

BOOKLET

Module 1 (Admin & Finance)

**Induction training of Examiners of
Patents & Designs**

**Office of the Controller General of
Patents, Designs & Trade Marks,
Government of India, Mumbai**

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**1. Introduction to Organization
Structure and Office of Controller
General of Patents, Designs &
Trade Marks (CGPD TM)**

Introduction to Organization Structure and Office of Controller General of Patents, Designs & Trade Marks (CGPDTM)

Introduction

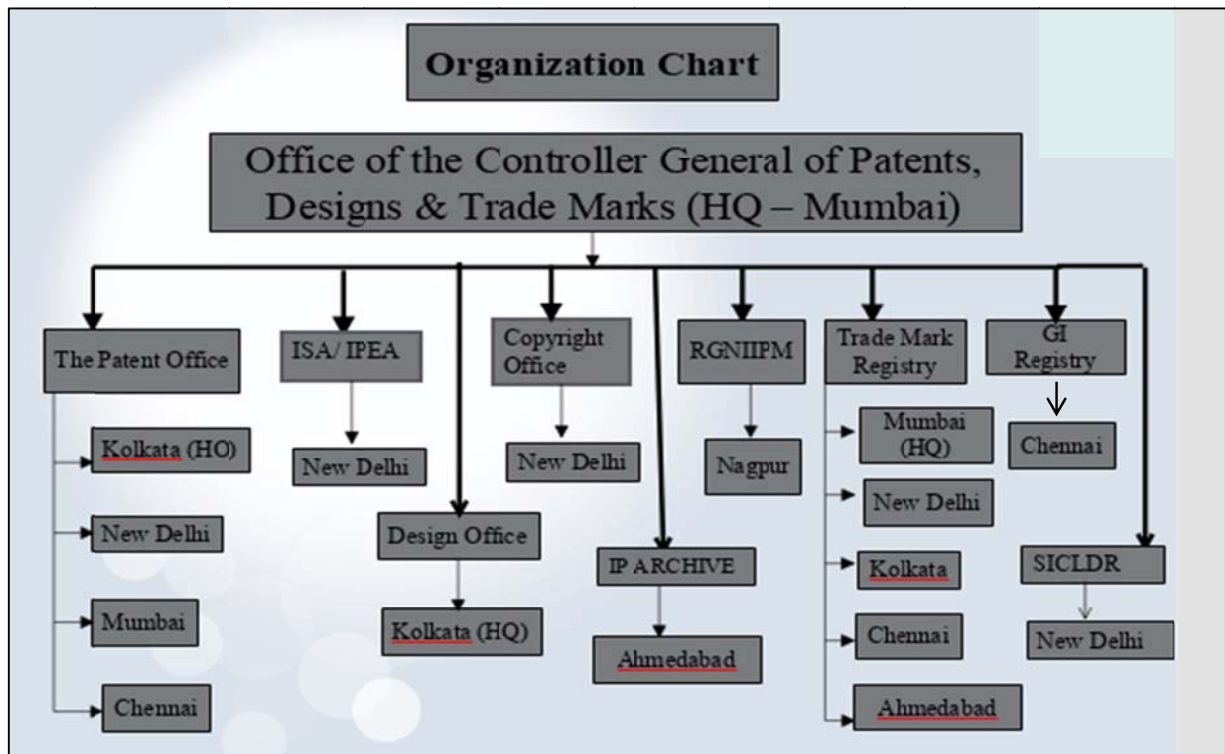
The Office of the Controller General of Patents, Designs & Trade Marks, (CGPDTM) is a subordinate office under the Department for Promotion of Industry and Internal Trade (DPIIT), Ministry of Commerce and Industry, Govt. of India. Office of CGPDTM administers various IP laws in India. This office is responsible for grant of Patents, registration of Designs, Trade Marks, Copyright, GI and Layout Design of Semi-conductor Integrated Circuits in India under the ambit of respective Acts and Rules. This Office advises the DPIIT on policy, protection, and enforcement of IPRs; and promotes stronger and effective IP protection in India and around the world. It also conducts training, awareness and capacity building programmes to encourage IP activities in India and worldwide.

This office has a website (www.ipindia.gov.in) which provides a comprehensive view of the organization and its activities. It also publishes an Annual Report which is placed before both Houses of the Parliament every year.

The Indian Intellectual Property Office (IPO) has a rich history spanning over 168 years, and has undergone significant modernization in the last three decades. With the advent of several amendments to the existing IP laws, the current Acts governing Patents, Designs, Trade Marks, Geographical Indications (GI), Copyrights and SICLD are a blend of international treaty obligations and India's socio-economic priorities, which include public health protection and the broader public interest. This evolution has transformed the IP system into a more effective framework, supported by improved infrastructure and human resources.

The Indian IP Office operates across multiple locations in the country. Major offices are situated in Delhi, Mumbai, Chennai and Kolkata, housing integrated facilities for Patents, Designs, and Trade Marks. Additionally, there are specialized offices located in Ahmedabad (Trade Mark Registry and IP Archives), Nagpur (Rajiv Gandhi National Institute of Intellectual Property Management - RGNIPM), New Delhi (Copyright Office and Semiconductor Integrated Circuits Layout Design Registry - SICLDR) and Chennai (Geographical Indications Registry). The Indian Patent Office also serves as an International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) under the Patent Cooperation Treaty (PCT), with its office in New Delhi. The Controller General of

Patents, Designs, and Trade Marks oversees the IP system from the headquarters in Mumbai, coordinating all IP-related activities nationwide.



Core Sections in Office of CGPDTM

The Office of CGPDTM organizes its work into three primary sections:

- Administration & Establishment – Headed by Director
- Budget & Finance – Headed by Deputy Secretary
- Technical – Headed by a Senior level Controller of Patents & Designs

Other Divisions / Cell in Office of CGPDTM

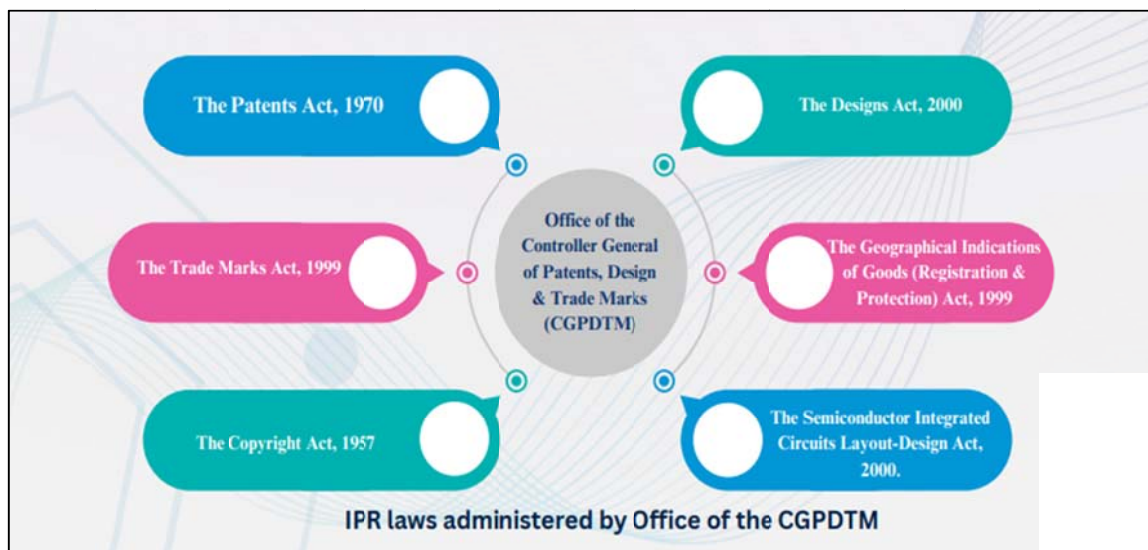
In addition to the above three core sections, the CG office includes various Divisions / Cells as under:

- International Affairs Division (IAD),
- Capacity Building Unit (CBU),
- Legal and Litigation Cell (LLC),
- IPO IT Re-engineering Cell,

- Data Analytics Division,
- IPO Process Excellence Cell.

These Divisions / Cells are headed or coordinated by a senior-level Controller of Patents of Designs.

IP Laws administered by Office of CGPDTM



Other relevant laws not under the jurisdiction of Office of CGPDTM

- **The Protection of Plant Varieties and Farmers' Rights Act, 2001**

This Act provides for the establishment of an effective system for the protection of plant varieties, the rights of farmers and plant breeders, and the encouragement of the development of new varieties of plants. The provisions of the said Act are being implemented through the Protection of Plant Varieties and Farmers' Rights Authority (PPVFRA), a statutory body created by an Act of Parliament under the Ministry of Agriculture and Farmers Welfare, Government of India.

- **The Biological Diversity Act, 2002 (as amended in 2023)**

The National Biodiversity Authority (NBA) was established in 2003 by the Central Government to implement the provisions of said Act. The NBA is a Statutory body under the Ministry of Environment, Forest and Climate Change, Government of India and that performs facilitative, regulatory and advisory function for Government of India on issue of

conservation, sustainable use of biological resource and fair equitable sharing of benefits of use.

As per section 6 of the Biological Diversity Act, 2002 if any person or entity applying for an intellectual property right for any invention based on any research or information on a biological resource which is accessed from India, including those deposited in repositories outside India, or traditional knowledge associated thereto, require to obtain prior approval of the NBA before grant of such intellectual property rights.

Overview of Offices under the O/o CGPDTM

Trade Mark Registry (TMR)

The Trade Marks Registry (TMR) is established for the purpose of registration of trade marks in India. It functions under the superintendence and control of the Controller General of Patents, Designs and Trade Marks (CGPDTM), Mumbai. The Trade Marks Registry discharges its statutory functions in accordance with the provisions of the Trade Marks Act, 1999 and the Trade Marks Rules, 2017. Head Office of the Trade Mark Registry is located at Mumbai and branch offices are at Delhi, Kolkata, Chennai and Ahmedabad.

The Controller General of Patents, Designs and Trade Marks is the Registrar of Trade Marks, who is also assisted by officers designated such as Sr. Joint Registrar of Trade Marks, GI & Copyright, Joint Registrar of Trade Marks, GI & Copyright, Deputy Registrar of Trade Marks, GI & Copyright, Assistant Registrar of Trade Marks, GI & Copyright, Senior Examiner of Trade Marks, GI & Copyright and Examiners of Trade Marks, GI & Copyright. These officers discharge the functions of the Registrar under his superintendence and direction. Ordinarily, the Sr. Joint Registrar, Joint Registrar, Deputy Registrar and Assistant Registrar are authorized to hear contested matters and Senior Examiners are authorized to hear Show Cause Matters and decide cases in respect of various proceedings under the Trade Marks Act, 1999. The Examiners of Trade Marks examine applications for registration of Trade Marks to see whether they qualify for registration under the provisions of Trade Marks Act, 1999 and Trade Marks Rules, 2017. They also assist the Registrar in all procedural, administrative and supervisory functions connected with various proceedings under the said Act and the Rules.

After accession to the Madrid Protocol of the Madrid System for international registration of marks, the TMR also functions as Office of Origin in respect of applications for international

registration of trademarks originating from India and as Office of Designated Contracting party in respect of international registrations notified to India for protection of the mark. This function of the Registrar is described under Chapter IVA (from Section 36A to 36G) of the Trade Marks Act 1999 as amended in 2010.

Geographical Indications Registry (GIR)

The Geographical Indications Registry (GIR) is a statutory organization set up to provide for the registration and better protection of geographical indications relating to goods and for the administration of the Geographical Indications of Goods (Registration and Protection) Act, 1999. The GI Registry is situated at Chennai.

Geographical Indications of Goods are defined as that aspect of industrial property which refer to the geographical indication referring to a country or to a place situated therein as being the country or place of origin of that product. Typically, such a name conveys an assurance of quality and distinctiveness which is essentially attributable to the fact of its origin in that defined geographical locality, region or country. Under Articles 1 (2) and 10 of the Paris Convention for the Protection of Industrial Property, geographical indications are covered as an element of IPRs. They are also covered under Articles 22 to 24 of the Trade Related Aspects of Intellectual Property Rights (TRIPs) Agreement, which was part of the Agreements concluding the Uruguay Round of GATT negotiations. India, as a member of the World Trade Organization (WTO), enacted the Geographical Indications of Goods (Registration & Protection) Act, 1999 which has come into force with effect from 15th September 2003.

Copyright Office

The administration of the Copyright Act, 1957 and the Copyright Office was previously under the Control of Ministry of Human Resource Development, however, by Government of India Notification dated October 16, 2017, the administration of the Copyright Act, 1957 and the Copyright Office were transferred to the Ministry of Commerce & Industry, Department of Industrial Policy & Promotion (DIPP), now named as Department for Promotion of Industries and Internal Trade (DPIIT) and brought under the control of Office of Controller General of Patents, Designs & Trademarks, in a bid to consolidate all IP offices and to bring them under one Ministry. The Copyright Office is now functioning from Bouddhik Samapada Bhawan, Dwarka, New Delhi and is under the immediate control of a Registrar of Copyrights (RoC). The Controller General of Patents, Designs & Trade Marks acts as a RoC.

Semiconductor Integrated Circuits Layout Design Registry (SICLDR)

The Semiconductor Integrated Circuits Layout-Design Act, 2000 (the SICLD Act) provides the protection for semiconductor integrated circuit layout designs. The Semiconductor Integrated Circuits are fabricated from a complex series of layers of semiconductors, metals, dielectrics (insulators) and other materials on a substrate. The SICLD Act and Rules refer to three-dimensional configurations of these layers as an integrated circuit layout.

The administration of the SICLD Act and the Registry was previously under the Control of Ministry of Electronics & Information Technology (MeitY), however, by Government of India Notification dated March 17, 2016, the administration of the SICLD Act, 2000 and the SICLD Registry were transferred to the Ministry of Commerce & Industry, Department of Industrial Policy & Promotion (DIPP), now named as Department for Promotion of Industries and Internal Trade (DPIIT) and brought under the control of Office of Controller General of Patents, Designs & Trademarks. The SICLD Registry is now functioning from Bouddhik Samapada Bhawan, Dwarka, New Delhi.

Rajiv Gandhi National Institute of Intellectual Property Management (RGNIIPM)

The Rajiv Gandhi National Institute of Intellectual Property Management (RGNIIPM) has been established at Nagpur as a National center of excellence for training, management, research, education in the field of Intellectual Property (IP) Rights.

The main objectives of this institute is to cater to the need of i) training of IP officers (including Examiners of Patents, Designs, Trademarks, Copyright and Geographical Indications), IP Professionals, IP Managers, ii) imparting basic education to user communities, government functionaries and stake holders involved in creation, commercialization and management of intellectual property rights, iii) facilitate research on IP related issues including preparation of study reports and policy analysis of relevance to Government. Apart from this, RGNIIPM addresses the needs of increasing the general awareness and understanding of Government officers and users of IP systems including in universities and other educational institutions.

Essentially, RGNIIPM aims to become a leading institution in India for training, research, and education in intellectual property, contributing to the country's overall IP development and growth.

IP Archive

The IP Archive is situated in Ahmedabad, serves as the central repository for records created or received by various IP offices across India. This facility is dedicated to the systematic storage, organization, and preservation of these records, ensuring their accessibility and longevity. The archived materials provide essential evidence of the operations, decisions, and activities of IP offices, including information on inventions, legal proceedings, and other significant matters. Beyond their legal and administrative importance, these records hold substantial informational value, supporting research, historical documentation, and the promotion of transparency in intellectual property management.

Design Office

The registration and protection of industrial designs in India is administered by the Designs Act, 2000 and the corresponding Designs Rules, 2001 which were amended by the Designs (Amendment) Rules, 2008, the Designs (Amendment) Rules, 2014 and the Designs (Amendment) Rules, 2021. The industrial designs recognize the creation of new and original features of new shape, configuration, surface pattern, surface ornamentations and composition of lines or colours applied to articles which in the finished state appeal to and is judged solely by the eye. Registration of a design confers upon the registered proprietor the exclusive right to apply a design to any article in any class in which the design is registered.

Patents are granted by the Patent Offices located in Kolkata, Delhi, Chennai, or Mumbai. However, the registration of designs is exclusively handled by the Designs Wing of the Patent Office in Kolkata. Design applications submitted to other Patent Office locations (Delhi, Mumbai, and Chennai) are forwarded to the Kolkata office for the allocation of application numbers, further processing, and registration.

The Examiner examines the application as per the Designs Act and reports it to the Controller. The Controller communicates the objections, if any, to the applicant. The applicant is offered a hearing when necessary and a decision thereof is given. A design is granted on complying with the office objections. All records of registered designs are entered in the Register of Designs, which is open for public inspection. For convenience, Designs are classified into 32 classes following the Locarno Classification.

Patent Office

a) Overview

The Patent Office functions under the superintendence and control of the Controller General of Patents, Designs and Trade Marks (CGPDTM), Mumbai. The Patent Office discharges its statutory functions in accordance with the provisions of the Patents Act, 1970 (as amended) and corresponding Patents Rules, 2003 (as amended from time to time). The grant of a patent confers upon the patentee, where the subject matter of the patent is a product, the exclusive right to prevent third parties, who do not have his consent, from the act of making, using, offering for sale, selling or importing for those purposes that product in India, and where the subject matter of the patent is a process, the exclusive right to prevent third parties, who do not have his consent, from the act of using that process, and from the act of using, offering for sale, selling or importing for those purposes the product obtained directly by that process in India.

Under the Patents Act, 1970, the statutory authority for grant of patents is the Controller General of Patents, Designs and Trade Marks (CGPDTM). The CGPDTM also delegates his powers under the law to his subordinate officers e.g. Senior Joint Controller of Patents & Designs, Joint Controller of Patents & Designs, Deputy Controller of Patents & Designs, Assistant Controller of Patents & Designs (All Group 'A' officers). The other statutory post under the Group A category is the Examiner of Patents & Designs. An Examiner examines Patent and Design applications and submits a report to the Controller. Examiners also assist the Controllers in all procedural, administrative and supervisory functions connected with various proceedings under the said Act and the Rules.

