (7) no travelling allowance is admissible for a journey undertaken in order to appear before a Medical Board or Officer.

Instruction-3 : Travelling Allowance under sub-rules (4) to (7) shall be calculated as for a journey on tour, but no daily allowance may be drawn for halts on the journeys.

CHAPTER - X

DRAWING AND CONTROLLING OFFICERS FOR TRAVELLING ALLOWANCE BILLS

- 120. Countersignature on Travelling Allowance bills :** No bill for travelling allowance other than a bill for permanent travelling allowance, shall be paid unless it is signed or countersigned by the controlling officer of the Government employee who presents it.

Instruction : The controlling officer shall see that the nature of the public duty that necessitated the journey or function performed such as "Inspection", "Examination of Record", "Local Investigation", etc., is briefly but definitely stated in the column in the heading "Purpose of journey" in the travelling allowance bill.

- 121. Controlling Officers :** All class I officers shall be controlling officers in respect of their own travelling allowance bills as well as those of the establishment under them.

- 122. Duties and powers of the Controlling Officers :** The following shall be the duties and powers of the controlling officer countersigning the travelling allowance bill :-

- (1) To scrutinise the necessity, frequency, and duration of journeys and halts for which travelling 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;
- (2) To scrutinise carefully the distances entered in travelling allowance bills;
 - (3) To satisfy himself that where the actual cost of transporting, personal effects, etc., is claimed under these rules, the scale on which such effects, etc., were transported is reasonable; and to disallow any claim which in his opinion does not fulfil this condition.
 - (4) To observe any subsidiary rules or orders which a competent authority may make for his guidance;
 - (5) To satisfy himself that the particulars of the journey performed by non-gazetted Government employee is certified by the gazetted Government employee under whose instructions the journey is performed.
- 123. Responsibility of drawing officers of Travelling Allowance bills :** It shall be the responsibility of each drawing officer who draws the travelling allowance bills to keep a office copy of the same and to satisfy himself to ensure that no claim is preferred twice.
- 124. Disciplinary action for preferring false Travelling Allowance claims :** In case it is proved that a Government employee has preferred false travelling allowance claim, punishment under the Gujarat Civil Services (Discipline and Appeal) Rules 1971 shall ordinarily be that of removal from service, irrespective of the amount of false travelling allowance unless there are strong extenuating circumstances warranting lesser punishment.
- 125. Register of Travelling Allowance bill :** Each controlling officer countersigning the travelling allowance bills shall, to satisfy himself that he has not passed a prior claim for the same journey, maintain a register of travelling allowance bills countersigned by him. The register shall contain the following particulars in respect of each bill, separate pages being allotted for each Government employee.
1. Name of the Government employee and his designation.
 2. Month of claim.
 3. Dates of journeys.

CHAPTER - XI

REPEAL AND SAVINGS

- 126. Repeal and Savings :** The Bombay Civil Services Rules, 1959 (as adapted by Government of Gujarat) so far as they relate to Travelling Allowance are hereby repealed :
- Provided** that such repeal shall not affect the previous operation of the rules so repealed or anything done or any action taken there under.

By order and in the name of the Governor of Gujarat.

(SUDHIR MANKAD)

Principal Secretary to Government.

APPENDIX – I**[See Rule - 7 & 8]*****Authorities to whom powers under the Gujarat Civil Services (Travelling Allowance) Rules, 2002 have been delegated***

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
1.	9(23)(e)	Powers to regularise the period of compulsory waiting to 'duty'.	Administrative Departments	Upto a period of fifteen days	Upto a period of fifteen days	Upto a period of fifteen days
2.	9(34)	Declaring an officer as Head of Department.	Administrative Departments	Full powers subject to observation of the following conditions: 1. The officer should be the Head of an identifiable organisation 2. The minimum of the pay scale of the officer should not be less than that of the Deputy Secretary to Government. 3. These powers should be exercised only by the Secretary of the Administrative Department.		
3.	9(52)	To make officiating appointment for a period not exceeding two months.	All Gazetted Heads of Offices.	Government employees holding Class III posts under their control.	Appointments should be made from the approved list of candidates if there be any and all appointment should be reported immediately to the appointing authority.	

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
4.	9(52)	To make officiating appointments for a period not exceeding twelve months.	All Heads of Departments.	Government employees holding Class II posts under their control.	<p>1. Appointments should be made in accordance with approved recruitment rules.</p> <p>2. Appointments otherwise than by promotion or transfer should be made by means of advertisements.</p> <p>3. Appointment should be reported immediately to the Government.</p> <p>4. Appointments should be made on the minimum of the scale of pay for direct recruitment.</p> <p>5. Appointments by promotion should be made from Government employees in the approved select list if any.</p>	
5.	9(52)	To make officiating appointment for a period not exceeding twelve months.	<p>1. Director of Education</p> <p>2. Director of Technical Education</p> <p>3. Commissioner of Health, Medical Services & Medical Education.</p>	Government employees under their control holding Class I posts and performing duties in connection with teaching.	Same conditions as in the case of item 4 above.	

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
6.	9(52)	To make officiating appointment in place of Government employees deputed for training.	Any authority having power to make appointments during leave vacancies.	All Government employees under their control.	Same conditions as in the case of item 4 above.	
7.	9(60)	Powers to sanction pension	(1) Administrative Departments of Sachivalaya (2) All Heads of Departments (3) Appointing Authority	Full powers - do - - do -	In respect of Heads of Department In respect of all class one and two officers excluding Heads of Department In respect of all class three and four Government employees	
8.	23	Grant of permanent travelling allowance to a Government employee holding more than one post to which the same is attached.	The authority authorising the sanction of holding additional charge.	Full powers		

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
9.	46	Grant of mileage allowance for journey performed by other than shortest route.	The controlling officer.	Full powers		
10.	80	Accepting claims of travelling allowance for journey of a family member of a Government employee beyond six months before or after transfer.	(1) The Heads of Department (2) The controlling officer	Full powers Full powers		
11.	115	Sanctioning the entitlement of travelling allowance for journey undertaken for inspection of documents etc., during leave/ suspension of a Government employee.	The appointing authority of the concerned Government employee.	Full powers		

APPENDIX - II**[See Rule - 9 (34)]**

List of Officers who are deemed as Heads of Department for the purpose of various sets of the Gujarat Civil Service Rules, 2002

1.0 AGRICULTURE, CO-OPERATION & RURAL DEVELOPMENT DEPARTMENT :

- 1.1 Secretary to Government.
- 1.2 Director of Agriculture.
- 1.3 Director of Animal Husbandry.
- 1.4 Director of Sugar
- 1.5 Director of Co-operative Societies.
- 1.6 President, Gujarat State Co-operative Tribunal.
- 1.7 Director of Horticulture.

2.0 EDUCATION DEPARTMENT :

- 2.1 Secretary (Education) to Government.
- 2.2 Secretary (Technical and Higher Education)
- 2.3 Commissioner of Higher Education
- 2.4 Commissioner of Mid-day-Meals and Schools)
- 2.5 Director of Primary Education
- 2.6 Director of Technical Education
- 2.7 Director of N.C.C.
- 2.8 Director of State Project Gujarat Primary Education Council
- 2.9 Director of Gujarat Council Education Research & Training
- 2.10 Director of Literacy and Continuing Education
- 2.11 Chairman, Gujarat Secondary Education on Board
- 2.12 Gujarat Primary Education Tribunal, Ahmedabad
- 2.13 Director Gujarat Education Technology Bhavan
- 2.14 Chairman, Gujarat State Examination Board
- 2.15 Director of State Project
- 2.16 Chairman, Technical Examination Board

3.0 ENERGY AND PETROCHEMICAL DEPARTMENT :

- 3.1 Secretary to Government.
- 3.2 Chief Electrical Inspector and Collector of Electricity Duty.
- 3.3 Secretary, Gujarat Electricity Regulatory Commission.
- 3.4 Director of Petroleum.

4.0 FINANCE DEPARTMENT :

- 4.1 Secretary to Government.
- 4.2 Director of Accounts and Treasuries
- 4.3 Commissioner of Sales Tax.
- 4.4 President, Gujarat Sales Tax Tribunal
- 4.5 Director of Insurance.
- 4.6 Director of Pension and Provident Fund.

5.0 FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT :

- 5.1 Secretary to Government.
- 5.2 Director of Civil Supplies.
- 5.3 Director of Food.
- 5.4 Food and Civil Supplies Controller.
- 5.5 The Registrar, Consumer Disputes Redressal Commission.
- 5.6 Controller of Weights & Measures.

6.0 FOREST AND ENVIRONMENT DEPARTMENT :

- 6.1 Secretary to Government.
- 6.2 Principal Chief Conservator of Forests.
- 6.3 Conservator of Forests.

