
INDIAN ADMINISTRATIVE SERVICE (CADRE) RULES, 1954

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INDIAN ADMINISTRATIVE SERVICE (CADRE) RULES, 1954

¹ 1. Vide Notification No.212154/54/-A.I.S.(II), dated 8th September, 1954. In exercise of the powers conferred by sub-section (1) of Sec. 3 of the All India Services Act, 1951 (LXI of 1951), the Central Government, after consultation with the Governments of the State concerned, hereby makes the following rules, namely:

1. Short title :-

These rules may be called the Indian Administrative Service (Cadre) Rules, 1954.

2. Definitions :-

In these rules, unless the context otherwise requires,-

(a) 'Cadre officer' means a member of the Indian Administrative Service;

¹[(b) 'Cadre post' means any of the post specified under item I of

each cadre in the schedule to the Indian Administrative Service (Fixation of Cadre Strength) Regulations, 1955;]

(c) 'State' means ²[a State specified in the First Schedule to the Constitution and includes a Union Territory.] ³[* * *]

⁴ [(d) 'State Government concerned', in relation to a Joint Cadre, means the Joint Cadre Authority.] GOVERNMENT OF INDIA'S DECISIONS: The Government of India have held that a cadre post as defined in the Rules means only the post specified under item I of the cadre strength of each State. A non-cadre post does not become a cadre post simply, on being declared equivalent to a cadre post. It would become a cadre post only after it has been included in and specified as such item 1 of the cadre strength of each State as shown in the schedules to the I.A.S. (Fixation of Cadre Strength) Regulations, 1955. [G.I., M.H.A. letter No. 14/51/6S-AIS (III), dated 21st January, 1966.]

1. Subs. by M.H.A. Notification No. 14/31/65-AIS(III)-A, dated 5th April, 1966.

2. Subs. with effect from 1st November, 1956 by M.H.A. Notification No. 13/21/56-AIS (III) dated 28th February, 1958 and further amended with effect from 4th October, 1958 by M.H.A. Notification No. 5/25/58-AIS(II)-(I), dated 8th July, 1959.

3. Deleted by DP and AR Notification No. 1/1/72-AIS (I)-A dated 16th March, 1973.

4. Subs. by D.P. Notification No. 13/4/71-AIS(I), dated 11th January, 1972.

3. Constitution of Cadres :-

(1) There shall be constituted for each State or group of States an Indian Administrative Service Cadre.

(2) The cadre so constituted for a State or a group of States is hereinafter referred to as a 'State Cadre' or as the case may be, a 'Joint Cadre'.-

4. Strength of Cadres :-

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(1) The strength and composition of each of the cadres constituted under Rule 3 shall be as determined by regulations made by the Central Government in consultation with the State Governments in this behalf and until such regulations are made, shall be as in force immediately before the commencement of these rules.

(2) The Central Government shall, at the interval of every three years, re-examine the strength and composition to each such cadre in consultation with the State Government or the State Governments concerned and may make such alterations therein as it deems fit: Provided that nothing in this sub-rule shall be deemed to affect the power of the Central Government to alter the strength and composition of any cadre at any other time: Provided further that the State Government concerned may add for a period not exceeding one year ¹[and with the approval of the Central Government for a further period not exceeding two years,] to a State or Joint Cadre one or more posts carrying duties or responsibilities of a like nature to cadre posts. GOVERNMENT OF INDIA'S DECISIONS:

1.1 The criterion for inclusion of senior duty posts as the I.A.S. cadre schedule is that the cadre should include all posts for which the State Government would require officers with wide administrative experience of the standard of the I.A.S. It should thus include:

(i) all superior administrative posts of and above rank of District Officers e.g. Collectors, Commissioners, Members of Board of Revenue, Secretaries and Deputy Secretaries in Administrative Departments; and

(ii) a proportion of miscellaneous posts including time of Heads of Departments. Strict uniformity in this matter is difficult.

1.2 The Central Government reserves the right to take a final decision regarding inclusion of a post in the cadre. [G.I. M.H.A. letters No. 5/61/57-AIS(II), dated 22nd November, 1957, No. 27/28/64-AIS(III), dated 24th March, 1966 and file No. 14/39/6S-AIS (III).]

2. Posts included in the cadre acquire the character of permanency. [G.R. M.H.A. letter No. 6/2S/64-AIS (I), dated 1st June, 1964.]

3. Temporary additions to or subtractions from a cadre are not to be taken into account for cadre calculations or for calculating the number of selection grade posts. [G.I. M.H.A. letter No.5/24/58-AIS (II), dated 5th May, 1958.]

4.1 The second proviso requires that the posts added temporarily to the cadre should carry duties and responsibilities of a like nature of cadre posts. The exercise of this power by the State Government

with reference to a post involves an objective assessment of the nature of the duties and responsibilities attached to that post in comparison to those attached to a cadre post. Thus post cannot be added temporarily to the cadre unless such posts already exist in the cadre.

4.2. The scale of pay of the post, temporarily added to the cadre, should be the same as that of the cadre post to which it corresponds. Thus, where the pay of the post of Secretary in the cadre is in the

5.1 A doubt was raised whether ex-cadre post equated to cadre posts under Rule 9 of the Rules would be treated as automatic temporary additions to the cadre and would fall within the scope of the second proviso to rule 4(2) of the Cadre Rules.

5.2 Both these provisions are independent of each other and are not inter-connected. The second proviso to Rule 4(2) of the Cadre Rules empowers the State Government to make temporary additions to the cadre for the period not exceeding the limit indicated therein. Rule 9 of the Pay Rules, on the other hand, provides for the regulation of pay of cadre officers appointed to non-cadre (ex-cadre) posts. The State Governments are competent to appoint cadre officers to such posts under their control to the extent that the appointments should not exceed the number of posts in the deputation reserve of the State cadre. The non-cadre (ex-cadre) posts to which cadre officers are appointed would not result in the posts becoming temporary addition to the cadre within the scope of the second proviso to Rule 4(2) of the Cadre Rules. [G.I., M.H.A. letter No. 6/25/65-AIS (I), dated 24th April, 1965.]

6.1 The Government of India, have clarified the scope of the second proviso to Rule 4(2) of the I.A.S. (Cadre) Rules, 1954, as follows:

6.2 The provision regarding addition of extra cadre posts for short periods did not exist in the ICS/IPS Rules corresponding to the present IAS/IPS Cadre Rules, nor did it exist in Civil Administrative Cadre Rules, 1950 or Police Cadre Rules, 1950. Even the original draft of the present IAS/IPS Cadre Rules did not contain such proviso. It was only in the Chief Secretaries' Conference held in 1954 to consider the drafts of the various All India Services Rules and Regulations, that the question of making such a provision in the Cadre Rules, was raised by the Government of West Bengal.