The Patent Office works from four locations viz. Delhi, Mumbai, Kolkata and Chennai. A patent application is required be filed in the appropriate office in accordance with Rule 4 of the Patents Rules, 2003 (as amended). Introduction of office automation and electronic processing of patent applications has resulted in a significant level of uniformity and transparency. Information, to the maximum possible extent, has been made available online to the public viz. information relating to patent applications, status of the applications, examination reports and other documents. Processing of a patent application is a multi-stage process, involving filing of an application, electronic data processing, verification, screening and classification, publication, examination, pre-grant opposition, grant or refusal, etc.

b) Technical Posts in Patent Office

Sl. No.	Name of the Post	Pay Level (as per 7 th CPC)	Sanctioned Strength
1.	Senior Joint Controller of Patents & Designs	Level 13-A	3
2.	Joint Controller of Patents & Designs	Level 13	47
3.	Deputy Controller of Patents & Designs	Level 12	112
4.	Assistant Controller of Patents & Designs	Level 11	498
5.	Examiner of Patents & Designs	Level 10	773

c) Various Sections in Patent Office

i) Administration & Finance Section

This section manages the daily operations of the office, including service related matters of the officials. This section also deals with financial matters such as salary, reimbursement of bills and procurement. The Head of Office supervises administrative functions, operations, and personnel within their jurisdiction, ensuring compliance with office protocols / guidelines and service rules, instructions issued by the Govt. of India from time to time while executing administrative work. The Drawing and Disbursing Officer (DDO) and Administrative Officer (AO) / Assistant Administrative Officer (AAO) assist the Head of Office for functioning of this section.

ii) Receipt, Electronic Data Processing (EDP), Classification and Screening Section (RECS) Section

This section deals with the receipts, sorting & distribution, digitization, and verification of all applications and other related documents received in the Patent Office. The section is generally headed by a Controller who is assisted by an Examiner and is under the overall supervision and control of the Head of Office. The core functions and responsibilities of this section are detailed below:

- Overseeing all aspects of the processing of patent applications, including receipt of new applications, sorting and distribution, data entry, OCR, digitization, data verification, publication, AFR dispatch, and other related activities.
- Processing requests received under Section 9(2) and 9(3) of the Act and associated

activities.

- Processing of Form-6 (change in applicant) and Form-13 requests (for change of name/address/nationality/address for service) and matter related thereto.
- Processing of Form-28 (Small entity/Startup) and matter related thereto.
- Forwarding patent applications to the Department of Atomic Energy - DAE (for atomic energy related inventions) and Defence Research and Development Organization - DRDO (for inventions relevant for defence purpose) for approval and overseeing all the matter related thereto.
- Processing of postdating requests under Sections 9(4) and 17(1) of the Patents Act, and associated activities.
- Abandonment of patent applications under Sections 9(1) and 21(1) of the Patents Act.
- Processing the withdrawal of patent applications under Section 11B(4) of the Patents Act.

iii) Record Management and Information Dissemination (RMID) Section

This section deals with storage & management of records, along with the dissemination of information. The section is headed by a Controller assisted by an Examiner and is under the overall supervision and control of the Head of Office. The core functions and responsibilities of this section are as under:

- Issuance of certified copies of patent applications documents as requested under Section 147.
- Disposal of requests for information under Section 153 and Rule 134.
- Processing of Form 25 for issuance of prior permission under Section 39;
- Processing the Form 25 cases with DAE (for atomic energy related inventions) and DRDO (inventions relevant for defence purpose) for their approval.
- Disposal of requests for inspection of documents (Sec. 72, Rules 27 & 74A).
- Processing of requests for renewal of patent under Section 53;

- Disposal of all the work relating to PCT/RO (Patent Cooperation Treaty/Receiving Office).
- Disposal of WIPO DAS (Digital Access Service) requests for transmission of priority documents.
- Disposal of requests for supply of photocopies.
- Storage and maintenance of Patent Records.
- Transmission of records to IP Achieve.

iv) General Patent Matters (GPM) section

The GPM section in general deals with matters subsequent to the disposal of patent applications. The section is headed by a Controller who may be assisted by an Examiner and is under the overall supervision and control of the Head of Office. The major tasks and responsibilities handled by this section are listed below:

- Disposal of Form-13 (post-grant) and request filed under Rule 94(1) and 94(3) which pertain to change in name of patentee, address of service, address of patentee, additional address of service etc. after the grant of patent and making entries thereof into e-Register of Patents. However, for disposal of Form-13 (post-grant) in claimed subject-matter, it is referred to the concerned Controller.
- Disposal of Form-16 (Assignment/License/Mortgage) and making entries thereof into E-register (Section 69).
- Disposal of Form-15 for restoration of patent (Section 60).
- Disposal of application related to surrender of patent (Section 63).
- Dealing with post-grant opposition matters (Form 7, Section 25(2) and Rule 55A-63) - including tasks like formation of Opposition Board (OB) and Appointment of Hearing Officer.
- Call for information under Section 146 from the patentee related to working of patents in India.
- Dealing with Court cases involving technical matters wherein this section makes

requests to the Ministry of Law & Justice to appoint a Counsel for technical matters in cases filed before High Courts, and also oversees the filing of affidavit / written submission. The GPM section is responsible for maintaining all court-related records securely and confidentially.

v) Indian Patent Office Journal (IPOJ) Section

This section deals with the publication of Official Journal of the Patent Office in accordance with the provision of Section 145 of the Patents Act, 1970 (as amended). It functions from the Patent Office, Kolkata. This section is managed by GPM In-charge, Patent Office, Kolkata under the overall supervision and control of the Head of Office, Patent Office, Kolkata. The core functions and responsibilities of this section are as follows:

- The publication material appearing on the publication module shall be checked for any obvious error and in case of any error; such material should be withheld from the publication. Such matters may be referred back to the concerned office for correction and authentication in the publication module.
- The section shall organize the contents for publication in the prescribed format of the Patent Journal.
- The section shall send a synopsis of the publication material to the CGPDTM by email latest by 12 noon on every Friday for approval.
- The section shall publish the Journal by 6 pm on every Friday and upload the same on the official website.

Publications include:

- 18 month publication
- Early publication (Form 9)
- Weekly issued FERs
- Granted Patents
- Revocation in case of Post-Grant or Court cases
- Surrender of Patent - First notice of surrender and then final publication
- Restoration of Patent - First notice thereafter final Restoration
- Form-13 Post grant amendment - First notice thereafter allowed amendment

- Corrigendum for errors identified in previous publications
- Publication of registered designs.

vi) Examination and Grant (E & G) Section

This section deals with all aspects of examination and grant of patents. This section broadly contains four Groups. The Controllers and Examiners are assigned to each Group based on their areas of specialization for ensuring quality of patent examination and disposal applications thereof.

Group 1: Chemistry and allied subjects.

Group 2: Biotechnology, Microbiology and allied subjects.

Group 3: Electrical, Electronics & related subjects.

Group 4: Mechanical and other subjects.

Broad Work-flow in E & G Section (From Examination to Grant):

- Examination of Application under Section 12 & 13
- Issuance of Examination Reports & Hearing Notices under section 14
- Hearing under section 15 & 25(1)
- Grant / Refusal / withdrawal & Issuance of Patent Certificates / Decisions

International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA):

Indian Patent Office (IPO) has been recognized by the World Intellectual Property Organization (WIPO) as International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) under the Patent Cooperation Treaty (PCT) and started functioning as ISA / IPEA from 15th October, 2013, following the implementation of the Patent (Amendment) Rules, 2013, on the same date. The Patent Office, Delhi is designated to perform the functions of the ISA/IPEA under the PCT. The IPO is a competent ISA / IPEA for international applications filed by nationals / residents of India, Iran and Japan.

The primary role of the IPO as an ISA is to provide an International Search Report (ISR) and a Written Opinion (WO) for each international application filed under the PCT where the IPO is chosen as the ISA under Chapter I of the PCT or, in exceptional cases, a Declaration of

Non-Establishment of ISR and a WO indicating that the ISA is not required to perform a search or cannot perform a meaningful search.

The IPO has established a Quality Management System (QMS) for ISA / IPEA in accordance with the PCT International Search and Preliminary Examination guidelines. The Quality Cell of ISA / IPEA, comprised of Examiners and Controllers of different subject specialization, checks quality of reports before they are finalized and sent to the applicant and Internal Bureau (IB) of WIPO.

IPO also started sharing search strategies for publication on Patentscope Search Portal of WIPO for international applications, for which reports are established since January 01, 2018. India is the 7th ISA among 25 ISAs to start this service.

IT Office

The IT office is based in Bouddhik Sampada Bhavan, Dwarka, New Delhi and it is headed by a senior level Controller of Patents & Designs. It handles the following tasks and responsibilities:

1. Core - IPO Software development for statutory processing of various forms of IP in accordance with Acts and Rules, creation and facilitation of workflows, integration with outside services, testing and monitoring, internal and external helpdesks to address the concerns of internal and external stakeholders.
2. Hardware, connectivity and data management - procurement of hardware and required external services, management of data centre housing the servers with data, cloud management, data migration and backup, payment gateway integration, cybersecurity, uninterrupted network and connectivity in IPO, email and attendance management.
3. User and workload management – Management Information System (MIS), Data handling and statistics.
4. Quality Control - Screening and classification of patent applications, identification of subject and field of invention for patent applications, reallocation of patent applications based on subject matter and in response to requests, adherence to standards of quality in work products of IPO, ISA and IPEA.

2. Conduct Rules

CONDUCT RULES

(Central Civil Services (Conduct) Rules, 1964)

The essence of Conduct Rules is that every Government servant is required to ensure absolute integrity and devotion to duty. He should not do anything which is unbecoming of a Government servant. A Government servant should act in his best judgment while performing his official duties.

Rule 2	“Government Servant” means any person appointed by the Government to a civil service or post in connection with the affairs of the Union and includes a civilian in a Defence Service.
	“Members of family” in relation to a Government servant includes:- (i) the wife or husband as the case may be, of the Government servant, whether residing with the Government servant or not but does not include a wife or husband, as the case may be, separated from the Government servant by a decree or order of a competent Court; (ii) son or daughter or step-son or step-daughter of the Government servant and wholly dependent on him, but does not include a child or step-child who is no longer in any way dependent on the Government servant or of whose custody the Government servant has been deprived by or under any law; (iii) any other person related, whether by blood or marriage to the Government servant or to the Government servant's wife or husband, and wholly dependent on the Government servant.
Rule 3	General (1) Every Government servant shall at all times- (i) Maintain absolute integrity; (ii) Maintain devotion to duty;

	<p>(iii) Do nothing which is unbecoming of a government servant;</p> <p>(iv) Commit himself to and uphold the supremacy of the constitution and democratic values;</p> <p>(v) Defend and uphold the sovereignty and integrity of India, the security of the state, public order, decency and morality;</p> <p>(vi) Maintain high ethical standards and honesty;</p> <p>(vii) Maintain political neutrality;</p> <p>(viii) Promote the principles of merit, fairness and impartiality in the discharge of duties;</p> <p>(ix) Maintain accountability and transparency;</p> <p>(x) Maintain responsiveness to the public, particularly to the weaker section;</p> <p>(xi) Maintain courtesy and good behaviour with the public;</p> <p>(xii) Take decisions solely in public interest and use or cause to use public resources efficiently, effectively and economically;</p> <p>(xiii) Declare any private interests relating to his public duties and take steps to resolve any conflicts in a way that protects the public interest;</p> <p>(xiv) Not place himself under any financial or other obligations to any individual or organization which may influence him in the performance of his official duties;</p> <p>(xv) Not misuse his position as civil servant and not take decisions in order to derive financial or material benefits for himself, his family or his friends;</p> <p>(xvi) Make choices, take decisions and make recommendations on merit alone;</p>
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	<p>(xvii) Act with fairness and impartiality and not discriminate against anyone, particularly the poor and the under-privileged sections of society;</p> <p>(xviii) Refrain from doing anything which is or may be contrary to any law, rules, regulations and established practices;</p> <p>(xix) Maintain discipline in the discharge of his duties and be liable to implement the lawful orders duly communicated to him;</p> <p>(xx) Maintain confidentiality in the performance of his official duties as required by any laws for the time being in force, particularly with regard to information, disclosure of which may prejudicially affect the sovereignty and integrity of India, the security of the State, strategic, scientific or economic interests of the State, friendly relation with foreign countries or lead to incitement of an offence or illegal or unlawful gain to any person;</p> <p>(xxi) Perform and discharge his duties with the highest degree of professionalism and dedication to the best of his abilities.</p> <p>(2) (i) Every Government servant holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Government servants for the time being under his control and authority;</p> <p>(ii) No Government servant shall, in the performance of his official duties, or in the exercise of powers conferred on him, act otherwise than in his best judgement except when he is acting under the direction of his official superior;</p> <p>(iii) The direction of the official superior shall ordinarily be in writing. Oral direction to subordinates shall be avoided, as far as possible. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter;</p> <p>(iv) A Government servant who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible,</p>
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	<p>whereupon it shall be the duty of the official superior to confirm the direction in writing.</p> <p>Explanation I.- A Government servant who habitually fails to perform the task assigned to him within the time set for the purpose and with the quality of performance expected to him shall be deemed to be lacking in devotion to duty within the meaning the cause (ii) of sub-rule (1).</p> <p>Explanation II.- Nothing in clause (ii) of sub-rule (2) shall be construed as empowering a Government servant to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.</p> <p><i>Government of India's Decisions</i></p> <ul style="list-style-type: none"> • It is the duty of Government servant who is convicted in a criminal court to inform his official superior of the fact of conviction and the circumstances at the earliest. Failure to do so will be treated as suppression of material information and he will be liable to disciplinary action. • The intimation about arrest and connected circumstances should also be reported to superior officer even if released on bail. • In matters relating to grievance concerning employment or conditions of service, a Govt. servant may first exhaust the normal official channels before taking the matter to a Court. Permission is not necessary for seeking redress in Courts of Law for grievances arising out of their employment or condition of service. • Making of <u>joint representation by Govt. servants</u> amounts to subversive of discipline (GID 21 dated 21.02.1967)
Rule 3-A	<p>Promptness and Courtesy</p> <p>No Government servant shall (a) in the performance of his official duties, act in</p>

	<p>a discourteous manner; (b) in his official dealings with the public or otherwise adopt dilatory tactics or willfully cause delays in disposal of the work assigned to him.</p>
Rule 3-B	<p>Observance of Government's policies</p> <p>Every Government servant shall, at all times- (i) act in accordance with the Government's policies regarding age of marriage, preservation of environment, protection of wildlife and cultural heritage; (ii) observe the Government's policies regarding prevention of crime against women.</p>
Rule 3-C	<p>Prohibition of sexual harassment of working women</p> <p>On promulgation of the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013' { SHWW (PPR) Act } and notification of the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013', providing for a redressal mechanism for handling cases of sexual harassment at workplace, Rule 3-C of CCS (Conduct) Rules, 1964 has been amended as follows:</p> <p>Rule 3-C: Prohibition of sexual harassment of working women:</p> <p>(1) No Government servant shall indulge in any act of sexual harassment of any woman at any work place.</p> <p>(2) Every Government servant who is in charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.</p> <p>The rule also details as to what is “<i>sexual harassment</i>”, and what constitutes a “<i>workplace</i>”.</p>
Rule 4	<p>Employment of near relatives of Government servants in companies or firms.</p> <p>A Government servant should not use his influence to get employment for</p>

	<p>members of his family in any company or firm. A Class-I officer shall seek previous sanction of the Govt. for permitting his son, daughter or other dependent to accept employment in any company or firm with which he has official dealings. The same condition will also apply in case of a company or firm having official dealings with the government. In case of urgency the matter should be reported to the government and employment accepted provisionally. A Government servant needs to inform the prescribed authority the fact of his family member accepting employment in a company or firm and also intimate if he had any official dealings with that company or firm. Every matter concerning giving of contract to any company or firm in which any member of his family is employed should be reported to the official superior and disposed as per the instructions received.</p>
<p>Rule 5</p>	<p>Taking part in politics and elections</p> <p>A Govt. servant should not be associated with any political party or organization which takes part in politics. He should prevent members of his family from assisting any movement or activity which is subversive of the Government. If he is unable to do so he should report the matter to the Government. With regard to a question whether any organization takes part in politics or movement/activity being subversive of Government, the final decision will be taken by the Government. Further, a Government servant should not canvass, influence or participate in any manner in an election to legislature or Local Authority. A Government servant has, however, a right to cast his vote without disclosing the manner in which he would vote. At the same time he would not be liable to have contravened the provision if he is assigned the responsibility of conducting an election under a prevalent law. The act of displaying electoral symbol on his vehicle etc. would amount to using his influence in the election.</p>
<p>Rule 6</p>	<p>Joining of Associations by Government servants</p> <p>A Government servant should not be connected to an association whose aims & objectivity or activities are prejudicial to the interests of:-</p>

	<ul style="list-style-type: none"> - sovereignty and integrity of India or - public order or - morality
Rule 7	<p>Demonstration and Strikes</p> <p>A Govt. servant should not participate in any demonstration which is prejudicial to the interests of sovereignty and integrity of India, security of State, friendly relations with foreign States, public order, decency or morality, contempt of Court defamation or incitement to an offence. He should also not engage in strike or coercion relating to any matter concerning his service or that of other Govt. servant.</p>
Rule 8	<p>Connection with Press or Other Media</p> <p>A Government servant requires previous sanction of the Govt. to own or participate in the editing/management of any newspaper or periodical publication or electronic media. The sanction is not needed in the <i>bona fide</i> discharge of his official duties like publishing a book or participate in a public media.</p>
Rule 9	<p>Criticism of Government</p> <p>A Government servant cannot make any statement of fact or opinion via any broadcast or document or press directly or indirectly, which is an adverse criticism of any recent or current policy of the Central/State Government. This will also apply in cases which are capable of embarrassing the relations between Central Govt. and State Govt. and Central Govt. and Foreign State. This will not apply when a Govt. servant makes statements or expresses views in his official capacity.</p> <p>Government of India's Decision: The Govt. servant visiting abroad should avoid making any written or oral statement without prior approval.</p>
Rule 10	<p>Evidence before Committee or any other Authority</p>