7.0 GENERAL ADMINISTRATION DEPARTMENT :

- 7.1 Secretary to Government.
- 7.2 Secretary to Governor.
- 7.3 Comptroller to the Governor
- 7.4 Commissioner of Inquiries and Member Secretary, Concurrent Vigilance Cell
- 7.5 Director, Directorate of Economics & Statistics
- 7.6 Director of Evaluation
- 7.7 Secretary, Gujarat Public Service Commission
- 7.8 Secretary, Subordinate Staff Selection Board
- 7.9 Chief Editor, Gujarat District Gazetteers
- 7.10 Director of Languages
- 7.11 Commissioner of Training and Director, Sardar Patel Institute of Public Administration
- 7.12 Resident Commissioner, New Delhi
- 7.13 Secretary, Gujarat Civil Services Tribunal
- 7.14 Registrar, Office of Hon'ble Lokayukta
- 7.15 Secretary, State Election Commission

8.0 HEALTH AND FAMILY WELFARE DEPARTMENT :

- 8.1 Secretary to Government.
- 8.2 Commissioner of Health, Medical and Medical Education
- 8.3 Additional Director (Health) Office of the Commissioner of the Health, Medical Services and Medical Education
- 8.4 Additional Director (Medical) Office of the Commissioner of Health, Medical Services and Medical Education
- 8.5 Additional Director (Medical Education) Office of the Commissioner of Health, Medical Services and Medical Education
- 8.6 Director of Medical Services (E.S.I. Scheme)
- 8.7 Director of Indian System of Medicine and Homeopathy
- 8.8 Commissioner of Food & Drugs Control Administration
- 8.9 Director of Stock Holding Central Medical Stores Organization

9.0 HOME DEPARTMENT :

- 9.1 Secretary to Government.

- 9.2 Director General and Inspector General of Police
- 9.3 Cammandant General Home Gards
- 9.4 Additional Inspector General of Police, Police Computer Center
- 9.5 Inspector General of Prisons.
- 9.6 Director of Transport
- 9.7 Secretary, Gujarat Vigilance Commission
- 9.8 Director of Sainik Welfare
- 9.9 Director of civil Defence
- 9.10 Director of Forensic Science Laboratory
- 9.11 Additional Director General of Police Public Prosecution,
- 9.12 Commissioner and Additional Director General of Police, Prohibition & Excise
- 9.13 Director General of Police & Director, Anti-Corruption Bureau

10.0 INDUSTRIES AND MINES DEPARTMENT

- 10.1 Secretary to Government.
- 10.2 Industries Commissioner
- 10.3 Commissioner of Cottage Industries
- 10.4 Commissioner of Geology and Mining
- 10.5 Director of Government Printing & Stationery
- 10.6 Commissioner of Tourism
- 10.7 Commissioner of Payment
- 10.8 Commissioner of Trade & Commerce

11.0 INFORMATION AND BROADCASTING DEPARTMENT

- 11.1 Secretary to Government
- 11.2 Director of Information
- 11.3 Commissioner of Entertainment Tax

12.0 NARMADA AND WATER RESOURCES DEPARTMENT :

- 12.1 Secretary to Government.
- 12.2 Chief Engineers
- 12.3 Superintending Engineers of Circles
- 12.4 Superintendign Engineers of Water Resources Investigation Circles
- 12.5 Area Development Commissioner
- 12.6 Additional Collectors (Irrigation)
- 12.7 Director, Gujarat Engineering Research Institute
- 12.8 Chief Controller of Accounts (Narmada Project)

13.0 LABOUR AND EMPLOYMENT DEPARTMENT :

- 13.1 Secretary to Government.
- 13.2 Commissioner of Labour
- 13.3 Commissioner of Rural Labour
- 13.4 Director of Employment and Training
- 13.5 Registrar, Industrial Court and Wage Boards
- 13.6 Registrar of Labour Court

14.0 LEGAL DEPARTMENT :

- 14.1 Secretary to Government.
- 14.2 Advocate General
- 14.3 Charity Commissioner
- 14.4 Chief Judge of Court of Small Causes
- 14.5 Chief Magistrate for the City of Ahmedabad
- 14.6 District and Session Judges
- 14.7 Official Trustee and Administrator General
- 14.8 Principal Judge, City Civil and Sessions Court
- 14.9 Registrar, Gujarat High Court
- 14.10 Member Secretary, Gujarat State Legal Services Authority.
- 14.11 Principal Judge, Family Court
- 14.12 Inspecting Officer (Court Fees) and Ex-Officio Chief Inspector (Court Fees)
- 14.13 Registrar, Gujarat Public Works Contract Disputes Arbitration Tribunal.

15.0 PANCHAYAT RURAL HOUSING AND RURAL DEVELOPMENT DEPARTMENT :

- 15.1 Secretary to Government.
- 15.2 Development Commissioner
- 15.3 The Gram Vikas Commissioner
- 15.4 The Gujarat Panchayat Service Selection Board
- 15.5 Director of State Institute of Rural Development and Panchayati Raj
- 15.6 Commissioner of Rural Development

16.0 LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT :

- 16.1 Secretary to Government.

17.0 PORTS AND FISHERIES DEPARTMENT :

- 17.1 Secretary to Government.
- 17.2 Commissioner of Fisheries

18.0 REVENUE DEPARTMENT :

- 18.1 Secretary to Government.
- 18.2 District Collectors
- 18.3 Commissioner of Land Reforms
- 18.4 President, Gujarat Revenue Tribunal
- 18.5 Director of Relief
- 18.6 Secretary (Appeals)
- 18.7 Settlement Commissioner and Director of Land Records
- 18.8 Superintendent of Stamps
- 18.9 Inspector General of Registration

19.0 ROADS AND BUILDINGS DEPARTMENT :

- 19.1 Secretary to Government
- 19.2 Chief Engineer
- 19.3 Chief Architectural and Town Planner

- 19.4 (C.E. & S.P.) Director Staff Training College
- 19.5 Controller of Accommodation
- 19.6 Director of Parks and Gardens
- 19.7 Superintending Engineers of Circles

20.0 SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT :

- 20.1 Secretary to Government.
- 20.2 Director of Social Defence
- 20.3 Director of Scheduled Caste Welfare
- 20.4 Director of Developing Caste welfer
- 20.5 Commissioner of Disability

21.0 URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT :

- 21.1 Secretary to Government.
- 21.2 Chief Town Planner
- 21.3 Director of Municipalities

22.0 SPORTS, YOUTH AND CULTURAL ACTIVITIES DEPARTMENT :

- 22.1 Secretary to Government.
- 22.2 Commissioner of Youth Services and Cultural Activities
- 22.3 Director of Museums
- 22.4 Director of Archaeology
- 22.5 Director of Archieves
- 22.6 Director of Library
- 22.7 Director General, Sports Authority of Gujarat.

23.0 WOMEN & CHILD DEVELOPMENT DEPARTMENT :

- 23.1 Secretary to Government.
- 23.2 Commissioner Women & Child Development

24.0 SCIENCE AND TECHNOLOGY DEPARATMENT :

- 24.1 Secretary to Government.

25.0 GUJARAT LEGISLATURE SECRETARIATE :

- 25.1 Secretary to Gujarat Legislature Secretariat

ANNEXURE**(Note below rule - 68)****Constituents of Urban Agglomerations (UA) - 1991 Census**

[As shown in Table 3 of "Census of India, 1991, Series I - India, Paper I of 1992 - Final Population Totals (Vols. I and II) read with the Annexures thereto issued by the Registrar General and Census Commissioner, India]

Abbreviations used

1. I.N.A.	Industrial Notified Area	5. N.P.	Nagar Panchayat
2. M.	Municipality	6. O.G.	Out Growth
3. M.Corp.	Municipal Corporation	7. V.P.	Village Panchayat
4. N.M.	Non-Municipal		

GUJARAT**1 AHMEDABAD (UA)**

- 1 Ahmedabad (MCorp + OG)
 - (1) Ahmedabad (MCorp)
 - (2) Asarwa (OG)
 - (3) Bagefirdosh (OG)
 - (4) Bodakdev (OG)
 - (5) Chenpur (OG)
 - (6) Gyaspur (Part) (OG)
 - (7) Hathijan (OG)
 - (8) Maktampur (OG)
 - (9) Muthiya (OG)
 - (10) Naroda (OG)
 - (11) Nikol (OG)
 - (12) Odhav (OG)
 - (13) Okaf (Part) (OG)
 - (14) Rakhiyal (OG)
 - (15) Ramol (Part) (OG)
 - (16) Shahwadi (OG)
 - (17) Vastral (Part) (OG)
 - (18) Vatva (OG)
- 2 Ahmedabad Cantt.
- 3 Chandlodiya (VP)
- 4 Ghatlodiya (NP)
- 5 Kali (NP)
- 6 Makarba (VP)
- 7 Memnagar (VP)
- 8 Ranip (NP)
- 9 Sarkhej (VP)