The discussion which took place in the Conference on this question indicates clearly the scope of this provision in the Cadre Rules. The relevant extracts from the proceedings of the meeting of the Conference, held on the 13th April, 1954, are reproduced below: West Bengal.-In the rule regarding the alteration of strength, I have to make the same point that I raised this morning. The State Government should have the power to make temporary additions to the cadre for a period not exceeding one year, when the duties of the posts are closely analogous to those of the scheduled cadre posts. This would be necessary, if suddenly we feel the necessity to increase the number of say, the Superintendents of Police. Shri Bapat.-I think that will be a useful provision. We can have it. Shri Dutt.-Please let us have a draft. Of course, there is the obligation of posting only a cadre officer to such a post.

6.3 It would appear from the above discussion that the provision was made to meet the sudden and immediate need for extra posts carrying duties or responsibilities analogous to cadre posts subject to the condition that such posts will be held by cadre officers only. In actual practice occasions for resorting to this provision will be rare and ordinarily the need for such extra cadre post is not for a period exceeding one year. If the need for such extra cadre posts is for a period exceeding one year generally the need is considered to be a permanent one unless the State Government are certain that they will not need such posts beyond a particular fixed period not exceeding three years in all. Therefore, steps should be taken for the inclusion of such posts in the permanent cadre on the expiry of one year. The idea is that by including such posts in the permanent cadre, the State Government will be able to assess correctly their needs for recruitment on the basis of the competitive examination.

6.4 If no cadre officer is available, a temporary post created with whatever designation, should be added to the IAS/IPS cadre. If the post is held by State Civil/Police Service Officer whether in the Select List or not, it will be a temporary addition to the State Civil/Police cadre of the State or an ex-cadre post counted against deputation reserve, if any, provided in that cadre or it may be an isolated post in the State Civil/Police Service to which the State Civil/Police Service Officer could be appointed with the approval of the State Public Service Commission, if so required by the State Rules. [G.I., M.H.A. letter No. 14/53/65-AIS (III), dated 21st March, 1966.]

7. It has been held that State Governments are not competent to exceed the number of posts specified against items 2 and 5 to 8 of the cadre schedules without the prior sanction of the Central Government under Rule 4(2) or the proviso thereto. [G.I., M.H.A. letter No. 14/51/66-AIS (III), dated 21st February, 1966, and File No. 14/14/65- AIS (II).]

8. Recruitment to the IAS/IPS, on the result of annual competitive examinations, is made on the basis of the posts shown in item 4 of the IAS/IPS cadre of each State. Items 5 to 8 are the various reserves in the cadre calculated on the basis of that item and the posts shown in these items are also available for the direct recruits. The posts shown in items 7 and 8 of the cadre are in the junior time-scale but those shown in items 5 and 6 will generally be in the senior time-scale. Thus post shown in items 5 and 6 of the cadre viz, the 'Deputation Reserve' and 'Leave Reserve' when remunerated in the senior time-scale are also 'senior posts' to be manned by examination recruits. Thus direct recruits are not only entitled to senior posts shown in item 4 of the cadre of each State but also to posts shown in items 5 and 6 thereof when remunerated in the senior scale of the IAS/IPS. [G.I., M.H.A. letter No. 14/17/65-AIS (III), dated 20th November, 1965.]

9.1 A question was raised whether posts temporarily added to the IAS/IPS Cadre of a State under the second proviso to Rule 4(2) of the IAS/IPS (Cadre) Rules, 1954, should be deemed to have been included temporarily in Schedule III-A or III-B to the IAS/IPS (Pay) Rules, 1954.

9.2 The legal position in respect of the posts temporarily added to the IAS/IPS Cadre has been clarified in the Ministry of Home Affairs letter No. 14/5/66-AIS (III), dated 21st February, 1966 and 14/53/65-AIS (III), dated the 21st March, 1966. It would appear therefrom that a post temporarily added to the cadre is not a 'cadre post' as defined in the IAS/IPS (Cadre) Rules, 1965. It is also not a cadre post for the purposes of IAS/IPS (Fixation of Cadre Strength) Regulations, 1955. An extra post (carrying duties and responsibilities analogous to cadre posts) could be temporarily added to the cadre, when a cadre officer is available to man such post. If no cadre officer is available a temporary post created with whatever designation when held by a State Civil/Police Service Officer whether in the Select List or not, would be a temporary addition to the State Civil/Police Service Cadre of the State or an

ex-cadre post counted against depositions reserve, if any, provided in that cadre or it may be an isolated post in the State Civil/Police Service. It would have no connection whatsoever with the IAS/IPS cadre of the State

9.3 When a post temporarily added to the IAS/IPS cadre is held by a cadre officer a declaration of equivalence under rule 9 of the IAS/IPS (Pay) Rules, 1954, will not be necessary for the purpose of fixation of his pay under the IAS/IPS (Pay) Rules, 1954, the duties and responsibilities of such post being already analogous to a cadre post vide the second proviso to rule 4(2) of the IAS/IPS (Cadre) Rules, 1954. [G.I., M.H.A. letter No. 15/39/66-AIS(III), dated 22nd April, 1966.]

10.1 The Government of India have clarified that purely temporary post may be divided into two categories-(i) posts created to perform the ordinary work for which permanent cadre posts in the IAS/IPS cadre already exist, the only distinction being that the new posts are temporary and not permanent and (ii) isolated posts created for the performance of special task unconnected with the ordinary work which the Service is called upon to perform. An example of the latter type of the post would be a post on a Commission of Enquiry. A distinction by strict verbal definition is difficult but in practice there should be little difficulty in applying the distinction in individual cases. The former class of post should be considered to be temporary additions to the Cadre of the Service. The second proviso to rule 4(2) of the IAS/IPS (Cadre) Rules, 1954 gives power to the State Government concerned to add for a period not exceeding one year, and with the approval of the Central Government for a further period not exceeding two years, to a State Cadre, one or two posts carrying duties or responsibilities of a like nature to cadre post. The latter class of temporary post should be considered as unclassified and isolated ex-cadre post, the power to create such post will depend on the provisions contained in the Book of Financial Powers of the State Government concerned.

10.2. The posts which are temporary additions to the IAS/IPS Cadre are to be created when cadre officers are available to man them, otherwise, these should be temporary additions of the cadre to which the holders of the post belong as clarified in Ministry of Home Affairs No. 15/39/66-AIS(III), dated 22nd April, 1966.