	<p>A Government servant requires previous sanction of the Government for giving evidence in connection with an enquiry conducted by any person, committee or authority. However, he shall not criticize the policy or any action of the Government. This does not apply in case of evidence given at enquiry before an authority of Government, evidence given in a judicial enquiry or evidence given at a departmental enquiry.</p>
Rule 11	<p>Communication of Official Information</p> <p>A Govt. servant should communicate information in good faith to a person as per Right to Information Act, 2005. He should not in other cases communicate any official document or classified information to any Government servant or any other person to which he is not authorized to communicate such information.</p>
Rule 12	<p>Subscriptions</p> <p>A Government servant requires previous sanctions of the Government for asking or accepting contributions or associating with raising of any fund or collections.</p>
Rule 13	<p>Gifts</p> <p><i>Explanation – The expression “Gift” shall include free transport, boarding, lodging, or other service or any other pecuniary advantage provided by any person other than a near relative or personal friend having no official dealings with the Government servant</i></p> <p>A Govt. servant shall not accept or allow a member of his family to accept any gift. On occasions like Weddings, anniversaries or religious functions gifts may be accepted from near relatives or personal friends who have no official dealings with him in terms of religious and social practice.</p> <p>He shall report the fact of accepting gift to the Government if the value of gift</p>

	<p>exceeds certain monetary limits. These are as follows: -</p> <p>Holders of Group ‘A’ post – Above Rs. 25,000/-</p> <p>Holders of Group ‘B’ post - Above Rs. 15,000/-</p> <p>Holders of Group ‘C’ post – Above 7,500/-</p> <p>A Government servant, in other cases, cannot accept a gift without the sanction of Government if the value exceeds certain monetary limits. These are as follows: -</p> <p>Holders of Group ‘A’ or Group ‘B’ post - above Rs.5000/-</p> <p>Holders of Group ‘C’- above Rs. 2000/-</p> <p>A Government Servant, being a member of Indian delegation or otherwise, may receive and retain gift from foreign dignitaries in accordance with the Foreign Contribution (Acceptance or Retention of Gifts or Presentations) Rules, 2012.</p> <p>Govt. of India’s Decisions</p> <ol style="list-style-type: none"> 1. A Govt. servant shall not be permitted to accept gifts of more than trifling value at the time of transfer. He can accept gifts at the time of retirement from members of staff with prior permission, if required. 2. Acceptance of passage and hospitality by officers from foreign contracting firms is not permissible. 3. For receipt of gifts on occasions like weddings from persons having official dealings with the Govt. servants, sanction of Govt. will be required, if the amount exceeds the prescribed limits.
Rule 13-A	<p>Dowry</p> <p>A Government servant shall not give or take dowry. He should also not demand directly or indirectly and dowry from the parents or guardian of a bride or</p>

	bridegroom.
Rule 14	<p>Public Demonstration in Honour of Government servants</p> <p>A Government servant cannot receive any complimentary address in his honour or of other Government servant without a previous sanction of the Government. He is however permitted to participate in a farewell entertainment of a private and informal character held in his honour or that of other Government servant on his retirement or transfer. A Govt. servant is also allowed to attend simple and inexpensive entertainments arranged by public bodies or institutions.</p>
Rule 15	<p>Private Trade or Employment</p> <p>A Govt. servant requires previous sanction of the Government for following:-</p> <ul style="list-style-type: none"> • Engage in any trade or business • Negotiate for any other employment • Hold an elective office or canvass for a candidate for an elective office. A Govt. Servant is allowed to hold elective office for a period of two terms or for a period of 4 years whichever is earlier. • Canvass or support of any business of insurance/commission agency owned or managed by his family • Take part in registration, promotion or management of any bank or company or cooperative society for commercial purposes. • Associate in the making of a radio or television programmes, produced by a private agency and a privately produced media programme including a video magazine. <p>Previous sanction will not be required when a Government servant participate in his official capacity in a programme produced or commissioned by Government media. A Govt. servant does not require previous sanction of the Government for the following:-</p> <ul style="list-style-type: none"> • Undertake honorary work of social or charitable character • Undertake occasional work of a literary, artistic or scientific character • Participate in sports activities as an amateur

	<ul style="list-style-type: none"> • Participate in registration, promotion or management of a literary, scientific or charitable society which work for promotion of sports, cultural or recreational activities. It is to be ensured that his official duties do not suffer and within one month of participating in such activities he should provide such details to the government. • Take part in the registration, promotion or management of a cooperative society for benefit of Government servants. He will discontinue participation if directed by Government. He will ensure his official duties do not suffer and within one month should provide details to the Government. <p>A Govt. servant should report to the Government the details of his family members engaged in a trade or business or own or manage an insurance agency. A Govt. servant may not accept any fee for work done for a private or public body without sanction of the prescribed authority. He can do so if it is permitted under general or special orders of Government.</p> <p>Govt. of India's Decisions</p> <p>I. Prior permission is necessary for accepting remuneration for services rendered to Co-operative Societies.</p> <p>II. Private practice (consultancy work or of other type of work) is not permissible</p> <p>III. A Govt. servant can be permitted to enrol himself as an Advocate but cannot engage in legal profession till he is in Govt. service.</p> <p>IV. Prior sanction is necessary for contesting/canvassing in election to sports bodies.</p>
Rule 15-A	<p>Subletting and Vacation of Government Accommodation</p> <p>A Government servant shall not sublet or lease accommodation allotted to him. He should vacate the accommodation upon the cancellation of allotment within</p>

	the prescribed time limit.
Rule 16	<p>Investments, Lending and Borrowing</p> <p>A Government servant should not speculate in any stock, share or other investment. He can however, make occasional investments through duly authorized stock brokers or persons registered under law. Speculation means frequent purchase or sale of shares, securities or other investments. A Government servant or his family member should not make investment which might embarrass him in discharge of his duties.</p> <p>No Government servant who is involved in the decision making process of fixation of price of an Initial Public Offering or Follow-up Public Offering of shares of a Central Public Sector Enterprise shall apply, either himself or through any member of his family or through any other person acting on his behalf, for allotment of shares in the Initial Public Offerings or Follow-up Public Offerings of such Central Public Sector Enterprise.</p> <p>A Govt. servant should further not lend or borrow or deposit money from/to any person or firm or private limited company which may place him under a pecuniary obligation. He can also not lend money to any person at interest for which something is charged. This will not, however, apply in the ordinary course of business with a Bank or public limited company.</p> <p>A Government Servant can raise a temporary loan from a relative or a personal friend free of interest.</p>
Rule 17	<p>Insolvency and Habitual Indebtedness</p> <p>A Government servant is required to manage his private affairs in such way that he avoids habitual indebtedness of insolvency. If any legal proceedings are instituted against him for recovery of any debt he shall report the facts to the Government.</p>
Rule 18	Movable, Immovable and Valuable Property

A Government servant when first appointed should submit details of his assets and liabilities regarding immovable property in his name or members of his family or any other person. Details of shares, debentures and cash and other movable property will also be provided by him along with debts and liabilities incurred directly or indirectly.

The Annual Property Returns required to be filed under the Central Civil Services (Conduct) Rules, 1964 may be filed in the prescribed form. The returns are required to be filed by all the Government servants belonging to Group 'A' & 'B', 'C', in terms of Rule 18 (4) of the CCS (Conduct) Rules, 1964 which empowers the Government to require a Government servant to submit a statement of movable or immovable property as may be specified in the orders from time to time.

A Government Servant shall acquire or dispose immovable property in any manner with previous knowledge of the prescribed authority. If such transaction is with a person with whom he has official dealings, previous sanction of the prescribed authority shall be obtained. Transaction include purchase, sale and lease but not renting.

In case of a transaction of movable property by a Govt. Servant, he is required to report the same to the prescribed authority within one month of the date of transaction. This is applicable when the value of such property exceeds two months basic pay. If the transaction is with a person with whom the Govt. servant has official dealings, previous sanction of the prescribed authority shall have to be obtained.

The Government or prescribed authority can seek details of movable or immovable property from a Government servant. This may include the means by which the property was acquired.

Government of India's Decisions

- Bidding by Govt. officers is prohibited where auctions are arranged by their own officers
- A charge of corruption arises reasonably if a Govt. servant is not able to

	satisfy his assets in movable and immovable property.
Rule 18-A	<p>Restrictions in Relation to Acquisition and Disposal of Immovable Property outside India and Transactions with foreigners, etc.</p> <p>A Government servant would require previous sanction of the Government for the following:-</p> <ul style="list-style-type: none"> • Acquire immovable property located outside India. • Dispose of any immovable property situated outside India which was in his name or that of his family. • Enter into any transaction with a foreigner or foreign Govt. for acquisition of any immovable property and for disposal of any immovable property.
Rule 19	<p>Vindication of Acts And Character of Govt. Servant.</p> <p>A Government servant should not have recourse to any Court or press for vindication of official act which has been a subject of criticism. For doing this, he would require previous sanction of the Government. If the sanction is not available within three months it will be assumed that the permission is available. Previous sanction will not be required when a Govt. servant acts for vindicating his private act in his private capacity. He would, however, be required to submit a report to the prescribed authority.</p>
Rule 20	<p>Canvassing of Non-Official or other Outside Influence</p> <p>A Govt. servant shall not attempt to bring political or any other outside influence on any supervisor authority in support of his interests regarding service under the Government.</p> <p>Government of India's Decision</p> <ul style="list-style-type: none"> • Government servants should not canvass for out of turn allotment of Govt. accommodation through MPs, prominent persons, politicians etc. • No notice should be taken of a representation on service matters submitted by a relative of a Govt. servant.

Rule 21	<p>Restrictions Regarding Marriage</p> <p>A Govt. servant shall not enter into a marriage with a person who has a spouse living. He shall not enter into a marriage if he himself has a spouse living. A marriage could however be permitted by the Govt. if such a marriage is permissible under the personal law of the Govt. servant and the other party. Under other permissible grounds also such a marriage could be allowed. If a Govt. servant marries a person who is not an Indian national, he should intimate this to the Government.</p>
Rule 22	<p>Consumption of Intoxicating Drinks and Drugs</p> <p>A Government servant shall abide by the law relating to drinks or drugs applicable to the area where he is being at present. His performance of duty should not be affected in any way by reason of being under influence of such intoxicating drink or drug. He should neither consume such drink or drug in public nor appear in a public place in a state of intoxication. Excessive use of drink or drug is also not permitted.</p>
Rule 22-A	<p>Prohibition regarding Employment of Children Below 14 years of age</p> <p>A Government servant shall not employ any child below the age of 14 years.</p> <p>Govt. of India' Decision</p> <p>Employment of Children below the age of 14 years will be a violation of Conduct Rules as well as it will be an offence under Child Labour (Prohibition and Regulations) Act, 1986.</p>

References

- 1) Central Civil Services (Conduct) Rules, 1964
- 2) Swamy's Handbook
- 3) ISTM' knowledge portal
- 4) DoPT OMs issued from time to time
- 5) Various text available online on the subject matter

**3. PUNCTUALITY AND
ATTENDANCE FOR
GOVERNMENT EMPLOYEES
(AEBAS),

GOVERNMENT
ACCOMMODATION (E-
SAMPADA)

AND

CENTRAL GOVERNMENT
HEALTH SCHEME (CGHS)**

Punctuality and Attendance for Government Employees (AEBAS)

The official working hours of the office are from 9:30 AM to 6:00 PM, with a designated lunch break from 1:30 PM to 2:00 PM. The office remains closed on Saturdays, Sundays, and on declared public holidays. The O/o CGPDTM releases an annual list of holidays specific to each office, with certain holidays varying based on the local traditions of the concerned city.

The attendance system is managed through the Aadhaar Enabled Biometric Attendance System (AEBAS), which requires employees to mark both their in-time and out-time daily. The system supports biometric authentication methods, including fingerprint scans, retina scans, and face-based authentication using Android/iOS-based applications. In cases where employees are unable to punch in or out due to system malfunctions or missed punches, they must promptly inform their Controlling Officer, who may be the Head of Office or Group Leader.

Attendance data recorded in AEBAS is accessible to the Nodal Officer at the O/o CGPDTM and the Head of Office and is actively monitored to ensure punctuality. Employees are expected to strictly follow the prescribed office timings and attendance protocols. Any deviation from these guidelines constitutes a violation of rules and may lead to disciplinary action.

As per the DoPT guidelines, late attendance results in the debiting of half-a-day's Casual Leave (CL) for each instance. However, late attendance of up to one hour on no more than two occasions in a month may be condoned by the competent authority, provided there are justifiable reasons. If no CL is available, the equivalent Earned Leave (EL) will be deducted. Habitual latecomers may also face disciplinary action, as repeated tardiness is considered misconduct under the CCS (Conduct) Rules, 1964. Similarly, leaving the office early without authorization is treated the same as late attendance and is subject to the same rules and penalties.

The punctuality and attendance record of employees also play a crucial role in their career development. These records are taken into consideration when assessing employees for important assignments, training opportunities, deputations, and transfers/postings. Employees are advised to use the AEBAS system diligently and report any issues immediately to their Controlling Officer to ensure compliance with attendance rules.

Government Accommodation (E-Sampada)

Eligibility and Classification

Government servants are entitled to accommodation in official quarters as per their eligibility. Officers of the Patent Office can avail themselves of this benefit under the General Pool Residential Accommodation (GPRA) scheme. Applications for accommodation allotment can be submitted through the e-Sampada Portal. The allocation of quarters is determined by the seniority of applicants competing for a particular unit.

Residential accommodations are classified into various types, ranging from Type I to Type VIII in different cities. This classification depends on the size and layout of the quarters. For example, Type IV accommodation, designated for Level 10 officers like Examiners of Patents and Designs, typically includes four rooms, including living spaces and a kitchen.

In addition to standard quarters, hostel accommodations are available in select cities. These hostels offer options such as Double Suites and Single Suites with a kitchen. This arrangement is especially suitable for officers seeking temporary accommodation.

Application and Waiting List Management

The unified waiting list for accommodation is prepared based on the applicants' priority dates. This priority is determined by the date of joining Central Government service and the eligibility for the type of accommodation is decided based on the level of the applicant in the pay matrix. Officers may also bid for one type lower accommodation than their entitlement. Married and single lady employees have a separate "Ladies Pool" quota, with a 2:1 allocation ratio of married employees to single lady employees. Reservation provisions also ensure that Scheduled Caste and Scheduled Tribe employees receive a 5% reservation in Types I and II accommodations and a 10% reservation in Types III and IV.

Applicants must ensure that their profiles are updated and approved by their respective Admins by the end of the month. Failure to update profiles may result in delays or disqualification. Applicants shall check their names in the waiting list before the bidding period begins to ensure their inclusion.

Bidding Period and Allotment Process

The bidding period for accommodation allotment typically starts on the first day of the month and ends by the ninth day at 5 PM. Allotments are finalized and communicated to successful applicants by the tenth day of the month. An offer of allotment of an accommodation shall be accepted by the allottee within eight days from the date of allotment of the accommodation through the automated system.

Upon acceptance of an allotment offer, the allottee must take physical possession of the accommodation within five working days from the receipt of the acceptance letter. If the accommodation is not ready for immediate occupation, the Central Public Works Department (CPWD) will issue a Technical Occupation Report.

Physical possession must be taken once the accommodation is deemed ready for habitation. Failure to accept the allotment within the stipulated eight days or to take possession within five days results in debarment from applying for accommodation for three months. Additionally, the allottee will be liable to pay a penalty equivalent to one month's licence fee.

Persons to Reside with Allottee

The allottee shall reside in the allotted accommodation along with their family and immediate relations. "Family" includes the wife or husband of the allottee, children, stepchildren, legally adopted children, parents, brothers, and sisters who ordinarily reside with and are dependent on the allottee. "Immediate relations" refers to relationships such as grandparents, grandchildren, parents-in-law, and children-in-law, including relationships established by legal adoption.

In cases where a relationship ceases to exist due to a court order, the individual concerned shall no longer reside in the premises. Furthermore, any family members or immediate relations sharing the accommodation must be reported to the Directorate of Estates using the prescribed form. For guests intending to stay for more than fifteen days, the allottee must provide prior intimation to the Directorate, including full details of the guest(s) as required.

Retention and Surrender Policies

The retention period for government accommodation varies depending on the reason for vacating. For example, employees transferred to a new station are allowed to retain their current accommodation for two months at the normal licence fee, followed by an additional six months at double the licence fee. In cases of resignation, dismissal, or removal from service, the retention period is limited to one month at the normal licence fee.

Allottees may surrender their accommodation at any time. However, they will not be considered for reallocation at the same station for one year from the date of surrender.

Licence Fee and Liability

Licence fees for government accommodations commence from the date of physical occupation. Allottees are responsible for paying utility bills for services like electricity, water, and gas in a timely manner. Temporary government servants must furnish a surety bond, executed by a permanent government servant, to ensure payment of licence fees and other dues.

Allottees are personally liable for damages to the accommodation beyond normal wear and tear, as well as for any losses incurred by the government due to unauthorized activities. The use of government accommodation is strictly for residential purposes, and any misuse, such as conducting trade or business, is prohibited. Subletting, whether partial or full, is a serious violation that leads to cancellation of allotment and possible disciplinary action. In cases of unauthorized occupation following cancellation, damages will be levied for the period of unauthorized use.

Ownership of House at Place of Posting

An employee who owns a house, either in their own name or in the name of any family member, at their place of duty, shall inform the Directorate of Estates at the time of applying for accommodation. Furthermore, if the ownership is acquired after the allotment, the allottee must inform the Directorate of Estates within one month from the date of possession of the house. If the allottee falls under this category of ownership, a higher rate of licence fee is applicable.

Central Government Health Scheme (CGHS)

The **Central Government Health Scheme (CGHS)** is a comprehensive initiative by the Government of India aimed at providing healthcare services to central government employees, pensioners, and their families. Below is a brief about the scheme covering the eligibility, application process, benefits, facilities, and other essential aspects of the scheme. The CGHS provides health services through a network of wellness centers, dispensaries, and empaneled hospitals across the country. The scheme is applicable only if the residence of the government official falls within the demarcated area of a CGHS wellness dispensary.

Eligibility and Beneficiary Coverage

Who Can Be a Beneficiary?