- 10 Thaltej (VP)

- 11 Vastrapur (VP)

- 12 Vejalpur (VP)

2 SURAT (UA)

- 1 Amroli (VP)
- 2 Surat (MCorp + OG)
 - (1) Mota Varachha (OG)
 - (2) Surat (MCorp)

3 VADODARA (UA)

- 1 Bajwa (VP)
- 2 Chhani (NP)
- 3 Jawaharnagar Gujarat Refinery (NM)
- 4 Karachiya (VP)
- 5 Petrochemical Complex INA (INA)
- 6 Tarsali (VP)
- 7 Vadodara (MCorp + OG)
 - (1) Bapod (OG)
 - (2) Harni (OG)
 - (3) Kapurai (Part) (OG)
 - (4) Karodiya (OG)
 - (5) Sama (OG)
 - (6) Sayajipura (OG)
 - (7) Undera (OG)
 - (8) Vadodara (MCorp)

FINAL DRAFT

NOTIFICATION

**THE GUJARAT CIVIL SERVICES
(TRAVELLING ALLOWANCE)
RULES, 2002**

GOVERNMENT OF GUJARAT



**Gujarat Civil Services
(Discipline and Appeal)
Rules, 1971
(As amended up to 23-6-2009)**

**General Administration Department
(Personnel Division / Inquiry Cell)
New Sachivalaya, Gandhinagar.**

The Gujarat Civil Services (Discipline and Appeal) Rule, 1971.

Part-I – General

Subject	Rule No.	Page No.
Short title, Commencement and Application	1	4
Definition	2	4
Special Provision by Agreement	3	5
Protection of rights and privileges conferred by any Law or Agreement	4	5

Part-II - Suspension

Suspension	5	6
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Part-III - Discipline

Nature of Penalties	6	8
Disciplinary Authority	7	10
Authority to institute proceedings	8	10

Part-IV – Procedure for Imposing Penalties

Procedure for imposing major penalties	9	11
Action on the Inquiry Report	10	17
Procedure for imposing minor penalties	11	18
Imposition of Minor Penalty with Consent of Government Servant	11A	19
Communication of orders	12	20
Common Proceedings	13	20
Special Procedure in certain cases	14	21
Provision regarding Officers lent to Central Govt. Or other State Government etc.	15	21
Provision regarding Officers borrowed from	16	22

Central Government or other State Government etc.

Part – V – Appeals

Orders against which an appeal shall not lie	17	23
Orders against which an appeal lies	18	23
Period of limitation for Appeal	19	25
Form and Content of Appeal	20	26
Consideration of Appeals	21	26

Part – VI – Review

Government's power to review	22	27
Review of orders in disciplinary cases	23	28
Review by Government of its own orders	24	28

Part – VII – Miscellaneous

Power to relax time limit and condone delay	25	29
Supply of copy of Commission's Advice	26	29
Repeal and Saving	27	29
Removal of doubts	28	30
Appendix	-	31
List of amendments	-	32

GENERAL ADMINISTRATION DEPARTMENT**Notification**

Sachivalaya, Gandhinagar, 10th August, 1971

CONSTITUTION OF INDIA

No. GS-71/73-CDR-1062-II-G. :- In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, and with previous approval of the Central Government under the proviso to sub-section (6) of section 81 of the Bombay Reorganization Act, 1960 (Act 11 of 1960), the Governor of Gujarat hereby makes the following rules, namely :-

PART - I GENERAL**1. Short title, Commencement and Application :-**

- (a) These rules may be called the Gujarat Civil Services (Discipline and Appeal) Rules, 1971.
- (b) They shall come into force with effect from 15th August, 1971.
- (c) They shall apply to all persons appointed to civil services and posts in connection with the affairs of the State of Gujarat whose conditions of service are regulated in accordance with the rules made under article 309 of the Constitution.

Provided that nothing in these rules shall apply to any Government servants who are members of the All India Services or who are Inspectors of Police or Members of the Subordinate ranks of the Police Force.

2. Definitions :-

In these rules, unless the context otherwise requires :-

- (a) 'Appointing Authority' in relation to a Government servant means :-
 - (i) the authority empowered to make appointments to the service of which the Government servant is for the time being a member or the grade of the Service in which the Government servant is for the time being included, or
 - (ii) the authority empowered to make appointments to the post which the Government servant for the time being holds, or
 - (iii) the authority which appointed the Government servant to such service, grade or post, as the case may be, or
 - (iv) where the Government servant having been a permanent member of any other service or having substantively held any other permanent post has been in continuous employment of the Government, the authority which appointed him to that service or to any grade in that service or to that post, whichever authority is the highest authority;
- (b) "Commission" means the Gujarat Public Service Commission :

(c) "Disciplinary Authority" means the authority competent under these rules to impose on a Government servant any of the penalties specified in rule 6;

(d) "The Government" means the Government of Gujarat;

(e) "Government servant" means a person who-

(i) is a member of a Civil Service or who holds a Civil Post under the Government and includes any such person on foreign service or whose services are temporarily placed at the disposal of the Government of India or any other Government or a local or other authority.

(ii) is a member of a Civil Service or holds a Civil Post under the Central Government or other State Government and whose services are temporarily placed at the disposal of the Government.

#(ee) 'High Level Committee' means such committee or Committees may be constituted by the Government from time to time for the purpose of rule 11-A.

(f) Words and expressions used but not defined in these rules shall have the meanings assigned to them in the Bombay Civil Services Rules, 1959 or in the rules relating to the recruitment and classification of services for the time being in force.

[Inserted vide GN-GAD-NO.GS-2000-29-KHATAP-1098-540-Inq.Cell. dated 2-11-2000.]

3. Special Provision by Agreement :-

Where it is considered necessary to make special provisions for any Government servant in respect of matters covered by these rules, the appointing authority may by agreement with such Government servant, make such special provisions and thereupon these rules shall not apply to such Government servant to the extent to which the special provisions so made are inconsistent therewith :

Provided that if the appointing authority is other than Government, the previous approval of Government shall be obtained by such authority before making such special provisions.

4. Protection of rights and privileges conferred by any law or Agreement :

Nothing in these rules shall deprive any Government servant of any right or privilege to which he is entitled -

(a) by or under any law for the time being in force, or

(b) by the terms of any agreement subsisting between such person and Government at the commencement of these rules.

PART - II SUSPENSION

5. Suspension :-

(1) The appointing authority or any authority to which it is subordinate or the disciplinary authority or any other authority empowered by Government in that behalf may place a Government servant under suspension :

*(a) Where a disciplinary proceeding against him is contemplated or is pending,

Provided that, where a Government Servant against whom disciplinary proceeding is contemplated is suspended, such suspension shall not be valid unless before the expiry of a period of ninety days from which the Government servant was suspended, disciplinary proceedings is initiated against him,

Provided further that the Government or any other authority empowered by the government by special or general order may at any time before the expiry of the said period of ninety days and after considering the special circumstances for not initiating disciplinary proceedings, to be recorded in writing extend the period of suspension beyond the period of ninety days without disciplinary proceeding being initiated:

Provided also that such extension of suspension shall not be for a period of ninety days at a time.

* [Substituted vide GN /GAD NO:-GS-2004-(45)-CDR-10-2003-2225-INQ CELL.dt:-20-9-2004]

(b) Where a case against him in respect of any criminal offence involving moral turpitude is under investigation, inquiry or trial :

Provided that where the order of suspension is made by an authority subordinate to or lower in rank than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made.

(2) A Government servant shall be deemed to have been placed under suspension by an order of appointing authority -

(a) with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours.

(b) with effect from the date of his conviction if, in the event of conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent upon such conviction.

Explanation :- *The period of forty-eight hours referred to in clause (b) of this sub-rule shall be computed for the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.*

#(2A) An order of suspension made or deemed to have been made under this rule shall be reviewed by the authority competent to modify or revoke the suspension, before expiry of ninety days from @ the effective date of suspension After such review, the competent authority may pass an order either extending or revoking the suspension. The subsequent reviews shall be made before expiry of the extended period of suspension. The extension of suspension

shall not be for a period exceeding one hundred and eighty days, at a time.

**(...)*an order of suspension made or deemed to have been made under sub-rule (1) or (2) of this rule, shall not be valid after a period of ninety days unless it is extended after review, for a further period before the expiry of ninety days.

+ Provided that no such review of suspension shall be necessary in the case of deemed suspension under sub-rule (2),if the Government servant continues to be under suspension at the time of completion of ninety days of suspension and the ninety days period in such case will count from the date the Government servant detained in custody is released from detention or the date on which the fact of his release from detention is intimated to his appointing authority ,whichever is later.

[inserted vide GN/ GAD NO GS-2007-(19)-CVO-122005-1077- Inq.Cell .Dated 4-7-2007.]