10.3 The posts which are ex-cadre of IAS/IPS Cadre are to be

manned by cadre officers and counted against deputation reserve provided in the Cadre. There is restriction on the powers of the State Government for the creation of such posts as the number of such posts is not to exceed the number shown against deputation reserve in the Cadre. If a member of service is not going to be appointed to an ex-cadre post, the temporary post can be created either as ex-cadre post of the State Civil/Police Service or just ad-hoc post without equivalence as clarified in paras 6-9 of Ministry of Home Affairs' D.O. letter No. 27/28/64-AIS(III), dated 24th March, 1966. It would however, be appropriate that when the temporary post is to be held by a State Civil/Police Service Officer, it should be created in the time-scale of the State Civil/Police Service. [G.I., M.H.A. letter No. 40/5/66-AIS(III), dated 27th December, 1966.]

GOVERNMENT OF INDIA'S INSTRUCTIONS :

1.1. The Government of India have clarified certain fundamentals regarding the management of the All India Services Cadres, as follows.

1.2. At the time of the constitution of the IAS/IPS in 1947, it was decided to include the following categories of posts in the IAS Cadres :

(a) All superior posts in the administrative departments of and above the rank of District Officers, i.e., Collectors, Commissioners, Members Board of Revenue, Secretaries, Deputy Secretaries etc.

(b) A proportion of miscellaneous posts including those of Heads of Departments. In the IPS, corresponding ranks were substituted, the principle remaining the same. Provision was made in the rules for triennial review of the cadre strength to adjust it according to the growing and changing needs of each State.

1.3. The senior posts as notified in the schedule of each State cadre were divided into three main categories, viz.:

(a) Senior posts under the State Government;

(b) Central Deputation Quota;

(c) Deputation reserve.

1.4. Posts that fulfil the qualifications described in 2 above should, therefore, be enumerated as the senior posts under the State Government. The intention also has always been that all posts in the State which are required on a long term basis and which cany

duties and responsibilities similar to such senior cadre posts, should be included in the cadre. At the time of the triennial review a realistic estimate should be made of the new posts required during the next 4 to 6 years on the basis of the previous rate of expansion of the cadre and of the additional posts required in connection with the Five Year Plans and the growing business of Government and the cadre strength should be fixed after taking these needs into consideration.

1.5. The Central Deputation Quota fixes the share of the Government of India out of the State cadre for the various requirements of the Centre. By and large this quota may be taken to be the limit of deputation to the Government of India.

1.6. The Deputation Reserve is intended to provide a cushion to the State Government for its temporary and unforeseen demands of cadre officers for manning such ex-cadre posts which are required temporarily for short periods and which do not qualify for inclusion in the IAS cadre. The very name suggests that it is intended to cover short-term needs; long-term posts being brought into the cadre as soon as it is known that they would continue over a period of time.

1.7. Select Lists are intended to provide a ready list of screened State Service Officers who can be appointed to vacancies that may occur in the promotion quota during a particular year. It can also be utilized to fill short-term vacancies and to meet any minor emergency requirements on a temporary basis. It has never been intended to become a parallel cadre for manning long-term vacancies either in the cadre or in ex-cadre equivalent posts.

1.8. If the cadre strength is adequately fixed keeping in view the normal rate of growth of the cadre and the requirements of the Plan etc. and if recruitment to the cadre has been on an adequate scale, the need for filling cadre posts by Select List Officers should rarely arise. There should be no long-term ex-cadre posts. If there are any, they ought to go into the cadre. For short term ex-cadre posts, the deputation reserve in the cadre should be adequate. If there is an imbalance between the number of the ex-cadre posts and the deputation reserve, then it can be redressed either by reducing the number of ex-cadre posts or increasing the deputation reserve.

1.9. It is not at all necessary that new senior posts which are

created must be declared equivalent to cadre posts. Rule 9(1) of the Indian Administrative Service (Pay) Rules, 1954, requires that members of the service should not be appointed to an ex-cadre post unless the State Government had declared it equivalent to a cadre post. In exceptional circumstances, of course for reasons to be recorded in writing, the equation may not be made (Sub-rule (4) of Rule 9]. It is, therefore, only when a member of the service is to be appointed to an ex-cadre post that it has to be declared equivalent to a cadre post and even then it is not necessary in all cases. If a member of the service is not going to be appointed to an ex-cadre post, declaration of equivalence is not required at all. These can be created either as ex-cadre posts of the State Civil or Police Services or just ad hoc posts without equivalence.

1.10. The adequacy of recruitment rate for the All India Services is vital to the proper functioning and management of Government. Two measures are needed to ensure this. The first is the prompt encadrement of new posts likely to last over an extended period and the second is to assess future needs in advance on the basis of the past experience and the future plans. A failure in either of the two requirements will affect the adequacy of cadre strength thus leading to strains and stresses which some of the States are facing today.

1.11. Once the cadre strength has been determined at the triennial review which can be made more frequent if required the rate of annual recruitment must be adequate to fill up all the posts within two or three years. In some of the States the recruitment rate has been rather low with the result that gaps continue in the cadre for years and longer Select Lists are required to meet the cadre shortages. This has two-fold disadvantages; it affects the seniority of the direct recruits and the State Service Officers develop hopes and expectations beyond those provided for in the scheme of the All India Services. [G.I., M.H.A. D.O. letter No. 27-28-64-AIS(III), dated 24th March, 1966.]

2.1. The Government of India have issued the following clarifications regarding Rule 4 of the Cadre Rules and the various reserves against which officers holding posts other cadre posts are to be shown : Under Rule 3 of the Cadre Rules, Cadres have been constituted for each State or group of States. The strength and composition of each of these cadres have been determined by the Regulations, framed under the Cadre Rules and have been shown in

the Schedule to those Regulations. The term 'cadre post' has been defined as any post specified under item (i) of each cadre in the Cadre Schedule vide clause (b) of Rule 2 of the Cadre Rules.

2.2 The power to alter the strength and composition of a cadre vests in the Central Government, vide sub-rule (1) of 2 of the Cadre Rules. With a view to meeting emergent needs of the State Administration, the State Government concerned has been authorised vide the second proviso under sub-rule (2) of Rule 4 of the Cadre Rules, to add for a period not exceeding one year to a State Cadre, one or more posts carrying duties or responsibilities of like nature to cadre posts. However, the posts so added by State Government do not become cadre posts.

2.3. With a view to ensuring that members of the Indian Administrative Service are not deployed on posts which do not require to be manned by officers of that calibre, it has been provided, vide sub-rule (1) of rule 9 of the Indian Administrative Service (Pay) Rules, 1954 (hereinafter referred to as "The Pay Rules") that no such members shall be appointed to a post other than a post specified in Schedule III to those Rules (hereinafter referred to as 'the Pay Schedule'), unless a declaration is made that the said post is equivalent in status and responsibility to a post specified in Pay Schedule. However, for sufficient reasons to be recorded in writing such a declaration may be dispensed with, vide sub-rule (4) of Rule 9 of the Pay Rules.