1. **Primary Beneficiary:** The serving or retired central government employee.
2. **Family Members Eligible for CGHS Coverage:**
 - **Spouse**
 - **Parents or Parents-in-Law:** Employees may include either dependent parents or dependent parents-in-law, subject to dependency and residence conditions.
 - **Children:**
 - **Unmarried sons:** Eligible until they start earning or attain 25 years of age, whichever is earlier.
 - **Unmarried, divorced, or widowed daughters:** Eligible irrespective of age until they start earning or get married.
 - **Sons with permanent disabilities:** Eligible irrespective of age, provided the disability is permanent (physical or mental).
 - **Dependent minor children of widowed/separated daughters:** Eligible up to the age of majority.
 - **Dependent Minor Siblings:** Brothers and sisters who meet the dependency criteria.
 - **Others:** Divorced, separated, or widowed sisters and daughters, provided they meet the dependency conditions.

Dependency Criteria

- Family members (excluding spouses) whose income is less than ₹9,000/- plus DA per month and who are normally residing with the CGHS beneficiary are treated as dependents.
- Beneficiaries must immediately notify CGHS of any changes in dependency status. Failure to report such changes may result in withdrawal of CGHS benefits and potential disciplinary action under service rules.

Application Process for CGHS

The process to apply for CGHS includes both online application and physical submission:

Step 1: Online Application

The following documents must be uploaded during the online application process:

- Latest **pay slip** indicating the pay scale and CGHS deduction.
- **ID proof** of the employee and all dependent family members.
- **Address proof** of the primary beneficiary.
- **Photographs** of all family members (individual photographs and one group photograph).
- **Income certificate** for dependent parents (if applicable).

Step 2: Physical Submission

The physical application, along with all supporting documents, must be submitted to the respective office.

Step 3: Processing by Additional Director (AD), CGHS

- The office forwards the application to the Additional Director (AD) of CGHS in the concerned city.
- The AD verifies the documents and issues:
 - An Index Card containing the details of all family members.
 - Individual **CGHS Plastic Cards** for the beneficiaries.

Details About the CGHS Card

The CGHS card is essential for availing medical services. Key details about the card are:

1. **Soft Copy:** The card can be downloaded from the CGHS portal and printed for immediate use. Beneficiaries are encouraged to use soft copy of the card.
2. **Plastic Card:**
 - The AD CGHS prepares the physical plastic card and sends it to the designated wellness center for distribution.
 - Beneficiaries must visit the center to collect the card.
3. **Validity:**
 - The card must be renewed before its expiry to remain valid.
 - Expired cards cannot be used to avail of CGHS services.
4. **Portability:** The card can be used at any CGHS dispensary in India, irrespective of the dispensary linked to the beneficiary's residence.
5. **Transfer:** Upon transfer to a new city, beneficiaries must apply for the transfer of dispensary services.

Monthly Contribution and Ward Entitlement

Monthly Contribution

- The contribution is deducted monthly from the employee's salary.
- For employees in Levels 7 to 11, the contribution is ₹650/- per month.

Ward Entitlement

- **Basic Pay exceeding ₹50,500/-:** Private ward entitlement.

Facilities Provided Under CGHS

1. Outpatient Department (OPD) Services

- **Medical Consultation:**
 - Beneficiaries can consult medical officers and specialists at CGHS wellness centers.
 - Medicines prescribed by the doctor are issued at the center.

- **Medicines:**
 - If the prescribed medicines are unavailable at the center, they are procured from authorized vendors by the CGHS wellness center and provided on the next working day.
 - If the vendor fails to supply the medicines, a Non-Availability Certificate will be issued by the CGHS wellness center, allowing beneficiaries to purchase the medicines from outside chemists and claim reimbursement.

2. Diagnostics and Investigations

- If diagnostic tests are unavailable at the wellness center:
 - The CGHS doctor issues a referral specifying the tests required.
 - Beneficiaries can visit empaneled diagnostic centers or hospitals for these tests.
 - Reimbursement for such tests can be claimed from the office.

3. Referral to Specialists

- A referral to a specialist is valid for 3 months.
- During this period, the beneficiary may consult to the specialists and avail of a maximum of six consultations. (Refer relevant OM for details)

4. Indoor Treatment

- Referrals are mandatory for hospital admissions (non-emergency cases).
- Treatment at empaneled hospitals is reimbursed as per CGHS rates.

5. Emergency Treatment

- In emergencies, treatment can be availed at empaneled hospitals without prior referral.
- Emergency treatment for serving employees is now **cashless**.

Reimbursement Process

Documents Required for Reimbursement

To claim reimbursement, submit the following documents:

1. **Application** for reimbursement.
2. **Referral letter** issued by the CGHS doctor.
3. **Original invoices** of treatment costs.
4. **Discharge summary** (for indoor treatment).
5. **CGHS card** of both the patient and the primary cardholder.

Important Guidelines

- Bills must be submitted within 6 months of treatment completion.
- For planned treatments, beneficiaries may apply for a medical advance (up to 90% of the estimate).

Key Provisions and Relaxations

1. **Unlisted Treatments:**
 - For treatments not listed in the CGHS rate list, reimbursement is done at AIIMS rates or actual rates with prior approval from the Head of Office.
2. **Non-Reimbursable Items:**
 - Items such as toiletries, dietary supplements, cosmetics, and allopathic medicines prescribed by Ayurvedic doctors are not reimbursable.
3. **Empaneled Hospital Charges:**
 - Empaneled hospitals must charge as per CGHS rates, and package rates for specific treatments (e.g., Normal Delivery) include all associated costs.

Treatment in Non-CGHS Areas

- Employees residing in areas not covered by CGHS can avail treatment under the Central Services (Medical Attendance) Rules [CS(MA)] wherein the reimbursement will be restricted to the CGHS related li.
- Authorized Medical Attendants (AMAs) provide consultations, and costs are reimbursed.

**4. Integrity and Ethics for
Government Employees: Building
Trust and Accountability in
Governance**

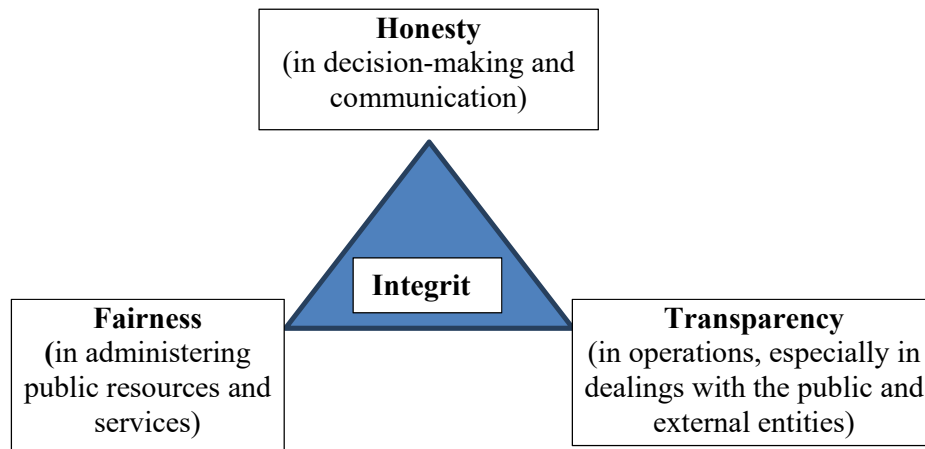
Integrity and Ethics for Government Employees: Building Trust and Accountability in Governance

Introduction

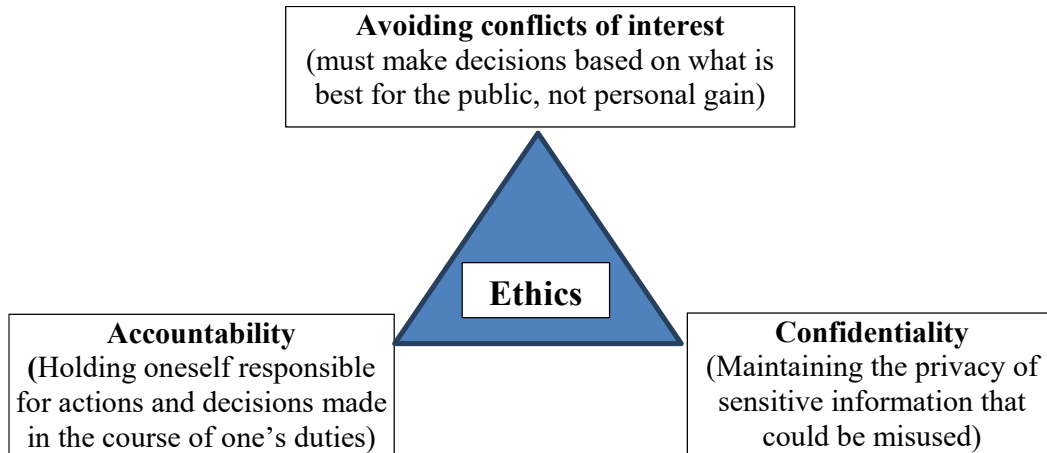
Integrity and ethics are indispensable for fostering trust and accountability in governance. Government employees play a pivotal role in upholding these values, ensuring that their actions contribute to the welfare of society and the development of the nation. By embracing ethical principles and adhering to service rules, public servants can reinforce the foundation of good governance, earning the confidence and respect of the citizens they serve. When government employees act with integrity, they foster transparency, fairness, and responsibility, which ultimately strengthens the relationship between the government and the citizens it serves.

Integrity and Ethics

Integrity refers to the quality of being honest and having strong moral principles. It involves consistency in actions, values, and outcomes, irrespective of external pressures. Maintaining integrity ensures that government employees perform their duties sincerely, aligning their actions with the public good. In the context of government employees, integrity means:



Ethics is a set of moral principles that govern behaviour. For government employees, ethics revolve around fairness, impartiality, and prioritizing public interest over personal gain. Ethical governance demands adherence to established laws, policies, and principles that promote the welfare of society as a whole.



Core Values of Integrity and Ethics in Government Service

Accountability: Accepting responsibility for decisions and actions. Public servants must ensure that their actions are justifiable and open to scrutiny.

Transparency: Ensuring openness in decision-making processes. Transparency minimizes the risk of corruption and enhances trust.

Impartiality: Treating all stakeholders without bias, fostering equality and justice in governance.

Commitment to Public Interest: Acting in ways that prioritize the welfare of public above personal or organizational gains.

Honesty and Fairness: Being truthful, equitable, and consistent in interactions with the public and colleagues.

Respect for Law and Constitution: Upholding the laws and constitutional values of the country, ensuring that personal beliefs do not override official responsibilities.

Importance of Integrity and Ethics in Governance

- **Building Public Trust:** Citizens' confidence in governance grows when officials act ethically and transparently, ensuring equitable service delivery.
- **Preventing Corruption:** Ethical practices reduce opportunities for misuse of power, ensuring that resources are utilized effectively for the intended purpose.

- **Enhancing Efficiency:** Ethical practices streamline decision-making and encourage consistency, improving operational efficiency.
- **Promoting Equity:** Ethical governance ensures fair distribution of resources and unbiased decision-making.
- **Strengthening Institutions:** Integrity and ethical behavior strengthen the foundations of public institutions, ensuring their sustainability.

Ethical Dilemmas and Decision-Making

Government employees often encounter situations that require balancing conflicting interests.

Common ethical dilemmas include:

- **Conflict of Interest:** Navigating situations where personal interests may clash with professional responsibilities.
- **Use of Public Resources:** Ensuring that government resources are used solely for official purposes.
- **Confidentiality Vs Transparency:** Balancing the need for transparency with the requirement to maintain confidentiality.

Steps to Handle Ethical Dilemmas

Identify the Dilemma: Understand the conflict between moral values and official responsibilities. Begin by clearly defining the nature of the ethical conflict. Understand the competing moral values, principles, or priorities at play. This requires a careful assessment of the situation to distinguish between personal biases, professional responsibilities, and societal expectations. A well-defined dilemma ensures that all relevant factors are considered before taking action.

Refer to Rules: Rely on established service rules, regulations, and ethical codes / guidelines to provide a structured framework for decision-making. These guidelines often reflect collective wisdom and best practices, helping to navigate complex situations. Understanding the legal and organizational policies reduces ambiguity and provides clarity on acceptable actions while minimizing the risk of misconduct.

Seek Guidance: When in doubt, consult senior officials, mentors, or legal advisors for their perspectives and insights. Engaging with senior officials can provide a broader understanding

of the implications and potential outcomes of various actions. Collaboration also fosters a culture of transparency and shared responsibility in addressing ethical challenges.

Prioritize Public Interest: Focus on solutions that align with the greater good and benefit society in the long term. Decisions should be impartial and aim to uphold trust in the organization or institution. Balancing short-term consequences with long-term societal impact ensures actions are ethically sound and reflective of public values.

Document Decisions: Maintain a detailed record of the actions taken, the decision-making process, and the rationale behind each choice. Documentation ensures accountability and transparency, which are critical for defending decisions if they are questioned later. It also serves as a learning resource for handling similar ethical dilemmas in the future.

Practical Steps for Upholding Integrity and Ethics

Adherence to Service Rules: Regularly update yourself on applicable rules and regulations, ensuring compliance.

Professionalism in Conduct: Avoid conflicts of interest, maintain objectivity, and refrain from using public office for personal gain.

Transparency in Actions: Ensure decision-making processes are clear and open to scrutiny, unless restricted by law.

Accurate Documentation: Maintain proper records of decisions and actions to enable traceability and accountability.

Continuous Learning: Participate in ethics training programs and workshops to stay informed about best practices.

Encourage Ethical Culture: Promote ethical behavior among colleagues and subordinate staff through example and mentorship.

Principles of Natural Justice (PNJ)

The principles of natural justice are fundamental legal principles designed to ensure fairness, impartiality, and due process in administrative, judicial, and quasi-judicial proceedings.

The two core Principles of Natural Justice are:

1. Nemo Judex in Causa Sua (No one should be a Judge in their own cause)

Meaning: This principle ensures that the decision-maker in a case is impartial and free from bias. No person should have a personal interest, financial or otherwise, in the outcome of a matter they are adjudicating.

Key Aspects:

- **Avoiding actual bias:** The decision-maker must not have a vested interest in the case.
- **Avoiding apparent bias:** Even if there is no actual bias, any appearance of bias should be avoided to maintain public confidence in the fairness of the process.

2. Audi Alteram Partem (Hear the other side)

Meaning: This principle ensures that all parties to a dispute are given a fair opportunity to present their case, respond to allegations, and provide evidence.

Key Aspects:

- **Right to notice:** Affected parties must be informed of the case against them and given adequate time to prepare their response.
- **Right to a fair hearing:** Parties must be allowed to present their arguments, evidence, and witnesses before an impartial authority.
- **Right to rebuttal:** A party must have the opportunity to challenge the evidence or arguments presented against them.

Integrity and Ethics in specific context of Patent Examiner and Controller:

With regard to Patent Examiner and Controller, there are two aspects of Integrity which are of particular importance -**Financial Integrity** and **Intellectual Integrity**. While both are vital for the proper functioning of institutions and the upholding of public trust, they address different aspects of ethical behaviour—one related to financial conduct and the other to intellectual honesty.

Financial Integrity refers to the commitment to ethical standards in managing, using, and distributing financial resources. It involves ensuring transparency, honesty, and accountability in all financial dealings and is paramount to avoid corruption, fraud, and

misuse of resources. Government has introduced measures such as anti-bribery laws, whistleblower protection, and codes of conduct to ensure financial integrity at all levels of administration.

Intellectual Integrity refers to the commitment to honesty, rigor, and fairness in the pursuit and implementation of knowledge and ideas. It encompasses upholding the truth, ensuring that one's reasoning is sound, and acknowledging the contributions of others. For Examiners and Controllers, intellectual integrity is essential in decision-making to produce reliable, honest, and unbiased outcomes. Intellectual integrity fosters the responsible use of knowledge, encouraging critical thinking, transparency, and accountability in decision-making.

Key Aspects of Intellectual Integrity:

- **Honesty in Knowledge:** Representing facts and evidence truthfully, without distortion or omission. In IPO contexts, this means accurately citing sources and presenting findings without manipulation to fit a predetermined narrative.
- **Critical Thinking:** Intellectual integrity involves questioning assumptions and analyzing evidence impartially. It's about recognizing the complexity of issues and avoiding oversimplification or biased reasoning.
- **Respect for Ideas:** Acknowledging and respecting the ideas of others, even when they differ from one's own views.

Intellectual integrity allows for open, honest discourse, where diverse ideas and perspectives can be debated and explored. This leads to the growth of knowledge, new innovations, and well-informed decisions. When Examiners and Controllers demonstrate intellectual honesty and rigor, people are more likely to trust their judgments and follow their guidance.

Together, **Financial Integrity** and **Intellectual Integrity** help build the foundations for an equitable, trustworthy, and well-functioning Indian Patent Office.

Importance of Intellectual Integrity

Best Practices

- **Integrity in Procurement:** A public servant who refused to accept bribes during a tendering process and ensured the selection of the most qualified bidder, saving public funds and enhancing service quality.
- **Transparency through Technology:** Technology plays a critical role in enhancing the efficiency, accuracy, and transparency in office function. By integrating advanced technologies, operational efficiency of the office can be improved and ensure fair and timely protection of IP.

Practical tips

1. Avoid Conflicts of Interest

- Do not handle patent applications involving close relatives as applicants or inventors. In such cases, the concerned Examiner may recuse themselves from the application.
- Avoid handling patent applications where close relatives are acting as Patent Agents.

2. Diligence in Examination

- Thoroughly read and understand the patent application under examination.
- Conduct an exhaustive prior art search to ensure a comprehensive examination process.

3. Accuracy in Reporting

- Avoid errors of omission or commission while preparing the examination report.

4. Professional Conduct

- Maintain punctuality in attending the office.
- Uphold decorum in interactions with seniors and colleagues.
- Foster a cordial working relationship with official staff.

5. Compliance with Service Matters

- Stay updated on service-related matters, particularly while claiming LTC and declaring family dependents for CGHS.
- Be fair, ethical, and adhere to relevant rules, Office Memoranda (OMs), guidelines, and directions while submitting bills /claims related to reimbursement or related matters.

Relevant Act / Service Rules for Government Employees

- **Central Civil Services (Conduct) Rules, 1964**

These rules prescribe the standards of conduct for government employees. Key provisions include:

- Prohibition of acceptance of gifts that may compromise integrity.
- Requirement to maintain political neutrality.

- **Prevention of Corruption Act, 1988**

This act provides a legal framework to combat corruption in public offices and penalize acts such as bribery, abuse of power, and misuse of public resources.

- **Right to Information Act, 2005**

This act empowers citizens to access information held by government bodies, promoting transparency and accountability in governance.