@ ['.' substituted vide GN / GAD NO GS-2008-(10)-CVO-122005-1077- Inq. Cell .Dated 6-8-2008.

**[The words (Notwithstanding any thing contained in this rule) deleted vide GN / GAD NO GS-2008-(10)-CVO-122005-1077- Inq. Cell .Dated 6-8-2008.]*

+*[inserted vide GN/GAD NO GS-2008-(10)-CVO-122005-1077- Inq. Cell .Dated 6-8-2008.]*

- (3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government Servant under suspension is set aside in appeal or on review under these rules and the case is remitted for further enquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force with effect on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.
- (4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government Servant is set aside or declared or rendered void in consequence of or by a decision of a court of law, and the Disciplinary Authority on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed the Government servant shall be deemed to have been placed under suspension by the appointing authority, from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.
- (5)@*(a)* Subject to the provisions contained in sub-rule (2A),an order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

@ *[substituted vide GN / GAD NO GS-2008-(10)-CVO-122005-1077- Inq. Cell .Dated 6-8-2008.]*

- (b) Where a Government servant is suspended or is deemed to have been suspended, in connection with any disciplinary proceeding or otherwise and any other disciplinary proceeding is commenced against him during the continuance of such suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the Government servant shall continue to be under suspension until the termination of all or any of such proceedings.
- (c) An order of suspension made or deemed to have been made under this rule may be at any time be modified or revoked by the authority which made or is deemed to have made it or by any authority to which that authority is subordinate.

PART III DISCIPLINE

6. Nature of Penalties :

Without prejudice to the provision of any law for the time being in force, the following penalties may, for good and sufficient reasons, be imposed upon any member of the State, Subordinate or +(Inferior Service) namely.

+[Inserted vide GN/GAD/No. GS-77-79/1277-G, dated 18-05-1977.]

Minor Penalties

- *+(1) Censure
- (2) Withholding of increments or promotion.
- (3) Recovery from his pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders.

Major Penalties

- (4) Reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not the Government servant will earn increment of pay during the period of such reduction and whether on the expiry of such period the reduction will or will not have the effect of postponing the further increments of pay.
- (5) Reduction to a lower time scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the Government servant to the time scale of pay, grade, post or service from which he was reduced, with or without further direction regarding conditions of restoration to the grade or post or service from which the Government servant was reduced and his seniority and pay on such restoration to that grade, post or service.
- (6) Compulsory retirement.
- (7) Removal from service which shall not be a disqualification for future employment under Government.

- (8) Dismissal from Service which shall ordinarily be a disqualification for future employment under Government.

*[The word 'Censure' Deleted vide GN/GAD/No. GS/12/CDR/1095/539/Inq. cell, dated 16-05-1996]

+ [The word 'Censure' Inserted vide GN-GAD—NO:-GS-2000-45-CDR-1095-539-Inq Cell.dt:-1-12-2000]

Explanation : *The following shall not amount to a penalty within the meaning of this rule :-*

- (1) Withholding of increments in pay of a Government Servant for failure to pass a departmental or other examination with the rules or orders in this behalf for the time being in force or in accordance with the terms of his appointment.
- (2) Stoppage of pay of a Government servant at the efficiency bar in the time-scale on the ground of his unfitness to cross the bar.
- (3) Non-promotion whether in a substantive or officiating capacity of a Government servant to a service, grade or post for promotion to which he is in ordinary course eligible, on administrative grounds and not as a measure of penalty on the ground of his misconduct.
- (4) Reversion to a lower service, grade or post of a Government servant officiating in a higher service, grade or post on the ground that he is considered, after trial, to be unsuitable for such higher service grade or post or on purely administrative grounds.
- (5) Reversion to his permanent service, grade or post of a Government servant appointed on probation to another service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders of Government in this behalf for the time being in force.
- (6) Replacement of the services of a Government servant whose services had been borrowed from Central Government or other State Government or any other authority, at the disposal of the Central or State Government or the authority from which the services or such Government servant had been borrowed.
- (7) Compulsory retirement of a Government servant in accordance with the provisions of any law or rules for the time being in force relating to such retirement.
- (8) Termination of Service-
 - (a) of a Government servant appointed on probation, during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders of Government in this behalf for the time being in force, or
 - (b) of a temporary Government servant on purely administrative grounds or

- (c) of a Government servant employed under a contract in accordance with the terms of such contract.

7. Disciplinary Authority :-

- (1) The Government may impose any of the penalties specified in rule 6 on any Government servant.
 - (2) Without prejudice to the provisions of sub-rule (1) the Head of a Department may impose any of the penalties specified in* items (1) and (2) of rule 6 on any Government Servant of State Service of State Service Class II, under his administrative control.
 - (3) Without prejudice to the provisions of sub-rules (1) and (2), Heads of Departments and Heads of Offices may impose any of the penalties mentioned in rule 6 upon any Government servant of subordinate +(or Inferior) services **[....] who they have power to appoint.
 - (4) Without prejudice to the provisions of sub-rules (1) and (2), Heads of Departments and Heads of Offices may impose any of the penalties specified in columns 3 of the Appendix appended to these rules on any Government servant of Subordinate +(or Inferior) service serving under them, whom they have no power to appoint to the extent specified against them in the corresponding column 4 of the said Appendix.
- #(5) Notwithstanding anything contained in sub-rules (1) to (4), the High Level Committee may impose, under rule 11 A, any of the penalties specified in \$ items (1) and (2) of rule 6 on any Government servant.
- * ['(1) and' Deleted vide GN/GAD/NO.GS/12/CDR/1095/539/Inq Cell dt.16-5-1996 and reinserted vide GN/GAD/NO.GS/12/CDR/1095/539/Inq Cell. dt. 1-12-2000]
- + [Inserted vide GN/GAD/NO.GS/77-79/CDR/1277/G dt.18-5-77]
- # [Inserted vide GN/GAD/NO.GS/2000/29/KHATAP/1098/540/Inq Cell dt.2-11-2000]
- #['Items(1)and(2)'substituted vide GN/GAD/NO.GS/2001(8)KHATAP/1098/540/Inq Cell dt.4-5-2001]
- ** {The Words [serving under them] deleted vide GN/GAD No.GS-2009-(20)MIS-102007- 641-Part-Inq.Cell. Dated t 23-6-2009.}

8 .Authority to institute proceedings :-

- (1) The Government or any other authority empowered by it by general or special order may-
 - (a) institute a disciplinary proceeding against a Government servant;

- (b) direct a Disciplinary Authority to institute disciplinary proceedings against any Government servant on whom that disciplinary authority is competent to impose under these rules any of the penalties specified in rule 6.
- (2) A Disciplinary Authority competent under these rules to impose any of the penalties specified in*Items (1) to (3)-Minor Penalties of Rule 6 may institute disciplinary proceedings against any Government servant for the imposition of any of the penalties specified in items (4) to (8) -Major Penalties of rule 6 notwithstanding that such disciplinary authority is not competent under these rules to impose any of the latter penalties.
- + (3) A Disciplinary Authority competent under these rules to impose any of the penalties specified in Rule-6 on a Government servant, shall also be competent to institute Disciplinary Proceedings against him/her for such act of commission or omission as was committed by him/her while holding another Government post previously, either in the same service or another service of the State Government.

* ['(1) and' Deleted vide GN/GAD/NO.GS/12/CDR/1095/539/Inq Cell dt.16-5-1996 and reinserted vide GN/GAD/NO.GS/12/CDR/1095/539/Inq Cell. dt. 1-12-2000]

+{Inserted vide GN/GAD No. GS-2009- (17) CDR-132008-369-Inq.Cell dated 25-5-2009.}

PART IV PROCEDURE FOR IMPOSING PENALTIES

9. Procedure for imposing major penalties:-

- (1) No order imposing any of the penalties specified in items (4) to (8) of rule 6 shall be passed except after an inquiry, held as far as may be, in the manner provided in this rule and rule 10 or in the manner provided by the Public Servants (Inquiry) Act, 1850 where such inquiry is held under that Act.
- (2) Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiry into the truth of any imputation of misconduct or misbehavior or of any culpable act or omission, against a Government servant, it may itself inquire into, or appoint under this rule or under the provisions of the Public Servant (Inquiry) Act, 1850 as the case may be, an authority to inquire into the truth thereof (herein-after referred to as the Inquiry Authority)

Provided that where there is a complaint of sexual harassment within the meaning of rule + 3-B of the Gujarat Civil services (Conduct) Rules,1971, the complaints committee established in each Department or Office for inquiring into such complaints, shall be deemed to be the inquiry authority appointed by the disciplinary authority for the purpose of these rules and the Complaints Committee shall hold, if separate procedure has not been

prescribed for holding the inquiry into the complaints of sexual harassment, the inquiry as far as practicable in accordance with the procedure laid down in these rules.

Explanation :- Where the disciplinary authority itself holds the inquiry, any reference in these rules to the Inquiry Authority shall be construed as a reference to the disciplinary Authority..