2.4 Neither a post which is declared equivalent in status and responsibility to a post included in the Pay Schedule nor a post as respects which such declaration has been dispensed with, is a cadre post.

2.5 Powers under the second proviso under sub-rule (2) of Rule 4 of the Cadre Rules are to be invoked only for increasing the number of posts with a particular designation already included in the Cadre Schedule. If a post with a particular designation does not figure in the cadre schedule, it cannot be created by invoking these powers. It will have to be created, where necessary, by the State Government, under their inherent powers and if a member of the Indian Administrative Service is to be appointed thereto such appointment should be regulated under Rule 9 of the Pay Rules.

2.6 When a post is created by invoking the powers under the second proviso to sub-rule (2) of Rule 4 of the Cadre Rules, further

action under Rule 9 of the Pay Rules, is not necessary, because the post will already be figuring in the Pay Schedule.

2.7 Thus, powers under sub-rule (2) of Rule 4 of the Cadre Rules and under Rule 9 of the Pay Rules, are mutually exclusively and together are exhaustive, in so far as posts under the State Government are concerned.

2.8 Doubts have been expressed about the item of the Cadre Schedule which relates to posts, other than cadre posts on which cadre officers are deployed.-Item 2 and 5, namely, Central Deputation Reserve and Deputation Reserve, comprise the following posts manned by cadre officers:

(A) Item 2: Central Deputation Reserve. Posts under the Central Government.

(B) Item 5: Deputation Reserve.

(i) Posts under the Government of the State on the cadre of which the officer is borne :

(a) which has been created in exercise of the powers of the State Government under the second proviso under sub-rule (2) of Rule 4 of the Cadre Rules.

(b) which have been declared equivalent to posts included in the Pay Schedule.

(c) as respects which a declaration of equivalence to posts included in the Pay Schedule has been dispensed with.

(ii) Posts under the Government of a State, other than the one on the cadre of which the officer is borne.

(iii) Posts under a company, association or body of individuals whether incorporated or not, which is wholly or substantially owned or controlled by the Central Government or a State Government or a Municipal Corporation or a Local Body, other than cadre posts of the State Cadre on which the officer is borne.

(iv) Posts under an international organization and autonomous body not controlled by the Government, or a private body. [G.I., D.P. and A.R. letter No. 4/12/70-AIS(I), dated 26th May, 1971.]

3.1. A question was raised as to how the scale check prescribed in the Ministry of Home Affairs' endorsement No. 14/51/65/AIS(III),

dated 21st February, 1966 should be conducted. The Government of India have considered the matter carefully and they have decided that the scale check in respect of the IAS/IPS cadre of each State should be carried out by the Accountant General concerned with reference to the IAS/IPS (Fixation of Cadre Strength) Regulations, 1955, in relation to each State. In other words, it should be examined whether the posts shown against each item have been properly utilised. It is also to be checked up whether any of the cadre post is held by a non-cadre officer and if so whether it is, with proper approval of the competent authority under rule 9 of the IAS/IPS (Cadre) Rules, 1954, and whether non-cadre officers (Select Lists officers) have been appointed to officiate in cadre posts in the order in which their names appear in the current Select List.

3.2. The intention is that the quarterly check should be conducted on the quarters ending 31st March, 30th June, 30th September and 31st December and the results should be communicated by the Accountant General concerned to the Government of India as also the State Government concerned within one month, i.e. the report for the quarter ending 31st March should be communicated by the 30th April, and so on.

3.3. The Government of India have also decided that copies of the current Select Lists and the orders issued under rule 9 of the IAS/IPS (Cadre) Rules 1954, from time to time-should be supplied to the Accountants General to enable them to carry out the above-mentioned scale check. They will, no doubt, treat the Select Lists as confidential documents and utilise them for official use only, as required under the existing instructions. [G.I., MHA letter No. 16/5/66-AIS(III), dated 23rd June, 1966.]

4. Rule 4 of the Cadre Rules provided for a review of the strength and composition of the cadre at the interval of every three years. The State Governments are, therefore, requested to sponsor their triennial review proposals after taking into consideration their requirements at least for 3 years to avoid frequent proposals for amendments to the cadre schedule. However, cases where changes in the cadre are considered unavoidable and cannot be delayed till the next triennial review, in such circumstances proposals may be made once in a year, i.e. in the month of January. The State Governments are, therefore, requested to adhere to this procedure for proposing amendments to the cadre schedule. [G.I., M.H.A.

letter No. 6/10/68-AIS-II, dated 27th February, 1968.] Deemed promotion and notional seniority-Explained.-"If deemed promotion" could be taken into account for the purpose of eligibility, should not the analogy hold good for "notional seniority" also. Deemed promotion is nothing but promotion conferred by a fiction. If deemed promotion means that the person was not factually and actually promoted at the relevant time, but was only deemed to have been promoted; and if such promotion could be taken into account, there is no reason why notional seniority also should not be taken into account without insisting on actual service.

²Appointment is a temporary appointment.-The creation of ex-cadre posts by State Government can only be in terms of the second proviso to rule 4(2) of the Indian Administrative Service (Cadre) Rules, 1954. That proviso reads as follows : "Provided further that the State Government concerned may add for a period not exceeding one year and with the approval of the Central Government for a further period not exceeding two years, to a State or Joint Cadre one or more posts carrying duties or responsibilities of a like nature to cadre post." Even if it be assumed that the State Government could appoint any person to these ex-cadre posts, the appointment must, necessarily be temporary appointment. ³

1. Added by M.H.A. Notification No. 6/8/64-AIS(I), dated 30th November, 1964
2. Hanumantha Reddy v. Union of India, 1986 Lab. I.C. 1529 at pp. 1532, 33 (A.P.).
3. G.S. Gill v. State of Punjab, (1974) 2 L.L.J. 368 at p. 370.

5. Allocation of members to various cadres :-

(1) The allocation of cadre officers to the various cadres shall be made by the Central Government in consultation with the State Government or the State Governments concerned.

(2) The Central Government may, with the concurrence of the State Governments concerned transfer a cadre officer from one cadre to another cadre.

GOVERNMENT OF INDIA'S DECISIONS : It has been decided that, while allocating candidates selected on the basis of the annual competitive examinations to the various State Cadres, the recommendation of the State Re-organisation Commission, that at least 50 per cent of the new entrants in any State cadre should be from outside the State concerned, shall be borne in mind. [G.I., M.H.A. File No. 1/66/50-AIS (I).]