References

- 1) CCS Conduct Rules
- 2) Guidelines / OM issued by Govt. Of India issued from time to time.
- 3) Various articles available online on the subject of ethics and integrity
- 4) UNDP Code of ethics: operating with unwavering integrity

5. Salary and Allowances

Salary Structure for Central Government Officers (Basic Salary, DA, TPTA, HRA, MACP, Increment)

The salary structure of a government servant in India is a well-defined framework designed to ensure fair compensation and career progression. It is primarily based on the basic salary, which serves as the foundation for calculating various allowances, such as Dearness Allowance (DA), Transport Allowance (TPTA), and House Rent Allowance (HRA). Each post is assigned a specific range of basic salary, which increases as officer progresses through increments or promotions. The implementation of the 7th Central Pay Commission (CPC) introduced the Pay Matrix system, a structured approach to determine salaries across different posts and levels in the government hierarchy.

The Pay Matrix

The Pay Matrix, introduced by the 7th CPC, replaced the previous grade pay system and provided a more straightforward structure for determining basic salaries. It is a table consisting of multiple levels, with each level corresponding to a specific post or rank. Each level contains a range of salary indices that represent the progression of salaries within that level. The following is the pay matrix table:

7th Pay Commission Pay Matrix Table for Central Government Employees w.e.f.1.1.2016

Pay Band	5200-20200					9300-34800				15600-39100			37400-67000			67000-79000	75500-80000	80000	90000
Grade Pay	1800	1900	2000	2400	2800	4200	4600	4800	5400	5400	6600	7600	8700	8900	10000				
Entry Pay (EP)	7000	7730	8460	9910	11360	13500	17140	18150	20280	21600	25350	29500	46100	49100	53000	67000	75500	80000	90000
Level	1	2	3	4	5	6	7	8	9	10	11	12	13	13A	14	15	16	17	18
Index	2.57	2.57	2.57	2.57	2.57	2.62	2.62	2.62	2.62	2.67	2.67	2.67	2.57	2.67	2.72	2.72	2.72	2.81	2.78
1	18000	19900	21700	25500	29200	35400	44900	47600	53100	56100	67700	78800	118500	131100	144200	182200	205400	225000	250000
2	18500	20500	22400	26300	30100	36500	46200	49000	54700	57800	69700	81200	122100	135000	148500	187700	211600		
3	19100	21100	23100	27100	31000	37600	47600	50500	56300	59500	71800	83600	125800	139100	153000	193300	217900		
4	19700	21700	23800	27900	31900	38700	49000	52000	58000	61100	74000	86100	129600	143300	157600	199100	224400		
5	20300	22400	24500	28700	32900	39900	50500	53600	59700	63100	76200	88700	133500	147600	162300	205100			
6	20900	23100	25200	29600	33900	41100	52000	55200	61500	65000	78500	91400	137500	152000	167200	211300			
7	21500	23800	26000	30500	34900	42300	53600	56900	63300	67000	80900	94100	141600	156600	172200	217600			
8	22100	24500	26800	31400	35900	43600	55200	58600	65200	69000	83300	96900	145800	161300	177400	224100			
9	22800	25200	27600	32300	37000	44900	56900	60400	67200	71100	85800	99800	150200	166100	182700				
10	23500	26000	28400	33300	38100	46200	58600	62200	69200	73100	88400	102800	154700	171100	188200				
11	24200	26800	29300	34300	39200	47600	60400	64100	71300	75400	91100	105900	159300	176200	193800				
12	24900	27600	30200	35300	40400	49000	62200	66000	73400	77700	93800	109100	164100	181500	199600				
13	25600	28400	31100	36400	41600	50500	64100	68000	75600	80000	96600	112400	169000	186900	205600				
14	26400	29300	32000	37500	42800	52000	66000	70000	77900	82400	99500	115800	174100	192500	211800				
15	27200	30200	33000	38600	44100	53600	68000	72100	80200	84900	102500	119300	179300	198300	218200				
16	28000	31100	34000	39800	45400	55200	70000	74300	82600	87400	105600	122900	184700	204200					
17	28800	32000	35000	41000	46800	56900	72100	76500	85100	90000	108800	126600	190200	210300					
18	29700	33000	36100	42200	48200	58600	74300	78800	87700	92700	112100	130400	195900	216600					
19	30600	34000	37200	43500	49600	60400	76500	81200	90300	95500	115500	134300	201800						
20	31500	35000	38300	44800	51100	62200	78800	83600	93000	98400	119000	138300	207900						
21	32400	36100	39400	46100	52600	64100	81200	86100	95800	101400	122600	142400	214100						
22	33400	37200	40600	47500	54200	66000	83600	88700	98700	104400	126300	146700							
23	34400	38300	41800	48900	55800	68000	86100	91400	101700	107500	130100	151100							
24	35400	39400	43100	50400	57500	70000	88700	94100	104800	110700	134000	155600							
25	36500	40600	44400	51900	59200	72100	91400	96900	107900	114000	138000	160300							
26	37600	41800	45700	53500	61000	74300	94100	99800	111100	117400	142100	165100							
27	38700	43100	47100	55100	62800	76500	96900	102800	114400	120900	146400	170100							
28	39900	44400	48500	56800	64700	78800	99800	105900	117800	124500	150800	175200							
29	41100	45700	50000	58500	66600	81200	102800	109100	121300	128100	155300	180500							
30	42300	47100	51500	60300	68600	83600	105900	112400	124900	132000	160000	185900							
31	43600	48500	53000	62100	70700	86100	109100	115800	128600	136000	164800	191500							
32	44900	50000	54600	64000	72800	88700	112400	119300	132500	140100	169700	197200							
33	46200	51500	56200	65900	75000	91400	115800	122900	136500	144100	174800	203100							
34	47600	53000	57900	67900	77300	94100	119300	126600	140600	148600	180000	209200							
35	49000	54600	59600	69900	79600	96900	122900	130400	144800	153100	185400								
36	50500	56200	61400	72000	82000	99800	126600	134300	149100	157700	191000								
37	52000	57900	63200	74200	84500	102800	130400	138300	153600	162400	196700								
38	53600	59600	65100	76400	87000	105900	134300	142400	158200	167100	202600								
39	55200	61400	67100	78700	89600	109100	138300	146700	162900	172100	208700								
40	56900	63200	69100	81100	92300	112400	142400	151100	167800	177500									

Key features of the Pay Matrix:

- **Transparency:** The Pay Matrix provides a clear view of salary progression, allowing employees to predict their future earnings.
- **Uniformity:** It standardizes salaries across various departments and services.
- **Predictable Increments:** Annual increments are calculated as approximately 3% of the current basic salary, enabling systematic financial growth.

For example, the salary structure for officers in the Patent Office is as follows:

- **Level 10:** Examiner of Patents and Designs, with a starting basic salary of Rs. 56,100 at Index 1.
- **Level 11:** Assistant Controller of Patents and Designs.
- **Level 12:** Deputy Controller of Patents and Designs.
- **Level 13:** Joint Controller of Patents and Designs.
- **Level 13A:** Senior Joint Controller of Patents and Designs.

Increments in the Pay Matrix

Increment in the basic salary occurs annually, typically on 1st January or 1st July. The officer progresses by one index within the same level, resulting in a salary increase of approximately 3%. Officers have the flexibility to choose their increment date based on their joining date and related benefits, provided there is a minimum gap of six months between two increments.

When an officer receives a promotion, their basic pay shifts to the next level in the Pay Matrix. Additionally, an extra increment may be granted, which can be availed either on the date of promotion or the next increment date, depending on the officer's preference.

Modified Assured Career Progression Scheme (MACP)

The **Modified Assured Career Progression (MACP)** scheme ensures financial growth for employees who do not receive timely promotions. Under this scheme, an officer's pay level shifts to the next level in the Pay Matrix after completing 10, 20, or 30 years of continuous service. The MACP is designed to reward long-serving employees with financial benefits, even if their designation remains unchanged.

Dearness Allowance (DA)

The **Dearness Allowance (DA)** is a cost-of-living adjustment allowance provided to government employees. It is calculated as a percentage of the basic salary and is revised semi-annually based on inflation and changes in the Consumer Price Index (CPI). DA ensures that the purchasing power of government employees remains unaffected by inflationary trends.

- **Current DA Rate:** As of now (from July 2024), the DA rate stands at **53%** of the basic salary.
- **Revisions:** The DA rate is reviewed twice a year, in January and July, and adjusted to reflect changes in the cost of living.

The DA is a critical component of the salary structure, providing financial stability to employees in the face of rising living costs.

Transportation Allowance (TPTA)

The **Transportation Allowance (TPTA)** is provided to government servants to cover commuting expenses between their residence and workplace. The allowance varies based on the employee's post and location.

Key provisions as per the Department of Expenditure OM dated 07/07/2017:

- **Eligibility:** Officers must attend the office at least one day in the entire calendar month to be eligible for TPTA. Absence for the full calendar month, regardless of the reason, disqualifies the officer from receiving this allowance.
- **Allowance for Examiners of Patents and Designs:** Rs. 7,200 plus DA at the applicable rate.
- **Special Provisions for Physically Handicapped Officers:** Officers with physical disabilities are entitled to double the Transportation Allowance.

TPTA ensures that commuting expenses do not burden government employees, enabling them to focus on their professional responsibilities.

House Rent Allowance (HRA)

The **House Rent Allowance (HRA)** is granted to government employees to offset rental expenses. The amount of HRA is determined based on the classification of the city or town where the employee is posted, as per the latest Census data. Cities are classified into three categories: X, Y, and Z, based on their population.

Classification and Rates of HRA

Classification	Population Criteria	Rate of HRA
X	50 lakhs & above	24%
Y	5 lakhs to 50 lakhs	16%
Z	Below 5 lakhs	8%

Revision of HRA Rates

- When the DA crosses 25%, HRA rates are revised to 27% (X), 18% (Y), and 9% (Z).
- When the DA crosses 50%, HRA rates are further revised to 30% (X), 20% (Y), and 10% (Z).

Conditions for HRA Eligibility

1. Occupation of Government Accommodation:

- HRA is not admissible if the employee occupies government-provided accommodation.
- If an employee accepts government accommodation, HRA ceases from the date of physical occupation.
- HRA resumes upon surrender of government accommodation.

2. Retention Post-Transfer:

- Employees retaining government accommodation at the previous station can claim HRA at the new station for up to 8 months.

Exclusions from HRA

HRA is not admissible under the following circumstances:

- Sharing government accommodation allotted to another employee.
- Residing in accommodation allotted to family members (parents, children etc.) by government or semi-government organizations.
- If a spouse is allocated government accommodation at the same station.

HRA During Leave

- HRA continues during leave for up to 180 days for all types of leave, including child care leave and extraordinary leave.
- Employees sent for training within India, where the training period is treated as duty, are eligible to draw HRA for the entire training duration.

Travelling Allowance on Tour

Travelling Allowance (TA) provisions are established to reimburse expenditures incurred by officers while performing official duties that require travel to places other than their headquarters. This chapter outlines the entitlements, procedures, and necessary documentation for claiming travel-related reimbursements for Examiners of Patents and Designs (Level 10) under the Government of India.

1. Eligibility for Travelling Allowance

Examiners of Patents and Designs may need to travel for various official purposes such as attending meetings, conferences, training sessions, or seminars as speakers. The entitlements for reimbursement are based on the pay level (position of the holding post) and are as follows for Level 10 officers:

- **Air Travel:** Economy class.
- **Train Travel:** AC II-tier.
- **Bus Travel:** AC buses.

2. Entitlement for Local Transportation

A. Airport/Railway station connected Travel

Reimbursement for travel to and from the airport or railway station, and to the designated place of work or office or residence, is permissible as per the following conditions:

- **Non-AC Taxi:** Fare as notified by the state government. If no rate is notified, Rs. 30 per km will be reimbursed.
- **Rickshaw:** Rs. 15 per km or the rate notified by the state government.
- **Metro Cities:** Actual expenses will be reimbursed if supported by an invoice/bill.

B. Travel within City

For travel within the destination city, the Examiner is eligible for reimbursement of non-AC taxi fares up to ₹423 per day, as per the rates notified by the state government, or ₹30 per km (excluding travel to and from the airport or train station).

3. Hotel Accommodation and Food Allowance

- **Hotel Accommodation:** Reimbursement up to Rs. 2,813 (+GST) per day. There is no restriction on the choice of hotel, but invoices (preferably GST invoices) must be provided.
- **Food Allowance:** Reimbursement up to Rs. 1,125 per day as a lump sum amount. No separate food bills are required. The entitlement is calculated based on the duration of absence from the headquarters:
 - **<6 hours:** 30% of the lump sum amount.
 - **6–12 hours:** 70% of the lump sum amount.
 - **>12 hours:** 100% of the lump sum amount.

Absence from headquarters is reckoned from midnight to midnight and is calculated on a per-day basis.

4. Procedure for Tour Approval and Advance Application

- **Tour Approval:** An officer nominated for such a tour will receive an email regarding the nomination from the competent authority, usually communicated through the Head of Office. Upon receiving the email, the officer must apply for tour approval, which can be done by submitting a request through e-HRMS or a physical form. The officer may proceed with the tour only after obtaining approval from the competent authority.
- **Tour Advance:** Officers may apply for a tour advance by submitting the following:
 - Tour advance application.
 - Approved tour document.
 - Supporting documents (e.g., screenshots from flight booking websites) to justify the estimate.

Officers are eligible for 90% of the estimated expenditure as an advance.

5. Travel Booking Guidelines

- Air Tickets must be booked through authorized service providers such as IRCTC, Balmer Lawrie, or Ashoka Travels and Tours. And train tickets from IRCTC.
- Accounts must be created on these platforms using the government email ID.

- The lowest fare should be selected, with a flexibility of up to 10% higher fare.

6. Reimbursement Process

To claim reimbursement, the following documents must be submitted:

1. TA bill/application form.
2. Tour approval form or e-HRMS-approved copy.
3. Flight/train tickets.
4. Boarding passes.
5. Taxi vouchers, if applicable.
6. Hotel invoices, if applicable.
7. Self-declaration for tickets booked within 72 hours of departure.

7. Submission Timeline

TA claims must be submitted within 60 days of completing the tour. Claims submitted beyond this period will be forfeited, as per the General Financial Rules (GFR).

8. Additional Provisions

- The tour approval must indicate the dates of outward and return journeys.
- Officers may arrive at the destination a day in advance and commence the return journey the day after completing official duties.

Local Journey Provisions

For official duties within the headquarters, the reimbursement for travel expenses is guided by the following provisions, categorized based on the distance from the residence or office:

1. Journeys Beyond 8 km from the Residence

When the temporary duty point is beyond 8 kilometers from the normal place of duty, the following rules apply:

- **Mode of Travel:**
 - Officers are expected to use the same mode of travel as their usual commute to the office, such as buses, local trains, or personal conveyance.
 - If travel by special means of conveyance such as taxis or scooters is necessary, prior approval from the competent authority must be obtained.
 - In cases where multiple officers are deputed to the same duty point, efforts should be made to travel together and share the cost of conveyance to promote economy.
- **Reimbursement Guidelines:**
 - Mileage allowance or fare reimbursement is regulated based on the lesser of the actual distance traveled or the distance between the normal duty point (office) and the temporary duty point.
 - For such journeys, the officer is also eligible for 50% of the food allowance (Daily Allowance or DA), based on the duration of absence from the office, calculated as follows:
 - **<6 hours:** 15% of the lump-sum food allowance.
 - **6–12 hours:** 35% of the lump-sum food allowance.
 - **>12 hours:** 50% of the lump-sum food allowance.

2. Journeys Within 8 km from the Residence

For journeys to a temporary duty point within 8 kilometers from the residence, the following provisions apply:

- **Mode of Travel:**

- Reimbursement is limited to the fares paid for public transport, such as buses, local trains, trams, or ferries.
- No mileage allowance is payable for journeys performed using taxis, auto-rickshaws, personal vehicles, or scooters.
- **Food allowance:**
 - No food allowance shall be payable.

Leave Travel Concession (LTC)

Leave Travel Concession (LTC) is a vital facility offered to government employees, enabling them to travel and rejuvenate while exploring the vast diversity of India. This scheme not only facilitates quality time with family but also ensures work-life balance by allowing reimbursement of travel expenses as per eligibility. By availing this benefit, employees can visit their hometowns or other parts of the country.

2. Rules for Different Categories of Employees

2.1 New Recruits

New recruits to government service become eligible for LTC after completing one year of continuous service. During the first eligible eight years of their service, they are entitled to avail LTC every year. These eight years are categorized into two distinct blocks of four years each. In the first block, employees can avail hometown LTC for the first three years and opt for an all-India LTC in the fourth year. Similarly, the pattern repeats in the second block. For example, in years five, six, and seven, new recruits can travel to their hometown, and in the eighth year, they can explore any location in India. However, if an employee did not utilize LTC in any given year, the benefit for that year lapses without provision for carryover. Additionally, employees whose hometown and headquarters are the same are not eligible for hometown LTC.

2.2 Employees with Over Eight Years of Service

Government employees who have completed eight years of service under LTC transition to the regular LTC rules applicable to all eligible personnel. These rules provide for two LTCs in a fixed block of four years (e.g., 2022–2025).

3. Calculation and Timing of LTC

LTC calculations are performed on a calendar-year basis. The commencement date of the outward journey determines the eligibility of the LTC claim. Employees must ensure that the outward journey begins within the eligible calendar year, even if the return journey concludes in the subsequent year.

4. Special Dispensation Scheme

Under the special dispensation scheme, new recruits have the option to convert their hometown LTC for travel to specific regions. During a four-year block, one hometown LTC can be converted for travel to the North East Region (NER), Jammu and Kashmir (J&K), or the Andaman and Nicobar Islands. Additionally, another hometown LTC in the same block can be converted exclusively for travel to J&K.

5. Eligibility of Family Members

Definition of Family for LTC

The LTC facility extends to an employee's dependent family members, subject to specific eligibility criteria. Dependent parents can avail LTC if their income does not exceed ₹9000 plus dearness allowance (DA) as per prevailing rates, with no restriction on their place of residence. Unmarried children are automatically eligible. Married or divorced or separated daughters may also avail LTC if they are wholly dependent on the employee and reside with them. Minor brothers and sisters, in the absence of parents or when parents depend on the employee, are also eligible. Similarly, daughters are covered if they are unmarried or divorced/separated, wholly dependent, and reside with the employee.