[Inserted vide GAD/GN/GS/2004(62)/CDR/1098/171/Inq.Cell. dated 1-12-2004]

+ [Substituted vide GN/ GAD/GS/2007(21)/CDR-1098-171/Inq.Cell. dated 18-8-2007]

- (3) Where it is proposed to hold an inquiry against a Government servant under this rule or rule 10, the Disciplinary Authority shall draw up or cause to be drawn up-
 - (i) the substance of the imputations of misconduct or misbehavior or of any culpable act or omission into definite and distinct articles of charge;
 - (ii) a statement of the imputations of misconduct or misbehavior or of any culpable act or omission in support of each article of charge, which shall contain-
 - (a) a statement of all relevant facts including any admission or confession made by the Government servant; and
 - (b) a list of documents by which, and a list of witnesses by whom the articles of charges are proposed to be sustained.
- (4) The Disciplinary Authority shall deliver or cause to be delivered to the Government servant a copy of the articles of charge, the statement of the imputations of misconduct or misbehavior or of any culpable act or omission and a list of documents and witnesses by which each article of charges is proposed to be sustained and shall require the Government servant to submit, within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person.
- (5) (a) On receipt of the written statement of defence, the Disciplinary Authority may itself inquire into such of the articles of charges as are not admitted or if considers it necessary, to do so appoint, under sub-rule (2) an Inquiry Authority for the purpose and where all the articles of charge have been admitted by the Government servant in his written statement of defence, the Disciplinary Authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in rule 10.
 - (b) If no written statement of defence is submitted by the Government servant, the Disciplinary Authority may itself inquire into such articles of

charge or may, if it considers it necessary to do so, appoint, under sub-rule (2), an Inquiry Authority for the purpose.

- (c) The Disciplinary Authority may nominate any person hereinafter referred to as the Presenting Officer to present the case in support of the Charge, before itself if it is to inquire into the charges or before the Inquiry Authority. * [The Government servant may present his case with the assistance of any other Government approved by the Inquiry Authority, but may not engage a legal practitioner for the purpose unless the Disciplinary Authority having regard to the circumstances of the case so permits].

* [The portion []Substituted vide GN/GAD/No. GS/77-97/CDR/1277/1478-G, dated 01-07- 1977]

+Note :*The Government servant may also take the assistance of a retired Government servant to present the case on his behalf subject to such conditions as may be determined in general or special orders issued by the Government from time to time.*

+ [Inserted vide GN/GAD/No. GS/86/17/CDR/1084/565/Inq. Cell, dated 16-04-1986.]

- (6) The Disciplinary Authority shall, where it is not the Inquiry Authority, forward to the Inquiry Authority-
- (i) a copy of the articles of charges and the statement of imputations of misconduct or misbehavior;
 - (ii) a copy of the written statement of defence, if any, submitted by the Government servant;
 - (iii) a copy of the statement of witnesses, if any referred to in sub-rule (3);
 - (iv) evidence proving the delivery of the documents referred to in sub-rule (3) to the Government servant; and
 - (v) a copy of the order appointing the presenting Officer.
- (7) The Government servant shall appear in person before the Inquiry Authority on such day and at such time within ten working days from the date of receipt by him of the articles of charges and the statement of the imputations of misconduct or misbehavior, as the Inquiry Authority may, by a notice in writing specify in this behalf, or within such further time not exceeding ten days, as the Inquiry Authority may allow.
- (8) If the Government servant who has not admitted any of the articles of charge in his written statement of defence, appears before the Inquiry Authority, such authority shall ask him whether he is guilty or has any defence to make and if

he pleads guilty to any of the articles of charge, the Inquiry Authority shall record the plea, sign the record and obtain the signature of the Government servant thereon.

- (9) The Inquiry Authority shall return a finding of guilt in respect of those articles of charges to which the Government servant pleads guilty.
- (10) The Inquiry Authority shall, if the Government servant fails to appear within the specified time or refuses or omits to plead, require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charges, and shall adjourn the case to later date not exceeding thirty days, after recording an order that the Government servant may for the purpose of preparing his defence-
- (i) inspect within five days of the order or within such further time not exceeding five days as the Inquiring Authority may allow, the documents specified in the list referred to in sub-rule (3);
 - (ii) submit a list of witness to be examined on his behalf;

Note : *If the Government servant applies orally or in writing for the supply of copies of the statement of witnesses mentioned in the list referred to in sub-rule (3), the Inquiry Authority shall furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the Disciplinary Authority.*

- (iii) give a notice within ten days of the order or within such further time not exceeding ten days as the Inquiry Authority may allow, for the discovery or production of any documents which are in the possession of Government, but not mentioned in the list referred to in sub-rule (3).

Note : *The Government servant shall indicate the relevance of the documents required by him to be discovered or produced by the Government.*

- (11) The Inquiry Authority shall, on receipt of the notice for the discovery or production of documents forward the same or copies thereof to the authority in whose custody or possession the documents are kept, with a requisition for the production of the documents by such date as may be specified in such requisition :

Provided that the Inquiry Authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are in its opinion, not relevant to the case.

- (12) On receipt of the requisition referred to in sub-rule (11), every authority having the custody or possession of the requisitioned documents shall produce the same before the Inquiry Authority.

Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the public

interest or security of the State, it shall inform the Inquiry Authority accordingly and the Inquiry Authority shall, on being so informed communicate the information to the Government servant and withdraw the requisition made by it for the production or discovery of such documents.

- (13) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charges are proposed to be proved shall be produced by or on behalf of the Disciplinary Authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the Government servant. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they shall have been cross-examined, but not on any new matter, without the leave of the Inquiry Authority. The Inquiry Authority may also put such questions to the witnesses as it thinks fit.
- (14) If it shall appear necessary before the close of the case on behalf of the Disciplinary Authority, the Inquiry Authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the Government servant or may itself call for new evidence of recall and re-examine any witness and in such case the Government servant shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned. The Inquiry Authority shall give the Government servant an opportunity of inspecting such documents before they are taken on the record. The Inquiry Authority may also allow the Government servant to produce new evidence, if it is of the opinion that the production of such evidence is necessary in the interest of justice.

Note : *New evidence shall not be permitted or called for and no witness shall be recalled to fill up any gap in the evidence .Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.*

- (15) When the case for the Disciplinary Authority is closed, the Government servant shall be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the Government servant shall be required to sign the record. In either case, a copy of the statement of defence shall be given to the Presenting Officer, if any has been appointed.
- (16) The evidence on behalf of the Government servant shall then be produced. The Government servant may examine himself in his own behalf if he so prefers. The witnesses produced by the Government servant shall then be examined and shall be liable to cross-examination, re-examination and examination by the Inquiry Authority according to the provisions applicable to the witnesses for the Disciplinary Authority.

- (17) The Inquiry Authority may, after the Government servant closes his case, and shall if the Government servant has not examined himself, generally, question him on the circumstances appearing against him in the evidence for the purpose of enabling the Government servant to explain any circumstances appearing in the evidence against him.
- (18) The Inquiry Authority may, after the completion of the production of evidence, hear the Presenting Officer, if any, appointed, and the Government servant, or permit them to file written briefs of their respective case, if they so desire.
- (19) If the Government servant to whom a copy of the articles of charge has even delivered does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the Inquiry Authority or otherwise fails or refuses to comply with the provisions of this rule, the Inquiry Authority may hold the inquiry ex-parte.
- (20) (a) Where a Disciplinary Authority competent to impose any of the penalties specified in # items (1) to (3) of rules 6 (but not competent to impose any of the penalties specified in items (4) to (8) has itself inquired into or caused to be inquired into the articles of any charge and that authority having regard to its own findings or having regard to its decision on any of the findings of any Inquiry Authority appointed by it, is of the opinion that the penalties specified in item (4) to (8) of rule 6 should be imposed on the Government servant, that authority shall forward the records of the Inquiry to such Disciplinary Authority as is competent to impose the last mentioned penalties.
- (b) The Disciplinary Authority to which the records are so forwarded, may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interest of justice, recall the witness and examine, cross-examine, and re-examine the witness and may impose on the Government servant such penalty as it may deem fit in accordance with these rules.

#[Item-(1) deleted vide GN/GAD/No. GS/12/CDR/1095/539/Inq. Cell,dated 16-05-1996. and reinserted vide GN/GAD/No.GS-2000-45-CDR-1095-539-Inq. Cell,dated 1-12-2000]

- (21) Wherever an Inquiry Authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another Inquiry Authority which has and which exercises such jurisdiction, the Inquiry Authority, so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself.

Provided that if the succeeding Inquiry Authority is of the opinion that further examination of any of the witnesses whose evidence has already been

recorded is necessary in the interests of justice, it may recall, examine, cross-examine and re-examine any such witnesses as herein before provided.