6. Deputation of cadre officers :-

(1) A cadre officer may, with the concurrence of the State Government or the State Governments concerned and the Central Government, be deputed for service under the Central Government or another State Government or under a company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by the Central Government or by another State Government: ¹[Provided that in case of any disagreement, the matter shall be decided by the Central Government and the State Government or State Governments concerned shall give effect to the decision of the Central Government.]

(2) A cadre officer may also be deputed for service under,-

(i) a company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by a State Government, a Municipal Corporation or a Local Body, by the State Government on whose cadre he is borne; and

(ii) an international organisation, an autonomous body not controlled by the Government, or a private body, by the Central Government in consultation with the State Government on whose cadre he is borne : Provided that no cadre officer shall be deputed to any organisation or body of the type referred to in item (ii), except with his consent :

²[Provided further that no Cadre Officer shall be deputed under sub-rule (1) or sub-rule (2) to a post other than a post under the Central Government or under a company, association or body of individuals whether incorporated or not, which is wholly or substantially owned or controlled by the Central Government) carrying a prescribed pay which is less than, or a pay scale the maximum of which is less than, the basic pay he would have drawn in the cadre post but for his deputation.] GOVERNMENT OF INDIA'S DECISIONS: The terms of deputation of a cadre officer deputed to another State shall be finalised by the borrowing Government in consultation with the lending Government, if there is any point of difference between them, it may be referred to the Government of India. [G.I., M.H.A. File No.22/6/57-AIS(II), dated 30th May, 1957.]

(3) A University is an autonomous body not controlled by the Government. In view of this, the deputation of a member of the Indian Administrative Service to a University will come within the

ambit of clause (ii) of sub-rule (2) of rule 6 of the Indian Administrative Service (Cadre) Rules, 1954, and can be ordered only by the

(4) Whenever it is proposed by a State Government to depute a member of the Indian Administrative Service to a University full particulars of the term of deputation which are proposed to be allowed to him should be furnished to the Central Government in order to enable it to examine the proposal and issue necessary orders. [G.I., Deptt. of Per. and A.R, letter No. 13/1/74-AIS(II), dated 28th January, 1974.]

(5) The terms of deputation of an officer, deputed on foreign service, are normally issued by the lending authority, in consultation with the borrowing authority. In the case of the All India Services, however, the All India Services (Leave) Rules, 1955 and the All India Service (Conduct) Rules, 1968 and the All India Services (Discipline and Appeal) Rules, 1969 provide that a member of an All India Services whose services are placed at the disposal of a company, corporation etc. by the Central Government or the Government of a State shall, for the purpose of these rules, be deemed to be a member of the Service serving in connection with the affairs of the Union or in connection with the affairs of that State, as the case may be. By virtue of the provision contained in these rules, if the terms of deputation of a member of an All India Service, deputed to a public sector undertaking controlled by the Central Government, are issued by a State Government, 'Government' in his case will be a State Government concerned. It is, however, only proper that such a member of an All India Service should be under the control of the Central Government for the purposes of these Rules. In view of this, the terms of deputation of a member of an All India Service who is serving in connection with the affairs of a State and who is deputed to a public sector undertaking etc. controlled by the Central Government should be issued by the Ministry/Department of the Central Government which is administratively concerned with that organisation in consultation with the State Government or Joint Cadre Authority on whose cadre the officer is borne. [Deptt. of Per and A.R. letter No. 13/27/74-AIS(II) dated 17th January, 1975.] Scope defined.-There is no 'dispute that rule 6 of the Indian Administrative (Cadre) Rules, 1954, applies to members of the Indian Civil Service, not permanently allotted to the judiciary under rule 3 of the Indian Administrative Service (Recruitment) Rules, 1954 : vide page 115

of the All India Services Manual (corrected upto 1st May, 1967). The said Rule 6, therefore, governs the position of the appellant, in the instant case, in the Government of India. It appears from the Assam Civil List (corrected upto 1st January, 1960) at page 17 as well as the Civil List of the Indian Administrative Service as on 1st January, 1967 (Pages 28 to 29) that the appellant was on deputation to the Government of India from the State of Assam. He had held the post of a Joint Secretary to the Central Government from January, 1955 to February, 1961. Thereafter, he became the Managing Director of the Central Warehousing Corporation and then in July, 1964, he was appointed Secretary to the Department of Social Security. He was a cadre officer on deputation and, as such, the offices that he held, were of transitory nature and the Central Government had the right to replace his services to the State of Assam as and when it thought fit. His substantive service was not in the Central Government; but in the Government of Assam. For these reasons Mr. Chakraborty's contention was overruled that the appellant was holding a permanent post in the Central Government or had been appointed to any such post substantively. ³

1. Ins. by D.P. and A.R. Notification No. 11031/15/85 AIS (II) dated 14th March, 1984.
2. Sub. by G.S.R. 445 dated 20th May, 1988.
3. Debesh Chandra Das v. Union of India, 1969 Lab. I.C. 409 at pp 416, 17 (Cal.) A.I.R. 1969 Cal. 180.

7. Postings :-

All appointments to cadre posts shall be made-

- (a) in the case of a State Cadre, by the State Government; and
- (b) in the case of a Joint Cadre, by the State Government concerned.

8. Cadre and ex-cadre posts to be filled by cadre officers :-

- (1) Save as otherwise provided in these rules every cadre post shall be filled by a cadre officer.
- (2) A cadre officer shall not hold an ex-cadre post in excess of the number specified for the concerned State under item 5 of the Schedule to Administrative Service (Fixation of Cadre Strength) Regulations, 1955.
- (3) The State Government may, with the prior approval of the