Separate Travel by Family Members

Family members are permitted to travel separately on different occasions to varied destinations under the LTC scheme. They can claim separate advances and settle their claims independently.

6. Travel and Reimbursement Guidelines

6.1 Travel Reimbursement

Reimbursement under the LTC scheme is calculated on a point-to-point basis. Officers in Level 10, such as Examiners of Patents and Designs, are entitled to travel via economy air travel or second AC railway travel.

6.2 Mode of Travel

Travel must be undertaken via public transport, including Indian Railways, State Transport buses, or air tickets booked through authorized travel agencies such as IRCTC, Balmer & Lawrie, or Ashoka Travels & Tours. Reimbursement for food allowance or incidental costs, such as taxi travel to/from airports or railway stations, is not permissible. However, if public transport is unavailable for further travel to the declared destination, reimbursement for taxi travel up to 100 km each way is allowed at the local state-declared fare, provided the employee submits a self-declaration.

6.3 Air Travel Booking

Air travel bookings must be made exclusively through authorized travel agents. Employees are encouraged to book non-stop flights and make reservations at least 21 days in advance. During booking, selecting the LTC option ensures that the tickets are marked accordingly. This streamlines the reimbursement process and ensures compliance with LTC guidelines.

7. Other Provisions

Officers must declare their intended place of visit in advance using the prescribed format. LTC is admissible during any type of leave, including casual leave (CL), Earned leave (EL), childcare leave (CCL), and study leave. However, LTC cannot be claimed for journeys undertaken during weekend holidays without leave. Suspended employees are ineligible for LTC, though their family members retain this entitlement. Hometown and all-India LTC are admissible regardless of the distance from the headquarters. Employees deputed for training can claim LTC for themselves and their families, with the training location considered the headquarters.

8. Special Cases and Permissible Travel

Premium trains such as Rajdhani, Shatabdi, and Duronto are reimbursable under the LTC scheme, including dynamic or flexi fares. However, only Tejas Rajdhani is covered, while Tejas Express is excluded. Tour packages conducted by authorized entities like IRCTC, ITDC, STDCs, and SPORTS Society for Lakshadweep are permissible, even if private vehicles are hired during these tours. Additionally, catering charges included in eligible train bookings are reimbursable.

9. LTC Advance and Leave Encashment

9.1 LTC Advance

Employees can draw up to 80% of the estimated travel cost as an advance. Advance applications must be submitted at least 30 days before the journey, accompanied by a printout of the estimated cost from authorized travel agency websites. Tickets must be produced within 10 days of drawing the advance. If advance is taken for both forward and return journeys, the travel must be completed within three months. Alternatively, employees can opt for an advance for the outward journey only, with the return journey completed within six months.

9.2 Leave Encashment

Employees can encash up to 10 days of earned leave (EL) for each LTC, with a maximum of 60 days encashable during their career. This encashment does not affect the maximum EL encashable at retirement. Even if family members travel separately, only one encashment is allowed per block. Encashment is permissible even if the employee decides to forgo their LTC claim.

10. Documentation Requirements

To process LTC claims, employees must submit the following documents:

- Duly filled reimbursement forms.
- Copies of tickets and boarding passes.
- General self-certification.
- Self-declaration for journeys exceeding 200 km by taxi (if applicable).

Children Education Allowance (CEA) and Hostel Subsidy

The Government of India provides reimbursement under the Children Education Allowance (CEA) and Hostel Subsidy scheme to its employees to support the education of their children. This section outlines the key provisions, eligibility criteria, and procedures for claiming these benefits as per the consolidated instructions issued by the Department of Personnel & Training (DOPT).

1. Eligibility

- **Children Covered:** The reimbursement can be claimed for the two eldest surviving children of the employee. An exception is allowed in case of the birth of twins/multiple children after the first child or in cases of sterilization failure.
- **Age Limit:**
 - For Divyaang (disabled) children: up to 22 years.
 - For other children: up to 20 years or until passing Class 12, whichever is earlier.
 - No minimum age limit.

2. Allowance Rates

- **Children Education Allowance (CEA):**
 - Fixed amount of ₹2250 per month per child (irrespective of actual expenses, Rs 2813 considering present DA of 53%).
 - For Divyaang children, the rate is ₹4500 per month per child (Rs. 5625 as per present DA).
- **Hostel Subsidy:**
 - Maximum of **₹6750 per month per child** (based on actual boarding and lodging expenses, Rs. 8438 as per present DA).

3. Applicability

- **Eligible Classes:**
 - From two classes before Class 1 to Class 12.

- Initial two years of a diploma/certificate course from Polytechnic/ITI/Engineering College after Class 10, provided no CEA/Hostel Subsidy was claimed for Classes 11 and 12.
- Correspondence or distance learning courses are also eligible.
- **Recognized Institutions:**
 - Must be recognized by the Central/State Government, Union Territory Administration, or a recognized educational authority.
 - For Divyaang children, institutions aided or approved by the government are eligible.

4. Claiming Procedure

- **CEA:**
 - Submit a certificate from the Head of Institution confirming that the child studied during the academic year.
 - If the certificate is unavailable, provide a self-attested report card or fee receipt (including e-receipts).
 - Submit the document supporting the required recognition of the institute.
- **Hostel Subsidy:**
 - Certificate from the Head of Institution confirming the child's education and the boarding/lodging expenditure.
 - Alternatively, submit a self-attested report card and original fee receipts.

5. Reimbursement Guidelines

- **Frequency:** Claims are reimbursed once a financial year after its completion.
- **Performance of Child:** Reimbursement is not linked to the academic performance of the child.
- **Concurrent Claims:** Both CEA and Hostel Subsidy can be claimed for the same child.
- **Spouses:** If both spouses are government employees, only one can claim CEA/Hostel Subsidy.

6. Special Provisions

- **Transfer of Benefits:**
 - In the event of the death of the government servant, CEA/Hostel Subsidy is payable to the children until they reach the eligible age, provided the spouse is not employed in another government organization.
 - In case of retirement, discharge, or dismissal, benefits are payable until the end of the ongoing academic year.
- **Distance Consideration for Hostel Subsidy:**
 - Applicable only if the residential school is located at least 50 km away from the employee's residence.
- **Dearness Allowance (DA) Impact:**
 - The rates are increased by 25% whenever DA on the revised pay structure rises by 50%.

7. Exclusions

- CEA is not reimbursable if a child repeats the same class in a different school, despite passing in the previous school.

Telephone Expenses Reimbursement

Effective communication is critical for the efficient performance of official duties. Recognizing this, the Government of India provides reimbursement for telephone expenses to eligible officers, as outlined in the Office Memorandum F. No. 24(3)/E.Coord/2018 issued by the Ministry of Finance, Department of Expenditure, dated 26th March 2018. This section provides a comprehensive guide for newly recruited Examiners of Patents and Designs (Level 10) regarding the entitlement and procedure for telephone reimbursement.

Eligibility

1. Officers at the level of Examiner of Patents and Designs (Level 10) are below the Deputy Secretary level and 25% of the sanctioned strength of the Group “A” officers are eligible for telephone reimbursement.
2. Eligibility is subject to their names being declared by the O/o CGPDTM based on the sanctioned strength.

Reimbursement Entitlement

1. **Ceiling on Reimbursement:**
 - Eligible officers are entitled to a reimbursement limit of ₹1200 per month (plus applicable taxes) for telephone expenses, including mobile, landline, broadband, or data card charges.
 - This entitlement applies to the actual expenses incurred or the prescribed ceiling, whichever is lower.
2. **Single Connection Policy:**
 - Reimbursement is limited to a single connection (either landline or mobile) registered in the officer's name.

Conditions and Restrictions

1. **Personal Use:**
 - Telephone reimbursement is strictly for official use. Any expenses beyond the prescribed limit must be borne by the officer.
2. **Leave and Training Period:**

- Reimbursement is **not admissible** during leave of any kind or training lasting more than one calendar month.

3. Shared Residential Connections:

- If both spouses are eligible for reimbursement and share the same residential landline, only one officer can claim reimbursement for the landline. Mobile reimbursements, however, remain separate.

Procedure for Reimbursement

1. Submission of Bills:

- Officers must submit original bills/receipts from the service.
- Bills should be submitted monthly or quarterly, as decided by the administrative office.

2. Selection of Service Provider:

- Officers are free to choose their service provider and tariff plan, provided it aligns with their entitlement.

Reimbursement for Briefcase/Office Bag/Ladies Purse

To facilitate government officers in carrying official documents and materials, a reimbursement policy for the purchase of a briefcase, office bag, or ladies' purse has been established.

Eligibility Criteria

1. Initial Reimbursement upon Joining:

- Officers are entitled to claim reimbursement for the purchase of a briefcase, office bag, or ladies' purse upon joining government service.

2. Subsequent Reimbursement:

- Officers can claim reimbursement every three years from the date of the previous reimbursement.

3. Monetary Ceiling:

- Examiners of Patents and Designs, who are Level 10 officers, are eligible for reimbursement of up to ₹4,000/- (inclusive of GST).

Process for Reimbursement

1. Purchase Requirements:

- The purchase must be supported by an original invoice.
- It is preferred that the invoice submitted is a GST-compliant invoice.

2. Submission of Claim:

- The officer must submit the original invoice along with the reimbursement claim form.
- Ensure all details on the invoice, such as date, amount, and GST number (if applicable), are clearly visible.

3. Approval and Payment:

- Upon verification of the submitted documents, the eligible reimbursement amount will be processed.
- The reimbursed amount will be directly credited to the officer's account.

Newspaper Reimbursement Guidelines

The Government provides officers with the facility to claim reimbursement for expenses incurred on newspapers. This provision ensures that officers can stay updated with current affairs and developments, which are crucial for their professional roles. Below are the detailed guidelines for availing the newspaper reimbursement facility:

1. Eligibility and Monthly Reimbursement Amount

- Officers are eligible to claim reimbursement for money spent on newspapers.
- Examiners of Patents and Designs (Level 10 officers) are entitled to a reimbursement of ₹500 per month.

2. Reimbursement Procedure

- Officers can claim reimbursement without the need to submit actual bills or receipts.
- Instead, a self-certificate must be submitted in the prescribed format to avail of the benefit.

3. Frequency of Reimbursement

- Reimbursement is processed on a half-yearly basis. The two reimbursement periods are:
 - January to June
 - July to December

House Building Advance (HBA)

The **House Building Advance (HBA)** is a financial assistance scheme provided by the Government of India to its employees for the construction or purchase of a house or flat.

Purpose of HBA

HBA can be availed for the following purposes:

- **Construction of a New House:** Includes the purchase of land and the construction of a house on it.
- **Purchase of a Ready-Built House/Flat:** Allows employees to buy a completed house or flat.
- **Expansion of an Existing House:** For additions or alterations to an already owned house.
- **Repayment of Housing Loan:** For clearing outstanding loans taken earlier from banks, financial institutions, or other sources for house construction/purchase.

Eligibility Criteria

To avail HBA, the following conditions must be satisfied:

1. **Permanent Government Employees:** Employees must be confirmed in service.
2. **Ownership:** The house/land should be in the employee's name or jointly owned with their spouse.
3. **No Previous Benefit:** Employees who have already availed a similar benefit from other sources are generally not eligible unless repaying an earlier housing loan under HBA.
4. **Cost of property:** Cost of the house built/purchased should not exceed 139 times of the basic pay of the employee subject to maximum of Rs. 1.00 crore only.

Entitlements under HBA

The quantum of HBA is determined based on the employee's basic pay and the purpose of the advance.

Key Features:

- **Maximum Amount:** The HBA entitlement is capped at 34 times the basic pay or Rs. 25 lakh, whichever is lower.
- **Land Purchase Cap:** For the purchase of land, the maximum HBA amount is limited to Rs. 10 lakh.
- **House Expansion/Alteration:** For modifications to an existing house, employees can avail up to Rs. 10 lakh.
- **Repayment of Loans:** Employees repaying loans taken for house purchase/construction can avail up to Rs. 25 lakh.

Interest Rate

- **Interest Rate:** The effective interest rate is 7.44% per annum (FY 2024-25), subject to periodic revisions by the government.
- **Simple Interest Calculation:** Interest is calculated on a simple interest basis, ensuring transparency and fairness.

Repayment Terms

- **Repayment Period:** The total repayment period is capped at 20 years, including a maximum 15 years for principal repayment and 5 years for interest repayment.
- **EMI Deduction:** Monthly installments for repayment are deducted directly from the employee's salary.
- **Early Repayment:** Employees can choose to repay the HBA early without any prepayment penalties.

Application Process

The application process for HBA involves the following steps:

1. The employee must submit a duly filled application form along with supporting documents, such as proof of ownership of the plot or house, estimated cost of construction, and an undertaking stating compliance with the HBA rules.
2. The application is scrutinized and sanctioned by the administrative authority, subject to budgetary provisions and adherence to eligibility criteria.
3. Upon approval, the advance is disbursed in installments, depending on the progress of construction or as a lump sum for ready-built houses.

Provisions for officers of Patent Office

For officers of the Patent Office, it is advisable to apply for HBA as early as possible upon meeting all essential eligibility criteria. Due to the high demand, which often exceeds the available supply, the disbursement of HBA is carried out on a first-come, first-serve basis. To ensure fairness, the O/o CGPDTM maintains a roster of applicants. The disbursement is managed in accordance with the annual budget allocation and the eligibility of the officials.

Computer Advance

The Government of India provides a financial facility called Computer Advance to encourage its employees to acquire personal computers for professional and personal use.

Eligibility

All central government employees are eligible to apply for the Computer Advance, subject to meeting the prescribed conditions.

Quantum of Advance

The maximum amount of advance sanctioned to an eligible employee is Rs. 50,000 or the actual cost of the computer, whichever is lower. Employees can utilize this amount to purchase desktops, laptops, or iPads.

Conditions of Disbursement

1. **Number of Times:** Employees are eligible to avail of the Computer Advance five times during their entire service tenure.
2. **Minimum Gap:** Employees who have already drawn an advance for purchasing a personal computer must wait for a minimum of three years from the date of drawal of the previous advance to apply for the next.
3. **Settlement of Previous Advance:** A subsequent advance cannot be sanctioned unless the previous advance is fully settled.
4. **Custom Duty:** No advance shall be sanctioned for payment of custom duty on the personal computer.

Repayment

1. **Installments:** The computer advance is to be repaid in a maximum of 150 equal monthly installments. Employees can choose the number of installments, provided it does not exceed 150.
2. **Interest Rate:** The interest rate for the Computer Advance is determined by the Department of Expenditure (DOE). The current interest rate, applicable for the period

from April 1, 2024, to March 31, 2025, is fixed at 9.1% per annum. Interest is calculated on the outstanding balance at the end of each month.

**6. Service Book, Declaration of
Family details and Dependents,
Declaration of Hometown, Request
for Name Change, Probation etc.**

Service Book, Declaration of Family details and Dependents, Declaration of Hometown, Request for Name Change, Probation etc.

Service Book

1. Service Books in prescribed format should be maintained for all permanent members of the office establishment as well as for those temporary officiating government servants who have been or are likely to be employed for a period exceeding one year. The service book in the prescribed format will be opened from the date of first appointment (see SRs 196, 197). The service book contents generally include;
 - a. Personal information (biodata) with photograph
 - b. Certificate of attestation (Immutable) e.g. medical certificate, character & antecedents, oath of secrecy etc.,
 - c. Family particulars & nominations (mutable) e.g. Family details in Form-3 (only details of dependent family members to be given), Nomination for death-cum-retirement gratuity, Group Insurance Form, Hometown declaration, Permanent address declaration
 - d. Previous service details,
 - e. Leave record,
 - f. Details of LTC availed, leave encashment
 - g. Details of HBA, CGEGIS,
 - h. Comments of internal audit etc.
 - i. Service Verification
 - j. Details regarding Promotion, transfer, increment, penalty, break in service
2. The service book of a Government servant is to be transferred from parent department to the present department on technical resignation.
3. Every step in official's career should be recorded and each entry to be attested by the Head of Office who will ensure that the entries are correct. The Head of Office may also authorize a junior officer to attest service book on his behalf.
4. Service book will be in the custody of the Administration Section. The Service book is required to be shown to the employee every year and the signature of the employee to be obtained thereof. The employee should ensure that all records entered in the service book are verified.
5. Service books of officials who have retired or otherwise ceased to be in service should be retained for at least three years.

Declaration of Family details and Dependents

1. As soon as a person enters in Government service, he /she is required to furnish details of his / her family in Form 3 to the Head of Office.
2. While deciding who are dependent family members for a Central Civil Services (CCS) employee in Form 3, the followings can be considered:

Spouse: The employee's wife or husband, including a judicially separated spouse.

Children: Dependent Sons and daughters, including adopted children.

Parents: The employee's parents, if they live with the employee and are dependent on them.

Siblings: Unmarried minor brothers and unmarried, divorced, abandoned, separated, or widowed sisters, if they live with the employee and are dependent on them

3. If the Government servant has no family, he / she shall furnish the details in Form 3 as soon as he / she acquires a family.
4. In case of dependent patents, appropriate document establishing the dependency (income certificate) shall be filed.

Declaration of Hometown

1. A Government servant may declare a home town which may be accepted by his Controlling Officer. The hometown once declared and accepted by the controlling officer shall be treated as final.
2. In exceptional circumstances, the Head of the Department may authorize a change in such declaration provided that such a change shall not be made more than once during the service of a Government servant.
3. The detailed check may be applied when an employee seeks a change as under :

Govt. of India Decisions

(1) From time to time enquiries have been received as to how exactly the "home town" should be determined. The conditions of ownership of property and permanent residence of relatives laid down in para 1(4) of this Ministry's Office Memorandum of 11th October, 1956

are only illustrative and not exhaustive for determining one's home town. The correct test to determine whether a place declared by a Government servant may be accepted as his hometown or not is to check whether it is the place where the Govt. servant would normally reside but for his absence from such a station for service under Government. The criteria mentioned below may, therefore, be applied to determine whether the Govt. servant's declaration may be accepted:

(i) Whether the place declared by Government servant is the one which requires his physical presence at intervals for discharging various domestic and social obligations, and if so, whether after his entry into service, the Government servant had been visiting that place frequently.