- (22) (i) After the conclusion of the inquiry, a report shall be prepared and it shall contain-
- (a) the articles of charge and the statement of imputations of misconduct or misbehavior or of any culpable act or omission;
 - (b) the defence of the Government servant in respect of each article of charge;
 - (c) an assessment of the evidence in respect of each articles of charge;
 - (d) the finding on each article of charge and the reasons therefore.

Explanation : *If in the opinion of the Inquiry Authority the proceedings of the inquiry establish any article of charge different from the original articles of the charge, it may record its findings on such article of charge :*

Provided that the findings on such article of charge shall not be recorded unless the Government servant has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

- (ii) The Inquiry Authority, where it is not itself the Disciplinary Authority shall forward to the Disciplinary Authority the records of inquiry which shall included-
- (a) the report prepared by it under clause (i),
 - (b) the written statement of defence, if any, submitted by the Government servant.
 - (c) the oral and documentary evidence produced in the course of the inquiry.
 - (d) written briefs, if any, filed by the Presenting Officer or the Government servant or both during the course of the inquiry, and
 - (e) the orders, if any, made by the Disciplinary Authority and the Inquiry Authority in regard to the inquiry.

10. Action on the Inquiry Report :

- (1) The Disciplinary Authority, if it is not itself the Inquiry Authority may, for reasons to be recorded by it in writing, remit the case to the Inquiry Authority for further inquiry and report and the Inquiry Authority shall there upon proceed to hold the further inquiry according to the provisions of rule 9, as far as may be.
- (2) The Disciplinary Authority shall, if it disagrees with the findings of the Inquiry Authority on any article of charge, record its reasons for such disagreement and record its own finding on such charge if the evidence on record is sufficient for the purpose.

- (3) If the Disciplinary Authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in * items (1) to (3) of rule 6 should be imposed on the Government servant, it shall not withstanding anything contained in rule 11 make an order imposing such penalty :

Provided that in every case where it is necessary to consult the Commission, the record of the inquiry shall be forwarded by the Disciplinary Authority to the Commission for its advice and such advice shall be taken into consideration before making any order imposing any penalty on the Government Servant.

*[Item (1)- deleted vide GN/GAD/No. GS/12/CDR/1095/539/Inq. Cell,dated 16-05-1996 and reinserted videGN/GAD/No-GS-2000-45-CDR-1095-539-Inq. Cell dt. 1-12-2000]

- ** (4) If the Disciplinary Authority having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry is of that opinion that any of the penalties specified in items (4) to (8) of Rule 6 should be imposed on the Government servant, it shall make an order imposing such penalty it shall not be necessary to give the Government servant any opportunity of making representation on the penalty proposed to be imposed :

Provided that in every case where it is necessary to consult the Commission, the record of the enquiry shall be forwarded by the Disciplinary Authority to the Commission for its advice and the advice shall be taken into consideration before making an order imposing any such penalty as may be imposed on the Government Servant.

** [Substituted vide GN/GAD/No. GS/86/17/CDR-1084/565/Inq. Cell, dated 16-04-1986.]

11. Procedure for imposing minor penalties :

- (1) Subject to the provisions of sub-rule (3) of rule 10, no order imposing on a Government servant any of the penalties specified in @ items (1) to (3) of rule 6 shall be passed except after-
- (a) informing the Government servant in writing of the proposal to take action against him and of the imputation of misconduct or misbehavior or of any culpable act or omission, on which it is proposed to be taken, and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal.
 - (b) holding an inquiry in the manner laid down in the sub-rules (3) to (23) of rule 9, in every case in which the Disciplinary Authority is of the opinion that such inquiry is necessary.
 - (c) taking the representation, if any, submitted by the Government servant under clause (a) and the record of inquiry, if any, held under clause (b) into consideration,

- (d) recording a finding on each imputation of misconduct or misbehavior or of any culpable act or omission, and
- (e) consulting the Commission where such consultation is necessary.

+Provided that where it is proposed after considering the representation, if any, made by the Government servant under clause (a) to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the Government servant or to withhold increments of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period, and inquiry shall be held in the manner laid down in sub-rules (3) to (22) of rule 9, before making any order imposing such penalty on a Government servant.

@ [Item (1)- deleted vide GN/GAD/No. GS/12/CDR/1095/539/Inq. Cell, dated 16-05-1996 and reinserted vide GN/GAD/No-GS-2000-45-CDR-1095-539-Inq. Cell dt. 1-12-2000]

+ [Inserted vide GN/GAD/No. GS/98/32/CDR/1092/311/Inq. Cell, dated 16-07-1998.

- (2) The record of the proceedings in such cases shall include-
 - (i) a copy of the intimation to the Government servant of the proposal to take action against him,
 - (ii) a copy of the statement of imputations of misconduct or misbehavior delivered to him,
 - (iii) his representation, if any,
 - (iv) the evidence produced during the inquiry,
 - (v) the advice of the Commission, if any,
 - (vi) the finding on each imputation of misconduct or misbehavior, or of any culpable act or omission, and
 - (vii) the orders on the case together with the reasons therefore.

§11-A Imposition of Minor Penalty with Consent of Government Servant :

Notwithstanding any thing contained in rules 9 to 11,

- (1) Where the Disciplinary Authority has delivered or caused to be delivered to the Government servant a copy of the articles of charge, the statement of imputations of misconduct or misbehavior or of any culpable act or omission and has received the written statement of defence sent by the Government servant in respect thereof, the Disciplinary Authority may forward such records of proceedings to the High Level Committee.

- (2) Where the High Level Committee on consideration of proceedings received by it under sub-rule (1), is of the opinion that the Government servant is liable to a minor penalty, it shall require the Government servant to appear before it and after considering the submissions, if any, made by such Government servant propose the minor penalty to be imposed on him and inform the Government servant accordingly.
- (3) (a) Where the Government servant agrees to the minor penalty as proposed, the High Level Committee shall record the consent given by the Government servant and obtain his signature thereon and shall make an order imposing the minor penalty on such Government servant.
- (b) Where High Level Committee after considering the records of proceedings and the submission made by the Government servant is of the opinion that no penalty is to be imposed, it may make an order exonerating the Government servant from the charges.
- (4) Where –
- (a) the Government servant does not agree to the minor penalty as proposed by the committee; or
- (b) the Committee, on consideration of the records of proceeding, is of the opinion that prima facie, the Government servant may become liable to major penalty,

the High Level Committee shall return the record of proceedings to the Disciplinary Authority for holding an inquiry against the Government servant in accordance with these rules”.

§ [Inserted vide GN/GAD/No. GS/2000(29)/KHATAP/1098/540/Inq. Cell, dated 2-11-2000]

12. Communication of orders :

Orders made by the Disciplinary Authority shall be communicated to the Government servant who shall also be supplied with a copy of the report of the inquiry, if any, held by the Disciplinary Authority and a copy of its findings on each article of charge, or where the Disciplinary Authority is not the Inquiry Authority, a copy of the report of the Inquiry Authority and a statement of the findings of the Disciplinary Authority together with brief reasons for its disagreement, if any, with the finding of the Inquiry Authority (unless they have already been supplied to him) and also a copy of the advice, if any, given by the Commission and, when the Disciplinary Authority has not accepted the advice of the Commission, a brief statement of the reasons for such non-acceptance.

13. Common (Joint) Proceedings :

- (1) Where two or more Government servants are concerned in any case, the Government or any other authority competent to impose the penalty of dismissal from service on all such Government servants may make an order

directing that disciplinary action against all of them may be taken in a common proceeding.

Note : *If the authorities competent to impose the penalty of dismissal on such Government servants are different, an order for taking disciplinary action in a common proceeding may be made by the highest in rank of such authorities with the consent of the others.*

- (2) Subject to the provisions of sub-rule (4) and rule 7, any such order shall specify-
 - (i) the authority which may function as the Disciplinary Authority for the purpose of such common proceedings.
 - (ii) the penalties specified in rule 6 which such Disciplinary Authority shall be competent to impose.
 - (iii) whether the procedure laid down in rules 9 and 10 or rule 11 shall be followed in the proceeding.

14. Special procedure in certain cases :

- (1) Nothing contained in rules 8 or 9 shall apply-
 - (i) where a penalty is to be imposed on a Government servant on the ground of conduct which has led to his conviction on a criminal charge, or
 - (ii) where the Disciplinary Authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to follow the procedure prescribed in the said rules, or
 - (iii) where the Government is satisfied that in the interest of the security of the State, it is not expedient to follow such procedure.
- (2) In cases to which the provision of sub-rule (1) shall apply, the Disciplinary Authority may consider the circumstances of the case concerned and pass such order thereon as it deems fit :

Provided that the Commission shall be consulted before passing such orders in any case in which such consultation is necessary.