Central Government, appoint a cadre officer to hold an ex-cadre post in excess of the number specified for the concerned -State in item 5 of the Schedule to Administrative Service (Fixation of Cadre Strength) Regulations, 1955 and, for so long as the approval of the Central Government remains in force, the said ex-cadre post shall be deemed to be an addition to the number specified in item 5 of the said Schedule.] Cadre officer explained:- A cadre post is to be filled by a cadre officer and cadre officer is defined as a member of the Indian Administrative Service, but if no suitable cadre officer is available, the post can be filled by a non-cadre officer to be chosen from the Select List of members of the State Civil Service. A non-cadre officer can be appointed to a cadre post if the vacancy is to last for not more than three months and if it is to last for a period exceeding six months, the matter has to be referred to the Union Public Service Commission. In either case the reasons for filling the cadre post by a non-cadre officer have to be communicated to the Central Government and it is open to the Central Government to direct the State Government to fill a particular cadre post with a cadre officer and terminate the appointment of a non-cadre officer from that post. ¹Benefit of officiation on a Cadre post.-The applicant who was an officer of the Himachal Pradesh Administrative Service, was appointed by order dated 16th July, 1981 passed by Government of Himachal Pradesh to officiate against the Senior Duty Post of Additional. Deputy Commissioner in the senior time scale of IAS plus Rs. 150 per mensem as special pay w.e.f. the date of taking over the assignment. Pursuant to the order, the applicant took over on 23rd July, 1981. He was placed on the select list for appointment to the Indian Administrative Service, for short IAS, by the selection rule 8 of the IAS (Recruitment) Rules, 1954 pursuant to the notification dated 30th July, 1984. He was intimated by the letter dated 23rd July, 1985 that his year of allotment has been fixed as 1980 taking into account his continuous officiation in the Senior Duty post only w.e.f. 1st October, 1983. Being aggrieved by the same, the applicant made a representation to the Government of India through the Government of Himachal Pradesh which was considered by the Government of India and was rejected. The applicant has been intimated about the rejection of his representation by a letter dated 25th April, 1987 from the Deputy Secretary (Personnel) to Government of Himachal Pradesh. The applicant has filed this application to quash the said order and to assign him the year 1977 as the year of allotment. He prays for consequential benefits as

well. It is not in dispute that the applicant continued to officiate in the higher duty post ever since 23rd July, 1981 till his name was included in the select list on 30th December, 1981 and even thereafter, till he was actually appointed to the IAS on 30th July, 1984. But while fixing his year of allotment the 1st respondent has taken in account his continuous officiation only w.e.f. 1st October, 1983. From the reply of the 1st respondent, it appears that the ground on which it was so done was that prior to 1st October, 1983, the 2nd respondent had over utilised the State deputation reserve and thus there was violation of Clause (b) of sub-rule (1) of rule 9 of the Cadre Rules. At this juncture reference may be made to rule of the Cadre Rules. It provides that a cadre post in a State may be filled by a person who is not a cadre officer for the State Government is satisfied that the vacancy is not likely to last for more than three months or that there is no suitable cadre officer available for filling up the vacancy. According to the rule the duty is cast on the State Government to report the Central Government where a cadre post filled by a non- select officer, and in any case where a person other than cadre officer is appointed to a cadre post for a period exceeding three months. On receipt of such a report it is open to the Central Government to direct the State Government to terminate such appointment.² In view of the clear provision contained in Cl. (b) of sub-rule (3) of rule 3 of the Seniority Rules and having regard to the exposition of the law on the subject by the Supreme Court, the first respondent should not have rejected the period prior to 1st October, 1983 while computing the period of continuous officiation of the applicant in a higher duty post. It was held that in determining the year of allotment of the applicant in accordance with Cl. (b) of sub-rule (3) of Rule 3 of the Seniority Rules, 30th December, 1981 is to be taken as the date of commencement of the continuous officiation by him in a senior post. As the year of allotment of the applicant has been fixed taking into account 1st October, 1983 as the date of commencement of such officiation, the order fixing the year of allotment is to be quashed, and we do so. We direct the first respondent to re-fix the year of allotment of the applicant taking into account the date 30th December, 1981 as the date of commencement of his continuous officiation in the higher duty post.

3

1. Bhagat Singh v. Union of India, 1972 Lab. I.C. 532 at p. 534 (P and H).
2. Harjit Singh v. Union of India, AIR 1980 S.C 1275 and Amrik

Singh v. Union of India AIR 1980 SC 1447.

3. V.K. Bansal v. Union of India, 1988 (4) S.L.R. 563 at pp. 564,567,568,569 (CAT).

9. Temporary appointment of non-cadre :-

¹[(1) A cadre post in a State shall not be filled by a person who is not a cadre officer except in the following cases; namely:

(a) if there is not suitable cadre officer available for filling the vacancy:

(b) if the vacancy is not likely to last for more than three months: Provided that if the vacancy is likely to exceed a period of three months, the State Government shall obtain the prior approval of the Central Government for continuing the person who is not a cadre officer, beyond the period of three months.

(2) A cadre post shall not be filled by a person who is not a cadre officer except in accordance with the following principles namely:

(a) if there is a Select List in force, the appointment or appointments shall be made in the order of the names of the officers in the Select List :

(b) if it is proposed to depart from the order of names appearing in the Select List, the State Government shall forthwith make a proposal to that effect to the Central Government together with reasons, therefore, and the appointment shall be made only with the prior approval of the Central Government;

(c) if a Select List is not in force and it is proposed to appoint a non-Select List Officer, the State Government shall forthwith make a proposal to that effect to the Central Government together with reasons of therefore, and the appointment shall be made only with the prior approval of the Central Government.] ²[(3)* * *]

³[(3) Where a cadre post is likely to be filled by a person who is not a cadre officer for a period exceeding six months, the Central Government shall report the full facts to the Union Public Service Commission with the reasons for holding that no suitable officer is available for filling the post and may in the light of the advice given by the Union Public Service Commission give suitable direction to the State Government concerned:

³[(4) Notwithstanding anything contained in these rules, in relation

to the State of Nagaland and the Union Territories, a cadre post may be filled by a person who is a member of the Indian Frontier Administrative Service and was recruited to that Service prior to 1st of January, 1968. ⁵ [x x x] GOVERNMENT OF INDIA'S DECISIONS : One of the objects of the procedure laid down in this rule is to ensure that a non-cadre officer is not appointed to a cadre post, if a suitable cadre officer is available. Thus, while the suitability of an officer included in the Select List for officiation in a cadre post cannot ordinarily be in doubt, the question to be examined in making all appointments to cadre posts is whether a suitable cadre officer is available or not, vide sub-rules (3) and (4). It has, therefore, been decided that even in a case where an

2. As the filling of a cadre post by a non-cadre officer is permitted under Rule 9, it has been held that it would be within its scope if a non-cadre officer, while holding a non-cadre post in addition discharges the duties and functions of a cadre post. Such arrangements should not, however, last for more than three months. [G.I., M.H.A. letter No. 6/17/64-AIS(I), dated 8 April, 1965.)

3.1 The Government of India have been advised that while making temporary appointments of Select List Officers to cadre posts under Rule 9 of the Cadre Rules, the order in which their names appear on the Select List should be followed. Where administrative needs so require, a State Civil Service Officer may be appointed temporarily to a cadre post out of turn for a period not exceeding three months to the extent permitted by Rule 9 of the Cadre Rules. If the out of turn officiation of Select List Officer exceeds the period of three months it would be incumbent on the part of the Central Government to refuse the continuance of the Select List Officer in such temporary officiation, and to require that the post be filled by the Select List Officer who is not in order in the Select List. It is also open to the Central Government under Rule 9 of the Cadre Rules to give directions for the appointment of a cadre officer to a cadre post in place of, or instead of, a Select List Officer.