(ii) Whether the Government servant owns residential property in that place or whether he is a member of a joint family having such property there.

(iii) Whether his near relations are resident in that place.

(iv) Whether, prior to his entry into Government service, the Government servant had been living there for some years.

NOTE.- The criteria, one after the other, need be applied only in cases where the immediately preceding criterion is not satisfied.

Where the Government servant or the family of which he is a member owns a residential or landed property in more than one place, it is left to the Government servant to make a choice giving reasons for the same, provided that the decision of the Controlling Officer whether or not to accept such place as the hometown of the Government servant shall be final.

Where the presence of near relations at a particular place is to be the determining criterion for the acceptance of declaration of 'hometown' the presence of near relations should be a more or less permanent nature.

Request for Change of Name

1. **Addition / deletion or change in name / surname** – If a Government employee wishes to adopt a new or effect in modification in his / her existing name, he / she should first execute a deed in the prescribed format.

After the execution of the Deed, the Government servant should have the change of name published in a prominent local newspaper as well as in the the Gazette of India at own expenses. On the submission of copy of deed, advertisement and gazette notification, change of name will be entered in the service record.

2. **Addition / Change in surname on account of marriage / remarriage of a female Government of employee** – No deed is necessary. Only the intimation of her marriage, particulars of the husband and request for change in her surname should be submitted to the office for making necessary changes in the service records.

3. **Deletion of surname or reversion to maiden name on divorce / separation or death of the husband of female Government employee** – Change may be permitted if the female employee gives an intimation regarding change in marital status and a formal request for reversion to her maiden name.

Probation

(Refer DoPT OM No.28020/3/20 18-Estt.(C) 11.03.2019)

1. General instructions

1. The probation period for Examiner of Patents & Designs appointed through direct recruitment is two years.
2. A person is appointed on probation in order to assess his suitability for absorption in the service to which he has been appointed. Probation should not, therefore, be treated as a mere formality. The appointing authority may declare successful completion or extend the period of probation or terminate the services of a temporary employee on probation, on the basis of evaluation of performance.
3. The probation shall stand successfully completed upon issue of orders in writing. It is, however, not desirable that a Government servant should be kept on probation for long periods.
4. Concentration of attention on the probationer's ability to pass the probationary or the departmental examination, if applicable, should be an essential part of the qualification for confirmation but there should be a very careful assessment of the outlook, character and aptitude for the kind of work that has to be done in the service before a probationer is confirmed.
5. In the case of all probationers or officers on probation, separate probation period reports should be written in addition to the usual APARs for the period of probation.
6. A probationer, who is not making satisfactory progress, should be informed of his shortcomings well before the expiry of the original probationary period so that he can make special efforts at self-improvement. This can be done by giving a written warning to the effect that his general performance has not been such as to justify his confirmation and that, unless he shows substantial improvement within a specified period, the question of discharging him would have to be considered. Even though this is not required by the rules, discharge from the service being a severe, final and irrevocable step, the probationer should be given an opportunity before taking the drastic step of discharge.
7. During the period of probation, or any extension thereof, candidates may be required by the Government to undergo such courses of training and instructions and to pass examinations, and tests as the Government may deem fit, as a condition for the satisfactory completion of probation.

2. Leave to probationer, a person on probation

1. A probationer shall be entitled to leave under the provisions of the Rule 33 of the CCS (Leave) Rules, 1972.
2. A person appointed to a post on probation shall be entitled to leave under these rules as a temporary or a permanent Government servant according as his appointment is against a temporary or a permanent post.
3. As far as the matter of Child Care Leave (CCL) to probationers is concerned, CCL should not ordinarily be granted during the probation period except in case of certain extreme situations where the leave sanctioning authority is fully satisfied regarding the need of Child Care Leave to the probationer. It may also be ensured that the period for which this leave is sanctioned during probation is minimal. Further the other provisions contained in Rule 43-C of the CCS (Leave) Rules, 1972 will also apply.
4. Joining Time is granted to Government servants on transfer in public interest. The period of joining time availed by a probationer on return from leave should be counted towards the prescribed period of probation if but for the leave, he would have continued to officiate in the post to which he was appointed.

3. Extension of probation period

1. If during the period of probation, a probationer has not undergone the requisite training course or passed the requisite departmental examinations prescribed (proficiency in Hindi, etc.), if any, the period of probation may be extended by such period or periods as may be necessary, subject to the condition that the total period of probation does not exceed double the prescribed period of probation.
2. If the Appointing Authority thinks it fit, they may extend the period of probation of a Government servant by a specified period but the total period of probation should not exceed double the normal period. In such cases, periodic reviews should be done and extension should not be done for a long period at a time.
3. Where a probationer who has completed the period of probation to the satisfaction of the Central Government is required to be confirmed, he shall be confirmed in the

Service / Post at the end of his period of probation, having completed the probation satisfactorily.

4. Termination of probation

1. The decision whether an employee should be confirmed or his probation be extended should be taken soon after the expiry of the initial probationary period that is within six to eight weeks, and communicated in writing to the employee together with reasons, in case of extension. A probationer who is not making satisfactory progress or who shows himself to be inadequate for the service in any way should be informed of his shortcomings well before the expiry of the original probationary period so that he can make special efforts at self-improvement.

2. On the expiry of the period of probation, steps should be taken to obtain the assessment reports on the probationer so as to: -

(i) Confirm the probationer/issue orders regarding satisfactory termination of probation, as the case may be, if the probation has been completed to the satisfaction of the competent authority; or

(ii) Extend the period of probation or discharge the probationer or terminate the services of the probationer as the case may be, in accordance with the relevant rules and orders, if the probationer has not completed the period of probation satisfactorily.

References

- 1) Swamy's Handbook
- 2) ISTM' knowledge portal
- 3) DoPT OMs issued from time to time on the subject matter
- 4) CCS pension rules, leave rules, conduct rules etc.
- 5) Various text available online on the subject matter

7. Introduction to e-HRMS 2.0, Sparrow, E-Office and APAR)

e-HRMS

The e-HRMS 2.0 (Electronic Human Resource Management System) is a digital platform introduced by the Ministry of Personnel, Public Grievances, and Pensions for the management of human resources in central government offices. Launched on December 25, 2022, the system is designed to provide digital solutions for various HR services. However, the platform is currently under development and implementation, with several functionalities requiring improvement for seamless operation.

Key Features of e-HRMS 2.0

1. **Human Resource Services:** The system facilitates basic HR services throughout an employee's career, including leave applications, attendance management, transfers, promotions, pension processing, and reimbursements.
2. **Integration with Other Systems:** e-HRMS 2.0 is integrated with other platforms such as SPARROW (for performance appraisals) and Aadhaar-based systems for employee identification.
3. **Leave Application Module:**
 - Employees can apply for various types of leave, including Earned Leave (EL), Casual Leave (CL), Half Pay Leave (HPL), and Station Leave.
 - The leave application follows a hierarchy: for Examiners in the Examination and Grant sections, leave requests first go to the concerned Group Leader for recommendation, followed by approval from the Head of Office.
 - The system requires applicants to provide detailed reasons and supporting information, including whether station leave or LTC (Leave Travel Concession) is involved.
 - It is important to note that leave applications must be submitted well in advance to avoid delays. Employees must ensure that the final "Submit Application" button is clicked to complete the process, as failing to do so will leave the application unregistered.
4. **Reimbursement Module:** The reimbursement module allows employees to apply for claims like child education allowance, medical bill reimbursements, and newspaper allowances. However, due to incomplete integration with PFMS these features are not fully operational.

5. **Profile Management:** Employees are advised to update their profiles regularly, including personal and family details, such as after the birth of a child. Accurate and updated records are essential for availing benefits and maintaining compliance.
6. **Tour Applications:** Official tour applications can be submitted through the portal, requiring detailed information about the outward and inward journey dates, purpose of the tour, and relevant supporting documents.

Challenges and Observations

While e-HRMS 2.0 has been developed to streamline administrative processes, its current functionality has limitations. Employees have reported challenges related to user experience, system stability, and incomplete modules. Officers are advised to follow the instructions of their respective Head of Office for using the platform effectively and to report any issues encountered for resolution.

Annual Performance Assessment Report (APAR)

The performance of a Government is the collective outcome of the efforts and accomplishments of its personnel. It is, therefore, imperative for the Government to assess how its constituents perform, ensuring proper personnel administration and management. This assessment process allows both the organization and its employees to identify strengths, areas of improvement, and opportunities for career development.

It is in the interest of every Government servant to know how well they are performing. Regular feedback helps them recognize their deficiencies, enabling them to overcome these shortcomings and excel in their roles. Without this feedback, it would be challenging for individuals to plan their career development systematically. Notably, identifying defects early on helps prevent long-term negative impacts on their career advancements.

Objectives of APAR

The Annual Performance Assessment Report (APAR) serves two principal objectives:

1. **Improving Current Performance:** The primary goal is to enhance the performance of the individual in their present role.
2. **Identifying Potential for Future Opportunities:** Through feedback and guidance, the APAR prepares individuals for future opportunities by evaluating their potential.

The second objective is contingent on achieving the first, as improvement in the present role lays the foundation for future career progression.

Process of APAR

The APAR evaluates the annual performance (April-March) of every Government servant and forms a critical document for decisions regarding confirmation, promotion, deputation, or foreign assignments. APAR is not merely an evaluative tool but also a human resource development mechanism that helps Government servants realize their true potential.

1. **Target Setting:** At the beginning of the year, the Reporting Officer sets quantitative/physical targets in consultation with the Government servant being

assessed. This ensures alignment with the nature and area of work. Targets should be prioritized based on their importance and relevance.

2. **Self-Assessment:** The APAR process begins with the Government servant providing a self-assessment. This includes:
 - A brief description of duties.
 - Targets set for the year.
 - Achievements against each target.
 - Shortfalls, if any, and constraints faced.
 - Areas where achievements exceeded expectations.
3. **Reporting Officer Assessment:** The Reporting Officer evaluates the performance and submits their part of the report to the Reviewing Officer.
4. **Reviewing Officer Assessment:** The Reviewing Officer reviews the report, ensuring objectivity and fairness.
5. **Communication and Representation:**
 - The finalized APAR, including overall grading and assessment of integrity, is communicated to the officer.
 - The officer has **15 days** to submit any representation regarding the entries or final grading.
 - If no representation is received within the stipulated time, the APAR is considered final.
 - Representations are reviewed objectively by the competent authority, who may modify or reject them within **30 days** of receipt.
6. **Acceptance:** The decision of the competent authority, along with the final grading, is communicated to the officer.

Format and Structure of APAR

The APAR contains following key sections:

1. **Pen Picture:**
 - The Reporting Officer provides a narrative assessment of the officer's overall qualities, strengths, areas of improvement, and attitude towards work, particularly the weaker sections of society.
 - The Reviewing Officer may comment on the pen picture and highlight differences, if any, with the Reporting Officer's assessment.

2. Numerical Grading:

- Numerical scores (1-10) are assigned for three key aspects:
 - **Work Output** (40% weightage)
 - **Personal Attributes** (30% weightage)
 - **Functional Competence** (30% weightage)
- The overall grade is calculated based on the weighted mean of these scores.

3. Integrity Assessment:

- A column specifically assesses the integrity of the officer.

4. Detailed Grading Structure:

- **Outstanding:** Scores between 8 and 10
- **Very Good:** Scores between 6 and below 8
- **Good:** Scores between 4 and below 6
- **Below Average:** Scores below 4

Key Sections in APAR

1. Work Output (40%):

- Accomplishment of planned work.
- Quality of output.
- Analytical ability.
- Accomplishment of exceptional/unforeseen tasks.

2. Personal Attributes (30%):

- Attitude to work.
- Sense of responsibility.
- Maintenance of discipline.
- Communication skills.
- Leadership qualities.
- Team spirit.
- Capacity to meet deadlines.
- Interpersonal relations.

3. Functional Competency (30%):

- Knowledge of rules, regulations, and procedures.
- Strategic planning ability.
- Decision-making ability.
- Coordination ability.
- Capacity to motivate and develop subordinates.

SPARROW: Smart Performance Appraisal Report Recording Online Window

SPARROW is an online platform designed for the seamless filing, review, and submission of APARs. It facilitates efficient, user-friendly, and time-bound performance assessment while reducing delays associated with the manual system.

Workflow of SPARROW

1. Preparation:

- The admin section enters basic details such as designation, leave records, and training attended.
- Reporting and Reviewing Officers are set in the system.

2. Self-Assessment by the Officer:

- The officer inputs:
 - Duties and responsibilities.
 - Annual targets and achievements.
 - Shortfalls and constraints.
 - Significant accomplishments.
- Documents, if required, can be uploaded in PDF format.

3. Reporting and Reviewing Officers:

- The Reporting Officer evaluates by providing the grading and other remarks.
- The Reviewing Officer adds their remarks and forwards the APAR.

4. Acceptance:

- The completed APAR moves to the Director, O/o CGPDTM, for final acceptance and communication to the concerned officer.

SPARROW simplifies the APAR process by enabling officers to file their reports from anywhere, at any time. At every stage the concern officer digitally signs the APAR using Aadhaar-enabled e-signature. The system ensures transparency, reduces errors, and accelerates the workflow, thereby enhancing administrative efficiency.

E-Office

The e-Office is a digital platform designed to streamline administrative and financial processes within government organizations as part of the Government of India's e-Governance initiatives. This system enables the preparation, processing, and approval of note sheets in digital format in addition to the traditional manual and paper-based workflows. By facilitating seamless movement and approval of proposals, e-Office ensures transparency, accountability, and efficiency in public administration.

Purpose and Scope of e-Office

The primary purpose of e-Office is to enable the processing of note sheets for obtaining administrative and financial approvals from the competent authorities. In the functioning of public administration, various powers are delegated to officials at different levels. Examples of delegated powers include:

- **Ministerial-level powers:** Appointment, termination, and acceptance of resignation.
- **Powers of the CGPDTM:** Approval for officers traveling outside India.
- **Head of Office powers:** Approving minor building maintenance expenditures.

To initiate actions like the above, proposals are drafted in the form of a note and forwarded to the competent authority through appropriate channels for approval. Traditionally, these notes were prepared and circulated in physical form. However, under e-Governance programs, this process has transitioned to a fully digital format using e-Office, enabling faster and more efficient decision-making.

Access and Functionalities of e-Office

Considering the functional requirements of e-Office, access is granted only to administrative staff and officers engaged in administrative tasks. Officers posted in examination and grant sections, who are not involved in administrative duties, are not given access to this platform.

File Creation and Management

1. **Creating New Files:** Users can create new files based on the subject matter.

2. **Accessing Old Files:** If a related file already exists, it can be retrieved for reference and reused for the current proposal.
3. **Processing Notes:** Upon selecting a file, users are provided with a text editor resembling a green sheet. This interface allows users to:
 - Draft proposals and notes.
 - Upload supporting documents in **PDF format**.
4. **Forwarding Files:** Once a note is prepared, it can be forwarded to the next officer in the approval hierarchy. The sender specifies:
 - The **recipient officer's name**.
 - The **type of action required**, such as:
 - **For Information:** Sharing the note for awareness.
 - **For Approval:** Requesting the competent authority's approval.
 - **Approved:** To indicate approval, the competent authority marks the file as "Approved" while forwarding it.
5. **File Movement:** Files move both upward and downward along the hierarchy based on the approval channel.

Green Notes and Yellow Notes

e-Office facilitates two types of notations within files:

1. **Green Notes:**
 - It is official notings added to the file during its workflow.
 - Contain formal comments, recommendations, or decisions by officers.
 - Visible to all subsequent handlers and form part of the official record.
 - Integral to processing and decision-making.
2. **Yellow Notes:**
 - Personal or temporary notes used for internal reference or clarification.
 - Informal remarks or queries that are not part of the official decision-making process.
 - Visible only to the person who added them and not shared with others.

File Tracking and Movement Monitoring

- **Visibility of Notes:** Users can view all notes made up to the point of their entry. Notes added by subsequent officers remain hidden from previous users.
- **Movement Section:**
 - Displays the movement of files and the actions performed by each officer.
 - Provides details about file status, timestamps, and the current stage in the approval process.

Accessibility

The e-Office platform is accessible through a dedicated NIC (National Informatics Centre) network, ensuring data security and integrity. Accessing e-Office from outside office premises requires a NIC VPN (Virtual Private Network), such as saccess.nic, which enables remote login while maintaining security protocols.

**8. Introduction to PFMS, NPS,
Income Tax deduction and Form-**

16

Public Financial Management System (PFMS)

The Public Financial Management System (PFMS) is a web-based online software application developed by the Controller General of Accounts (CGA), under the Department of Expenditure, Ministry of Finance, Government of India. It serves as an integrated platform to monitor, manage, and track government funds effectively. Initially conceptualized for Plan Schemes, PFMS has now expanded its coverage to include all aspects of government financial management, including disbursements, fund monitoring, and real-time reporting. This system plays a pivotal role in ensuring accountability, transparency, and efficiency in the management of public finances.

Role of PFMS in Payment Processing

PFMS functions as the payment processing platform for the Government of India. As part of its policy, the government mandates all payments to be made through online modes. For government employees, PFMS is used to process salaries, various allowances, and reimbursements such as:

- Tour settlements
- Transfer travelling allowances
- Children education allowances
- Newspaper bills, and more

These payments are directly credited to the employee's registered bank account through the PFMS portal. At the **Patent Office**, the administration section uses PFMS to process payments for Examiners and Officers.

Employee Access to PFMS

PFMS provides employees with access to its employee module, enabling them to:

- Download salary slips for monthly or historical records.
- Check the payment history for salaries, allowances, and reimbursements.
- Monitor upcoming payments scheduled for disbursement.

This module enhances user convenience and reduces the dependency on administrative offices for routine financial information.

Integration with Other Platforms

PFMS is seamlessly integrated with other government platforms to enhance functionality and efficiency. For instance:

- It is connected to e-Sampada, which facilitates the automatic transfer of license fees deducted against government accommodation to the treasury.
- The system is also used for income tax deductions from salaries and ensures the timely deposition of tax to the treasury.

Tracking and Monitoring of Funds

One of PFMS's core functionalities is its ability to track fund releases and expenditures in real time, starting from the central government level down to the final implementing agency.