15. Provisions regarding officers lent to Central Government or other State Governments, etc

- (1) Where the services of a Government servant are lent to the Central Government or other State Government or an authority subordinate thereto or to a local or other authority (hereinafter in this rule referred to as "the borrowing authority"), the borrowing authority shall have the powers of the appointing authority for the purpose of placing such Government Servant under

suspension and of the Disciplinary Authority for the purpose of conducting a disciplinary proceeding against him :

Provided that the borrowing authority shall forthwith inform the authority which lent the services of the Government servant (hereinafter in this rule referred to as "The lending authority") of the circumstances leading to the order of suspension of such Government servant or the commencement of the disciplinary proceeding, as the case may be.

(2) In the light of the finding in the disciplinary proceeding conducted against the Government servant-

(i) if the borrowing authority is of the opinion that any of the penalties specified in @ items (1) to (3) of the rule 6 shall be imposed on the Government servant, it may, after consultation with the lending authority, make such orders on the case as it deems necessary :

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the Government servant shall be replaced at the disposal of the lending authority.

(ii) If the borrowing authority is of the opinion that any of the penalties specified in items (4) to (8) of rule 6 shall be imposed on the Government servant, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry and thereupon the lending authority may, if it is the Disciplinary Authority, pass such order thereon as it may deem necessary and if it is not the Disciplinary Authority, submit the case to the Disciplinary Authority which shall pass such orders on the case it may deem necessary :

Provided that before passing any such order, the Disciplinary Authority shall comply with the provisions of sub-rules (3) and (4) of rule-10.

Explanation :- *The Disciplinary Authority may make an order under this clause on the record of the inquiry transmitted to it by the borrowing authority, or after holding such further inquiry as it may deem necessary so far as may be, in accordance with rule 9.*

@ [Item (1)- deleted vide GN/GAD/No. GS/12/CDR/1095/539/Inq. Cell, dated 16-05-1996 and reinserted vide GN/GAD/No-GS-2000-45-CDR-1095-539-Inq. Cell dt. 1-12-2000]

16. Provisions regarding officers borrowed from Central Government or other State Government etc. :-

(1) When an order of suspension is made or a disciplinary proceeding is conducted against a Government servant whose services have been borrowed

from Central Government or other State Government or an authority subordinate thereto or a local or other authority, the authority lending his services (hereinafter in this rule referred to as "the lending authority") shall forthwith be informed of the circumstances leading to the order of the suspension of the Government servant or of the commencement of the disciplinary proceeding, as the case may be.

- (2) In the light of the finding in the disciplinary proceeding conducted against the Government servant, if the Disciplinary Authority is of the opinion that any of the penalties specified in @ items (1) to (3) of rule 6 should be imposed on him, it may, subject to the provisions of sub-rule (3) of rule 10 after consultation with the lending authority pass such orders on the case as it may deem necessary :

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the Government servant shall be replaced at the disposal of the lending authority.

- (3) If the disciplinary authority is of the opinion that any of the penalties specified in items (4) to (8) of rule 6 should be imposed on the Government servant, it shall replace the services of such Government servant at the disposal of the lending authority and transmit to it the proceeding of the inquiry for such action as it may deem necessary.

@ [Item (1)- deleted vide GN/GAD/No.GS/12/CDR/1095/539/Inq. Cell,dated 16-05-1996 and reinserted videGN/GAD/No-GS-2000-45-CDR-1095-539-Inq. Cell dt. 1-12-2000]

PART V- APPEALS

17. Orders against which an appeal shall not lie :

Notwithstanding anything contained in this Part, no appeal shall lie against :-

- (i) any order of an interlocutory nature or of the nature of a step-in-aid for the final disposal of a disciplinary proceeding, other than an order of suspension;
- (ii) any order passed by an inquiry authority in the course of an inquiry under rule 9.
- # (iii) any order passed by the High Level Committee under rule 11-A.

[Inserted vide GN/GAD/ NO. GS-2000-29-KHATAP-1098-540-Inq.Cell.dt.2-11-2000]

18. Orders against which appeal lies :-

- (1) Subject to the provisions of rule 22, a Government servant may prefer an appeal against all or any of the following orders, namely :-

- (i) an order of suspension made or deemed to have been made under rule 5,
- (ii) an order imposing any of the penalties specified in *(rule 6) whether made by the Disciplinary Authority or by any appellate or reviewing authority,
- (iii) an order enhancing any penalty, imposed under rule 6,
- (iv) an order which-
 - (a) denies or varies to his disadvantage his pay, allowances, pension or other conditions of services as regulated by rules or by agreement, or
 - (b) interprets to his disadvantage the provisions of any such rules or agreement.
 - @(c) discharges him from service, or
 - @(d) has the effect of his non-promotion to a higher post, or
 - @(e) has the effect of his non-confirmation in service.

*[the words () Substituted vide GN/GAD/No. GS/77-79/CDR/1277/G, dated 18-5-1977.]

@ [Inserted vide GN/GAD/No. GS/77-79/CDR/1277/G, dated 18-5-1977.]

- (v) an order-
 - (a) stopping him at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar.
 - (b) reverting him while officiating in a higher service, grade or post to a lower service, grade or post, otherwise than as a penalty.
 - (c) reducing or withholding the pension or denying the maximum pension admissible to him under the rules.
 - (d) determining the subsistence and other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof.
 - (e) determining his pay and allowances-
 - (i) for the period of suspension, or
 - (ii) for the period from the date of his dismissal, removal or compulsory retirement from service, or from the date of his reduction to a lower service, grade, post, time-scale or stage in a time scale of pay, to the date of his reinstatement or restoration to his service, grade or post, or

(f) determining whether or not the period from the date of his suspension or from the date of his dismissal, removal, compulsory retirement or reduction to a lower service, grade, post, time scale of pay or stage in a time scale of pay to the date of his re-instatement or restoration to his service, grade or post shall be treated as a period spent on duty for any purpose.

* (2) An appeal referred to in sub-rule (1) shall lie to an officer immediately superior to the Officer who made the order provided that :

(i) an appeal against an order reducing or withholding the pension or denying the maximum pension admissible under the rules shall lie only to the Government.

(ii) an appeal from a decision of an officer in appeal shall lie only to the Government.

(iii) an appeal against an order in a common proceeding held under rule 13 shall lie to the authority to which the authority functioning as the Disciplinary Authority for the purpose of that proceeding is immediately subordinate.

(iv) where the person who made the order appealed against becomes, by virtue of his subsequent or otherwise, the appellate authority in respect of such order, an appeal against such order shall lie to the authority to which such person is immediately subordinate.

** (3) An appeal shall lie to the State Government from an order passed by an officer or authority, immediately subordinate to the State Government, irrespective of whether such order is passed in exercise of original or appellate power or power of review.

Explanation :- In this rule-

(i) the expression "Government servant" includes a person who has ceased to be in Government Services.

(ii) the expression "Pension" includes additional person, gratuity and any other retirement benefit.

* [Inserted Vide GN/GAD/No. GS/77-79/CDR/1277/G, dated 18-5-1977]

* *[substituted Vide GN/GAD/No. GS/77-79/CDR/1277/G, dated 18-5-1977]

19. Period of limitation for appeals :-

No appeal under this part shall be entertained unless it is submitted within a period of 45 days from the date on which the appellant receives a copy of the order appealed against :

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

20. Form and contents of appeals :

- (1) Every person preferring an appeal do so separately and in his own name.
- (2) The appeal shall be presented to the authority to whom the appeal lies, and a copy thereof forwarded by the appellant to the authority which made the order appealed against. It shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language, and shall be complete itself.
- (3) The authority which made the order appealed against shall on receipt of a copy of the appeal, forward the same together with the relevant records to the appellate authority without any avoidable delay, and without waiting for any direction from the appellate authority.

21. Consideration of appeals :-

- (1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of rule 5 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.
- (2) In the case of an appeal against an order imposing any of the penalties specified in rule 6, or enhancing any penalty imposed under the said rule, the appellate authority shall consider-
 - (a) whether the procedure prescribed in these rules has been complied with;
 - (b) whether such non-compliance, if any, has resulted in any material irregularity or illegality so as to result in miscarriage of justice.
 - (c) where the finding are justified, and
 - (d) whether the penalty imposed is excessive, adequate or inadequate, and, after consultation with the Commission, if such consultation is necessary in the case, pass orders;
 - (i) setting aside, reducing, confirming or enhancing the penalty, or
 - (ii) remitting the case to the authority which imposed the penalty or to any other authority for further inquiry or with such direction as it may deem fit in the circumstances of the case :

Provided that-

- (i) the appellate authority shall not so enhance the penalty as to inflict a penalty which neither such authority nor the authority which made

the order appealed against is competent to impose in the case under appeal;

- (ii) no order for enhancing the penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty, and
 - (iii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in items (4) to (8) of rule 6 and an inquiry under rule 9 has not already been held in the case, the appellate authority shall subject to the provisions of rule 11, itself hold such inquiry or direct some other person to hold such inquiry in accordance with the provisions of rule-8 and thereafter on consideration of the proceeding and record of such inquiry and after giving the appellant an opportunity of making any representation which he may wish to make against such penalty, pass such orders as it may deem fit.
- (3) In the case of an appeal against any order specified in rule 14, the appellate authority shall consider all the circumstances of the case and pass such orders as it deems just and equitable.