3.2 It was further being held that no benefit in the matter of seniority, pay and probation will be admissible to a Select List officer appointed to a cadre post out of turn beyond the period of three months from the date of temporary appointment. [G.I., M.H.A letter 14/51/65-AIS(III), dated 21 February, 1966.]

4. The Government of India have held that it is ultra vires of the All

India Services Act, 1951, to regulate appointments of non-cadre officers (whether in the Select -List or not) in non-cadre posts (whether declared equivalent to a cadre post or not) under Rule 9 of the Cadre Rules. Consequently, there is no question of approval of the Government of India being accorded in the case of the Select List Officer holding a non-cadre post or a post temporarily added to the cadre, under Rule 9 of the Cadre Rules. [G.I., M.H.A. letter No. 15/79/66-AIS(III), dated 17 October, 1966.] GOVERNMENT OF INDIA'S INSTRUCTIONS :

1.1 The Government of India have advised the State Governments that they should keep in view the legal position explained in the note appended to the Ministry of Home Affairs letter No. 14/51/65-AIS(II), dated 21st February, 1966 regarding the scope of regulation 8 of the IAS (Appointment by Promotion) Regulations, 1955 and rule 9 of the IAS (Cadre) Rules, 1954, while appointing non-cadre officers (Select List Officers) to officiate in cadre posts.

1.2 The State Governments have also been advised that while making reference to the Government of India, they should furnish information in the revised proforms, reproduced below: PROFORMA Part I 1. Name of the State 2. Name of the officer proposed to be appointed to the IAS/IPS cadre post for a period exceeding six months. 3. Designation of the post held 4. Is the post mentioned against Col. 3 above is a cadre post specified in item I of the cadre schedule. 5. Date of appointment. 6. The period upto which the appointment is proposed to be made. 7. The reasons for holding that no suitable cadre officer is available for filling the IAS/IPS cadre post. Sanctioned Actual 8. (a) Cadre strength (b) Direct Rectt. Quota (c) Promotion Quota 9. No. of non-cadre officers holding cadre posts. 10. (a) Whether the officer(s) proposed for appointment in cadre post(s) figure(s) in the current Select List for Promotion to the IAS/IPS. (b) If so, whether, all the officers placed above him in the Select List are officiating in cadre posts. 11. Particulars of the senior most officer in the Junior Scale of the IAS/IPS in the State. 12. Whether there are any officers senior to those in 10 above who are not holding cadre posts. (Please furnish details in Part II). Part II Position of officers in the current select list senior to the officer(s) mentioned in Column 2 of Part I

2.1 The Government of India have clarified the scope of Rule 9 of the Cadre Rules as follows :

(a) The report under sub-rule (2) of rule 9 of the IAS/IPS (Cadre)

Rules, 1954, is to be made when a non-cadre officer is appointed to cadre post for a period exceeding three months, i.e., the period may be six months or more than six months, but it should exceed three months. The period exceeding 6 months has, therefore, no relevance whatsoever to the report to be made under sub-rule (2) of Rule 9 of the Cadre Rules. The report under the said sub-rule may not be made only once in all cases but it may be made subsequently every time, if it is proposed by the State Government to further extend the initial period of the appointment exceeding three months.

(b) Sub-rule (3) of the IAS/IPS (Cadre) Rules, 1954 is self-contained and independent of the provisions contained in sub-rules (1), (2) and (4) of the said rule. Sub-rule (3) of Rule 9 of the Cadre Rules empowers the Central Government to give directions to the State Government at any time to terminate the temporary appointment of a non-cadre officer to a cadre post, even without any report from the State Government whether the period is less than three months or more than six months. The words "or otherwise" occurring in sub-rule (3) of Rule 9 of the Cadre Rules are of great significance in this context and leave no scope for doubt.

(c) Sub-rule (4) of Rule 9 of the Cadre Rules does not place any restriction on the aforesaid powers of the Central Government under sub-rule (3) of Rule 9. The matter is to be referred to the Union Public Service Commission when the Central Government comes to the conclusions that no suitable cadre officer is available for filling the cadre post in question and does not want to terminate the appointment of the non-cadre officer under sub-rule (3) of the said rules. Suitable directions are then issued by the Central Government to the State Government concerned in the light of the advice given by the Union Public Service Commission. Such directions may contemplate termination of appointment of the non-cadre officer on availability of a suitable cadre officer or after a specified period or may stipulate other conditions. Again the arrangement contemplated by the directions may be terminated by the Central Government at any time under the powers vested in it by sub-rule (3) of Rule 9 of the Cadre Rules.

(d) According to Rule 8, read with rule 9, of the IAS/IPS (Cadre) Rules, 1954, a non-cadre officer has to be replaced by a suitable cadre officer as soon as one becomes available. The appointment of

non-cadre officer (Select List Officer etc.,) to hold the cadre post as a stop-gap arrangement pending availability of a suitable cadre officer does not give him any right to continue to hold the cadre post even after a suitable cadre officer becomes available.

(e) The inclusion of the name of a State Civil Service officer in the Select List does not confer any right on him, nor does he become a promoted officer merely by virtue of such inclusion. Appointment of non-cadre officers (Select List Officers) to cadre posts under Rule 9 of the Cadre Rules is a purely temporary arrangement which may be terminated at any time when the Central Government or the State Government concerned finds that suitable cadre officers have become available. The Select List officers cannot be equated with the direct recruits who are members, of the service and are entitled to hold senior posts.

2.2 The State Governments have been advised to keep the above instructions in view while sending reports/proposals under Rule 9 of the Cadre Rules to the Government of India. [G.I., M.H.A. letter No. 1/1/67-AIS(III), dated 11 January, 1967.]

1. Subs by G.S.R. 909(E), dated 11th November, 1987.
2. Omitted by G.S.R. (E), dated 11th November, 1987.
3. Renumbered by G.S.R. (E), dated 11th November, 1987.
5. Proviso Omitted by M.H.A Notification No.13/21/56 AIS(III), dated 28th February, 1958.

10. Report to the Central Government of vacant cadre posts

:-

Cadre post shall not be kept vacant or held in abeyance for periods exceeding six months without the approval of the Central Government. For this purpose, the State Government shall make a report to the Central Government in respect of the following matters, namely: (a) the reasons for the proposal ; (b) the period for which the State Government proposes to keep the post vacant or hold it in abeyance; (c) the provision, if any, made for the existing incumbent of the post; and (d) whether it is proposed to make any arrangements for the performance of the duties of the post to be kept vacant or held in abeyance, and if so, the particulars of such arrangements.] GOVERNMENT OF INDIA'S DECISIONS:

1.1 Instances have come to the notice of the Government of India in which State Government kept in abeyance IAS cadre posts under their control, under this rule and simultaneously created in lieu, ex-

cadre posts involving identical duties and responsibilities but carrying remuneration different from (generally above) that laid down for the corresponding cadre posts.

1.2 The Government of India are of the view that, as a general rule, action of this nature not only has the effect of altering the structure of the State IAS cadre concerned, but also tends to defeat more than one object embodied in the All India Services Rules. The rules do not necessarily require the appointment of a cadre officer to an ex-cadre post of this type. The appointment of a non-cadre officer to what should really be a cadre post would be open to obvious objection; but so also would the appointment of a cadre officer to an ex-cadre post, which, by the very nature of duties and responsibilities involved, should actually be a cadre post. The holding in abeyance of certain cadre posts, and their substitution by ex-cadre posts carrying different scales or rates of pay as well as status would thus result in an artificial exclusion of certain posts from the Pay Rules, and result in a distortion of the cadre structure. In certain circumstances, there may well be reason to consider, the upgrading of a cadre post from there senior time-scale to super time-scale on account of enhanced responsibilities. The proper course to adopt in such cases, would, however, be for the State Government to justify the upgrading of the post in question and make appropriate proposals to the Central Government for a revision of the State Cadre Schedule. In considering such proposals, the need' for maintaining a broad measure of all-India uniformity would, no doubt, have to be borne in mind.

1.3 Under this rule, the State Governments are required to make a report to the Central Government in all cases in which the State Government propose to keep a cadre post vacant for a period exceeding six months. The rule also lays down the various particulars which are required to be furnished to the Central Government in such reports. The purpose of the rule is to ensure that there is adequate justification for the extension of such extraordinary arrangement beyond a-period of six months and its spirit is generally to discourage their indefinite continuance. The rule, as at present worded, leaves it to the State Governments to hold cadre posts in abeyance when required. The corresponding arrangements in the case of the ex-Secretary of State's Services was different. The then Provincial Governments were advised by the late Home Department that, although it was correct the

Provincial Governments had power to create post and to fix the pay thereof, it was never intended that the provisions of the Reserve Posts (I.C.C.S.) Rules should be used in conjunction with those powers to alter the construction of the cadre of a Service sanctioned by the Secretary of State. They were also advised that the holding in abeyance of a 'reserved post' and the substitution for it of a superior 'unreserved post' would render nugatory the relevant provisions of the Act of 1935 relating to all-India Services, created by the Secretary of State. It was, therefore, enjoined on the Provincial Governments that Secretary of State's sanction would be necessary to the holding in abeyance of a reserved post and creation in its place of a temporary post different in status.

1.4 The general considerations relating to the organization and working of All India Services broadly continue to be the same. A suggestion has, therefore, been made that a provision be added in this rule to the effect that cadre posts shall not be kept vacant or held in abeyance for periods exceeding six months without the approval of the Central Government. Such an amendment would not only be justified on the basis of past precedent, but on the requirements of the present situation as well, and above all, on account of the need for maintaining the all India character of the IAS. In fact, it has always been the intention the holding of cadre posts in abeyance should be resorted to only in exceptional circumstances, and although this rule does not specifically provide for the Central Government's approval to the continued holding in abeyance of a cadre post for period exceeding six months, the spirit of the rule, no doubt, is to discourage the practice and to ensure that in every case in which it is resorted to, the action is fully justified on the basis of various important considerations of which some are mentioned in these rules themselves.

1.5 The Government of India are of the view that it would be quite inappropriate to hold a cadre post in abeyance and simultaneously to create in lieu an ex-cadre post involving identical duties and responsibilities, but with a different status and pay attached to it. However, they do not wish to suggest the addition of a provision of this rule on the lines indicated above, and trust that the State Governments would agree to act according to the views expressed in the preceding paragraphs and to the spirit of this rule, thereby obviating the need for any formal amplification of the rule in the manner proposed.

1.6 It is also observed that instances of cadre officers holding ex-cadre post, and of non-cadre officers holding cadre post generally tend to be large in number. The Government of India are of the view that this is not a satisfactory position and the State Governments might as a matter of general policy employ cadre officers as far as possible on cadre posts. [G.I., M.H.A. letter No. 6/43/62-AIS(I), dated 2nd September, 1963.]

11. Holding of more than one post by a cadre officer :-

(i) The State Government concerned in respect of the posts borne on the State Cadre or the Joint Cadre as the case may be, may, for the purpose of facilitating leave arrangements or for making temporary arrangements for a period not exceeding six months, direct that any two cadre posts or a cadre post and an equivalent post may be held simultaneously by one single cadre officer.

(ii) Where the State Government is of the opinion that it is necessary so to do, it may, with the prior approval of the Central Government, order that the posts directed by it to be held simultaneously by one single cadre officer under sub-rule (i), may continue to be so held for a period beyond six months but, in any case, not beyond twelve months from the date with effect from which the posts were first directed to be so held under sub-rule (i).] GOVERNMENT OF INDIA'S DECISIONS:

1.1 The term 'equivalent post' includes a post in a body incorporated or not which is wholly or substantially owned by the Government, i.e. a post of foreign service, in view of the provisions contained in sub-rules (2) and (3) of Rule 9 of the Pay Rules. Thus the provisions of Rule 11 of the Cadre Rules are attracted where a cadre officer holds a cadre post and a post on foreign service simultaneously.

1.2 Combination of Government service with foreign service in one officer, is however, not desirable and should be resorted to only in exception circumstances. [G.I., M.H.A. letter No. 5/2/65-AIS(I), dated 30th April, 1965.]

11A. Authority to exercise certain powers In respect of members of the Service serving in connection with the affairs of the States constituting a Joint Cadre :-

The powers of the State Government under the second proviso to sub-rule (2) of Rule 4, under Cl. (1) of sub-rule (2) of 6 and under Rule 7, Section 10 and Section 11 , in relation to the members of

the service serving in connection with the affairs of any of the Constituent States shall be exercised by the Government of that State.]

11B. Authority to exercise certain powers in respect of members of the Service serving in connection with the affairs of the States constituting a Joint Cadre :-

The powers of the State Government under Rule 9, in relation to the members of the service serving in connection with the affairs of any of the constituent States shall be exercised by the Government of that State.]

12. Interpretation :-

If any question arises as to interpretation of these rules, the Central Government shall decide the same.]

13. Repeal and saving :-

All rules corresponding to these rules and in force immediately before the commencement of these rules are hereby repealed : Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or take under the corresponding provisions of these rules.