22. Government's power to review :-

Notwithstanding anything contained in these rules, the Government may, in its own motion or otherwise, after calling for the record of the case, review any order passed by any authority which is made or is appealable, or which is deemed to have been made or to be appealable, under these rules and, after consultation with the Commission where such consultation is necessary and may-

- (a) confirm, modify or set aside the order;
- (b) impose any penalty or set aside, reduce, confirm or enhance the penalty imposed by the order;
- (c) remit the case to the authority which made the order or to any other authority directing such further action or inquiry as it considers proper in the circumstances of the case, or
- (d) pass such other order as it deems fit;

Provided that

- (i) an order imposing or enhancing a penalty shall not be passed unless the person concerned has been given an opportunity of making any representation which he may wish to make against such enhanced penalty;
- (ii) if the Government proposes to impose any of the penalties specified in items (4) to (8) of rule 6 in a case where an inquiry under rule 9 has not been held, it shall, subject to the provisions of rule 14, itself hold such

inquiry or direct some person to hold such inquiry in accordance with the provisions of rule 9 and thereafter on consideration of the proceedings and record of such inquiry and after giving the person concerned an opportunity of making any representation which he may wish to make against such penalty pass such orders as it may deem fit.

- *(III) the Government shall not review orders or decisions of any officer or authority in relation to a specified Civil Servant as defined in section 2 (h) of the Gujarat Civil Services Tribunal Act, 1972 (Gujarat Act No. 2 of 1973) (hereinafter referred to as "the said Act") with respect to any of the matters specified in the Schedule to the said Act, in the cases where an appeal lies to the Gujarat Civil Services Tribunal constituted under section-3 of the said Act against such orders or decision under section 11 of the said Act.

*[Inserted vide GN/GAD/GS/39/86/CDR/1085/1079/Inq. Cell, dated 11-11-1986.]

23. Review of orders in disciplinary cases :-

The authority to which an appeal against an order imposing any of the penalties specified in rule 6 lies may, of its own motion or otherwise, call for the record of any proceeding under these rules and review any order passed in such a case and, may, after consultation with the Commission where such consultation is necessary, pass such orders as it deems fit as if the Government servant had preferred an appeal against such order;

Provided that no action under this rule shall be taken after the expiry of a period of more than six months from the date of such order.

24. Review by Government of its own order :-

- (1) the Government may review its own order provided the following conditions are fulfilled, namely :-

- (i) there is some error apparent on the face of the record, or
- (ii) there are other sufficient reasons for review

Provided that the penalty inflicted on a Government servant shall not be enhanced unless he has given an opportunity to show cause why such penalty should not be enhanced;

Provided further that none of the penalties specified in @ items (1) to (3) of rule 6 shall be changed to any of the penalties specified in items (4) to (8) of the said rule 6 unless the procedure laid down in rule 9 has been followed.

- (2) No proceedings of review under this rule shall be commenced until after-
- (i) the expiry of the period of limitation for an appeal, or
 - (ii) the disposal of the appeal, when any such appeal has been preferred.

@ [Item (1)- deleted vide GN/GAD/No.GS/12/CDR/1095/539/Inq. Cell,dated 16-05-1996 and reinserted videGN/GAD/No-GS-2000-45-CDR-1095-539-Inq. Cell dated. 1-12-2000]

PART-VII - MISCELLANEOUS

25. Power to relax time limit and condone delay :-

Save as otherwise expressly provided in these rules, the authority competent under these rules to make any order, may, for good and sufficient reasons or if sufficient cause is shown, extend the time specified in these rules for anything required to be done under these rules or condone any delay.

26. Supply of copy of Commission's advice :-

Wherever the commission is consulted as provided in these rules, a copy of the advice by the commission and, where such advice has not been accepted, also a brief statement of the reasons for such non-acceptance, shall be furnished to the Government servant concerned along with a copy of the order passed in the cases by the authority making the order.

27. Repeal and Saving :-

- (1) Any rule corresponding to these rules in force immediately before the commencement of these rules and applicable to the Government servants to whom these rules apply are hereby repealed :
- (a) such, repeal shall not affect the previous operation of the said rules or anything done or any action taken there under :
 - (b) any order passed under the rules hereby repealed shall, so far as it is not inconsistent with these rules, be deemed to have been passed under these rules;
 - (c) any proceedings under the said rules pending at the commencement of these rules shall be continued and disposed of, as far as may be, in accordance with the provisions of these rules.
- (2) Nothing in these rules shall operate to deprive any person to whom these rules apply of any right of appeal which had accrued to him under the rules hereby repealed in respect of any order passed before the commencement of these rules, and such right, if not exercisable under these rules, shall be exercisable as if the rules referred to in sub-rule (1) had not been repealed.

- (3) An appeal pending at or preferred after the commencement of these rules against an order made before such commencement shall be considered and orders thereon shall be passed, in accordance with these rules.

28. Removal of doubts :-

Where a doubt arises as to who is the Head of any office or as to whether any authority is subordinate to or higher than any other authority or as to the interpretation of any of the provisions of these rules, the matter shall be referred to the Government whose decision thereon shall be final.

By order and in the name of the Governor of Gujarat.

L. R. DALAL

Chief Secretary to Government.

APPENDIX

(See rule 7 (4))

Sr. No.	Head of Departments or offices	Penalty	Extent
1	2	34	

1. All Heads of Departments	@*(1) Censure	@ Unlimited
	(2) Withholding of increment in pay.	*Unlimited
	(3) Withholding of promotion	-Do-
2. Heads of Offices who are Class-I Officers.	@*(1) Censure	@ unlimited
	(2) Withholding of increments.	Upto one year with no effect on future increments
	(3) Withholding of promotion	Upto one year with no effect on seniority.
3. Head of Offices who are Class II Officers.	@*(1) Censure	@ Unlimited
	(2) Withholding of increments of Pay	Upto six months with no effect on future increments
	(3) Withholding of promotion	Upto six months with no effect on seniority

 @["Censure" and "unlimited" have been deleted and "unlimited" is substituted against 'DO' in sub-entry (2) in column-4 vide GN/GAD/No. GS/12/CDR/1095/Inq. Cell, dated 16-05-1996.]

*[The word "Censure" reinserted vide GN/GAD/ No: GS-2000-45-CDR-1095-539-Inq. Cell dt. 1st December,2000.]

Gujarat Civil Services(D&A)Rules,1971

A list of notifications by which amendments have been made in these rules up to 23-6-2009

Srl. No	Notification No	Date
(1)	(2)	(3)
1	GN/GAD/No. GS-77-79/1277-G,	18-05-1977
2	GN/GAD/No. GS/77-97/CDR/1277/1478-G,	01-07-1977

3	GN/GAD No.GS/80-5-CDR-1178-2076-G,	10-01-1980
4	<i>GN/GAD/No.GS/86/17/CDR-1084/565/Inq.Cell,</i>	16-04-1986.
5	GN/GAD/GS/39/86/CDR/1085/1079/Inq. Cell,	11-11-1986
6	GN/GAD/No.GS/12/CDR/1095/539/Inq.Cell,	16-05-1996
7	<i>GN/GAD/No. GS/98/32/CDR/1092/311/Inq. Cell,</i>	16-07-1998.
8	<i>GN/GAD/No.GS/2000(29)/KHATAP/1098/540/Inq. Cell,</i>	2-11-2000
9	GN/GAD/ No: GS-2000-45-CDR-1095-539-Inq. Cell .	01-12-2000
10	GN/GAD/NO.GS/2001(8)KHATAP/1098/540/Inq Cell	4-5-2001
11	GN/GADNO:-GS-2004-(45)-CDR-10-2003-2225-INQ CELL.	20-9-2004
12	GAD/GN/GS/2004(62)/CDR/1098/171/Inq.Cell.	1-12-2004
13	<i>GN/GADNOGS-2007-(19)-CVO-122005-1077- Inq. Cell.</i>	4-7-2007
14	GN/ GAD/GS/2007(21)/CDR-1098-171/Inq.Cell.	18-8-2007
15	<i>GN/GAD/NO.GS-2008-(10)-CVO-122005-1077- Inq. Cell .</i>	6-8-2008
16	<i>GN/GAD/NO.GS-2009-(17)-CDR-132008-369- Inq. Cell</i>	25-5-2009.
17	GN/GADNo.GS-2009- (20)MIS-102007- 641-Part-Inq.Cell.	23-6-2009. }