The system offers the following benefits:

- **Real-Time Tracking:** It monitors the disbursement and utilization of funds at every stage, ensuring proper allocation.
- **Fund Utilization Monitoring:** By tracking expenditures, PFMS ensures that funds are used for their intended purposes, preventing misuse or misappropriation.
- **Budget Allocation and Reflection:** The budget sanctioned by the Ministry is reflected in PFMS, showing the real-time availability of funds and their disbursal status.

Workflow for Processing Payments on PFMS

The workflow for processing salary and reimbursement applications through PFMS involves the following steps:

1. **Submission of Application:**
 - Employees submit reimbursement applications (e.g., Tour travelling allowance) along with the required supporting documents.
2. **Entry in PFMS:**

- The dealing staff in the administration section enters the application details in the PFMS system.
 - Scanned copies of relevant bills and supporting documents are uploaded.
- 3. Sanction by Head of Office:**
- Once entered, the application is forwarded to the Head of Office for sanction.
- 4. Approval by DDO and PAO:**
- After the Head of Office approves the application, it is sent to the Drawing and Disbursing Officer (DDO) for verification.
 - In the case of Mumbai, the application undergoes an additional check by the Pay and Accounts Office (PAO) before payment is released.
- 5. Disbursement:**
- Upon final approval, the payment is processed and credited directly to the employee's bank account.

Income Tax and Form-16

Introduction to TDS and Income Tax System in India

The Income Tax system in India is a comprehensive framework governed by the Income Tax Act, 1961. Tax Deducted at Source (TDS) is an essential mechanism under this system, aimed at collecting tax at the very source of income generation. This method ensures that the government receives tax revenue in a timely manner, reducing instances of tax evasion and providing a steady flow of funds to the exchequer throughout the financial year.

Key Features of TDS

1. **Applicability:** TDS applies to various types of income, such as salaries, interest, dividends, and rent, among others.
2. **Role of Employer:** Employers are responsible for deducting tax at the time of salary payment based on the estimated annual income of the employee.
3. **Deposit of TDS:** The deducted tax is deposited with the government using the TRACES (TDS Reconciliation Analysis and Correction Enabling System) portal.
4. **Reflection on TRACES:** Employees can view their TDS details on the TRACES website, ensuring transparency and accuracy.

As per Section 192(1) of the Income Tax Act, "any person responsible for paying any income chargeable under the head 'Salaries' shall, at the time of payment, deduct income-tax on the amount payable at the average rate of income-tax computed on the basis of the rates in force for the financial year in which the payment is made, on the estimated income of the assessee under this head for that financial year."

Process for Examiners Patent and Design

Examiners of Patents and Designs, like other salaried individuals, are liable to pay income tax on their earnings. The deduction of tax is based on the estimated annual income, and some offices may request employees to specify the monthly deduction amount in advance. Adjustments are made during the December-February period to ensure accurate compliance with tax laws.

The final deduction for the financial year is typically executed in February to account for any discrepancies. The salary for March, being processed in April, is excluded from the current financial year's calculations.

Tax Regimes in India

India's Income Tax system offers two tax regimes, providing taxpayers with the flexibility to choose the one that best suits their financial situation. Each regime has its unique features and benefits.

Old Tax Regime

The old tax regime allows for various exemptions and deductions, making it suitable for individuals who invest in tax-saving instruments and have eligible expenses.

- **Tax Slabs (FY 2024-25):**
 - Income up to ₹2,50,000: No tax
 - Income from ₹2,50,001 to ₹5,00,000: 5%
 - Income from ₹5,00,001 to ₹10,00,000: 20%
 - Income above ₹10,00,000: 30%
- **Key Deductions and Exemptions:**
 - **Section 80C:** Investments in PPF, ELSS, NSC, 5-year FDs, etc., up to ₹1,50,000.
 - **Section 80CCD(1B):** Additional deduction for NPS investments, up to ₹50,000.
 - **Section 80G:** Donations to eligible charitable institutions.
 - **Home Loan Benefits:** Principal and interest payments on home loans can be claimed for deductions under Sections 80C and 24(b), respectively.

To avail these deductions, employees must submit supporting documents, such as receipts, investment proofs, and loan statements, to their employer within the stipulated deadline.

New Tax Regime

The new tax regime simplifies the tax calculation process by eliminating most exemptions and deductions, offering lower tax rates instead.

- **Tax Slabs (FY 2024-25):**
 - Income up to ₹3,00,000: No tax
 - Income from ₹3,00,001 to ₹7,00,000: 5%
 - Income from ₹7,00,001 to ₹10,00,000: 10%
 - Income from ₹10,00,001 to ₹12,00,000: 15%
 - Income from ₹12,00,001 to ₹15,00,000: 20%
 - Income above ₹15,00,000: 30%
- **Key Features:**
 - Standard Deduction: ₹75,000.
 - No conventional deductions such as 80C, 80CCD, or 80G.
 - Suitable for individuals who do not have significant tax-saving investments or expenses.

Employees can opt for their preferred regime at the beginning of the financial year. It is crucial to analyze personal financial circumstances before making this decision.

Form-16: Overview and Importance

Form-16 is a crucial document issued annually by employers to employees. It acts as proof of income earned and tax deducted at source. This certificate is indispensable for filing Income Tax Returns (ITR).

- **Part A:** Contains TDS details, including PAN, TAN, and the amount deposited with the government.
- **Part B:** Provides a detailed breakup of salary components, deductions, and taxable income.

Generation of Form-16

Employers generate Form-16 after updating salary details and tax deductions on the TRACES portal. Employees receive this document typically by May or June of the following financial year.

Filing Income Tax Returns (ITR)

Filing ITR is a mandatory step for employees to declare their total income and calculate the final tax liability. While TDS covers most of the tax liability, employees must ensure all sources of income are accurately reported.

1. ITR Forms:

- **ITR-1 (Sahaj):** Suitable for individuals with salary income and no other significant income sources.
- **ITR-2:** Necessary for individuals with additional income such as Long-Term Capital Gains (LTCG), Short-Term Capital Gains (STCG), or rental income.

2. Steps to File ITR:

- Log in to the Income Tax e-filing portal.
- Select the appropriate ITR form based on income sources.
- Enter income details, ensuring they match Form-16.
- Include additional income such as savings interest, equity gains, or rental income.
- Verify deductions claimed in Form-16 and ensure accurate reporting.

3. Tax Payment:

- Pay any outstanding tax before March 31 to avoid penalties.
- Use the e-payment option on the portal for convenience.

4. Submission and Verification:

- Submit the completed ITR form online.
- Verify using Aadhaar-based OTP, net banking, or digital signature.
- Acknowledgment is generated immediately upon successful submission.

Post-Filing Process

1. **Intimation under Section 143(1):** The Income Tax Department reviews the return and issues an intimation confirming the assessment or highlighting discrepancies.
2. **Notices:** In case of discrepancies, the department may issue notices. Respond promptly with the required documentation to resolve issues.

Important Considerations

- Cross-check quarterly TDS deductions to avoid penalties during ITR filing.
- Regularly monitor TDS details on the TRACES portal.
- Preserve Form-16 and ITR acknowledgment for future financial activities and audits.

By adhering to these guidelines, officers can ensure compliance with tax regulations, avoid penalties, and manage their financial affairs effectively.

National Pension System (NPS)

The National Pension System (NPS) is a defined contribution pension scheme implemented by the Government of India. It was introduced to provide a sustainable and efficient retirement planning solution for government employees recruited on or after January 1, 2004. The scheme has been made mandatory for all new recruits to the Central Government services (except the Armed Forces) from this date. NPS is now governed under the Pension Fund Regulatory and Development Authority (PFRDA) Act, 2013, and associated regulations issued by the Department of Financial Services and PFRDA.

Protean eGov Technologies Limited (formerly NSDL e-Governance Infrastructure Ltd.) serves as the Central Recordkeeping Agency (CRA) for NPS, responsible for maintaining individual pension accounts and providing related services.

Key Features of NPS

1. **Permanent Retirement Account Number (PRAN):** Under NPS, every government servant is registered and allotted a unique PRAN, which remains constant throughout their service and retirement.
2. **Contributions:**
 - Employee contribution is 10% of their Basic pay and Dearness Allowance (DA).
 - The Government contributes 14% of the employee's Basic pay and DA.
3. **Investment Options:**
 - NPS wealth is invested up to 95% in infrastructure/debt funds and 5-15% in equity.
 - Life Cycle funds, such as LC-50 and LC-25, are available, allowing employees to opt for equity exposure caps of 50% and 25%, respectively.
 - Employees have the flexibility to select their investment choice and pension fund manager, which can be changed once in a financial year.
4. **Tax Benefits:** Contributions to NPS Tier I accounts are tax-exempt under Section 80CCD(1) and 80CCD(2) of the Income Tax Act. Tier II investments also enjoy tax benefits under Section 80C if they meet specific conditions.
5. **Tier Accounts:**
 - **Tier I Account:** Meant for retirement savings, with withdrawal restrictions.

- **Tier II Account:** A voluntary savings account offering flexibility for withdrawals.

Monitoring and Administration

1. Monthly contributions (employee and government) are converted into units and credited to the NPS account. Subscribers receive SMS notifications and can check account statements and NAV details online via the CRA portal.
2. Additional voluntary contributions can be made by employees to enhance their retirement corpus.
3. Subscribers can monitor the performance of their investments and returns through periodic statements.
4. Subscribers should regularly monitor contributions to ensure timely deposits.
5. Nomination details must be provided at the time of PRAN generation and can be updated as needed.
6. Withdrawal requests, including for partial withdrawals, can be submitted online or offline, depending on the situation.

Partial Withdrawal Provisions

Subscribers may make partial withdrawals before superannuation under certain circumstances after completing three years of continuous service in the NPS. Key points include:

1. A maximum of three partial withdrawals is allowed during the tenure of the account.
2. Withdrawals are limited to 25% of the subscriber's contributions.
3. Eligible circumstances for withdrawal include:
 - Higher education or marriage of children (including adopted children).
 - Purchase or construction of a residential property.
 - Treatment of specified critical illnesses (e.g., cancer, kidney failure, heart valve surgery, etc.) for self or family members.
 - Disability or incapacitation.
 - Expenses for skill development or self-employment ventures.

Exit and Withdrawal Provisions

1. **Upon Superannuation:**

- At least 40% of the accumulated pension wealth must be used to purchase an annuity from an Insurance Regulatory and Development Authority (IRDA)-regulated insurance company registered with PFRDA.
 - The remaining 60% can be withdrawn as a lump sum.
 - If the total corpus is less than Rs. 5 lakh, the subscriber can opt for complete withdrawal.
- 2. Upon Death:**
- 80% of the accumulated pension wealth must be used to purchase an annuity for the nominee, while the remaining 20% is paid as a lump sum.
 - If the total corpus is less than Rs. 5 lakh, the nominee/legal heir can withdraw the entire amount.
- 3. Exit Before Superannuation:**
- At least 80% of the accumulated pension wealth must be used for an annuity, and 20% can be withdrawn as a lump sum.
 - For corpus amounts of Rs. 2.5 lakh or less, complete withdrawal is allowed.
- 4. Deferred Withdrawal Facility:** Subscribers can defer their lump-sum withdrawal and remain invested in NPS, opting to withdraw the amount in up to ten annual installments until the age of 75.
- 5. Annuity Purchase Options:** On exiting NPS, subscribers have flexibility in selecting annuity service providers and schemes. Different schemes offer varied return options for subscribers and nominees. A fixed annuity option ensures stable returns irrespective of market conditions.

Benefits in Case of Death during service

Government employees covered under NPS can choose between old pension scheme benefits and NPS corpus benefits for their families in case of death during service. Key benefits include:

1. **Old Pension:** Provided under CCS (Pension) Rules, 1972, as per the employee's choice or default option.
2. **NPS Corpus:** If the employee has opted for NPS benefits, the family will receive a lump sum (up to 20% of the corpus) and an annuity for the remaining amount. For corpus amounts of Rs. 5 lakh or less, the entire amount is paid as a lump sum.

8. Vigilance matters, Disciplinary proceedings and Immovable Property Return (IPR) filing

Vigilance matters, Disciplinary proceedings, Immovable Property Return (IPR) submission

Overview of Disciplinary proceedings

1. Disciplinary proceedings in government service are a vital mechanism to ensure adherence to rules and regulations, maintain organizational discipline, and safeguard public interest. These proceedings, governed by the Central Civil Services (Classification, Control and Appeal) Rules, 1965, outline a structured approach for addressing misconduct among government employees. They emphasize fairness, transparency, and adherence to the principles of natural justice.
2. Misconduct, or non-conforming behaviour, as it is sometimes called, can be tackled in many ways such as counselling, warning, etc. In extreme cases such as, criminal breach of trust, theft, fraud, etc. the employer is also at liberty to take recourse to legal proceedings against the employee with the help of Police system, if the misconduct of the latter falls within the purview of the penal provisions of the law of the land. However such proceedings, generally conducted by the State agencies, are time consuming and call for a higher degree of proof.
3. In addition to the above option, the employer also has an option to deal with the erring employee within the terms of employment. In such an eventuality, the employee may be awarded any penalty which may vary from the communication of the displeasure to the severance of the employer-employee relationship i.e. dismissal/removal from service.

Constitutional Provisions Relevant to Disciplinary Proceedings

Articles 309, 310, and 311 of the Constitution form the foundation for disciplinary proceedings:

- i. **Article 309:** Article 309 is an enabling provision which gives power to the legislature to enact laws governing the conditions of service of the persons appointed to public services or posts in connection with the affairs of the State. Proviso to this Article provides that pending the enactment of the laws, the President may frame rules for the above purpose in respect of Central Government employees. The CCS(CCA) Rules

1965 as well as several other service rules have been framed under the proviso to Article 309 of the Constitution.

- ii. **Article 310** of the Constitution contains what is known as the '*Pleasure Doctrine*'. It provides that the term of appointment of a person to a civil service of Union or that of a state or to defence services or to an All India Services or to posts connected with these services shall depend upon the pleasure of the President or the Governor as the case may be. The same Article also provides that the pleasure of the President can be over ridden only by the express provisions of the Constitution and nothing else. Thus, in case there is any express provision relating to the tenure of appointment of a Government Servant, the same will prevail; otherwise, the tenure of appointment will depend upon the pleasure of the President.
- iii. **Article 311**: Provides safeguards for civil servants by ensuring:
 - a. Dismissal or removal cannot be executed by an authority subordinate to the appointing authority.
 - b. A government servant cannot be dismissed, removed, or reduced in rank without an inquiry that includes being informed of charges and given a reasonable opportunity to defend themselves.

Exceptions to the protections under Article 311 are provided in certain cases, such as criminal convictions, impracticality of holding inquiries, or national security concerns.

- iv. The second protection granted by Clause 2 of the Article 311 relates as to how a Government servant can be dismissed, or removed from service or reduced in rank. It provides that no one can be dismissed or removed from service or reduced in rank except after an inquiry. The said article also indicates that the above mentioned inquiry must satisfy the following two conditions:
 - (a) The individual concerned must be informed of the charges.
 - (b) Must be granted a reasonable opportunity of being heard in respect of these charges.

Vigilance Angle

Misconduct in employment falls under two distinct categories viz. cases having a vigilance angle and cases not having a vigilance angle. Allegation of bribery, corruption, forgery, falsification of records, submission of false claims, possession of assets disproportionate to

known sources of income, etc. are known as cases having a vigilance angle. Cases such as unauthorised absence, lack of devotion to duty, insubordination, etc. are known as cases not having a vigilance angle. The classification of cases on this basis is relevant from the angle of consultation with the Central Vigilance Commission.

Preliminary Investigation Stage

Information relating to the misconduct of employees may be gathered by the disciplinary authority from a number of sources. Generally, a disciplinary case commences with the receipt of a complaint. The complaint may or may not, contain verifiable allegation against a government servant. In the latter event, the contents of the complaint may have to be examined so as to determine as to whether there is any *prima facie* case against any employee. This process is known as Preliminary Investigation. Preliminary investigation is also used for collecting evidence against the **Suspected Public Servant (SPS)**. Departmental preliminary investigation is carried out when the allegation relates to misconduct other than a criminal offence and the same is capable of verification within the department.

Before commencing preliminary investigation departmentally, generally the complainant may be contacted to provide evidence if any at his disposal in support of the allegations made by him. Preliminary Investigation may be carried out either by the Vigilance Officer himself or it may be handed over to any other officer. In either case, the Officer carrying out Preliminary Investigation should have sufficient knowledge about the subject relating to the complaint. He should be conversant with not only the rules and regulations relating to the transaction but also the procedures and practices.

It is not mandatory to contact the SPS during the Preliminary Investigation. However, there is no ban on contacting him either. A decision in this regard will have to be taken by the Preliminary Investigation Officer, depending upon the nature of the case.

On conclusion of the Investigation, the Preliminary Investigation Officer is required to submit a report which will contain the facts collected by him and an analysis of the same. He is also required to indicate as to whether a *prima facie* case is established or not. The report should specifically indicate as to whether an opportunity was offered to the SPS, if so whether he availed the same. The report together with the documents collected in the course

of the Preliminary Investigation should be submitted to the Disciplinary Authority who will take a decision as to whether disciplinary action should be initiated against the SPS.

If the case is one having vigilance angle and the officer involved is a Category A Officer, the disciplinary Authority should forward the Preliminary Investigation report and other documents to the Central Vigilance Commission, through the Chief Vigilance Officer and obtain First Stage Advice.

Appointing Authority and Disciplinary Authority

The term Disciplinary Authorities refers to such authorities who have been entrusted with powers to impose any penalty on the employees. It may be recalled that Article 311 clause (1) provides that no one can be dismissed or removed from service by an authority subordinate to the Authority which appointed him.

Since Department for Promotion of Industry and Internal Trade (DPIIT) is the Appointing Authority for Technical Posts (Examiner and controllers) in the Patent Office, the DPIIT accordingly will act as Disciplinary Authority for employees holding for such posts.

Penalties: Minor and Major

Penalties under Rule 11 of the CCS (CCA) Rules are classified as minor or major, depending on the severity of the misconduct.

Minor Penalties –

- (i) censure;
- (ii) withholding of his promotion;
- (iii) recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of orders;
- (iii) reduction to a lower stage in the time-scale of pay by one stage for a period not exceeding three years, without cumulative effect and not adversely affecting his pension.
- (iv) withholding of increments of pay;

Major Penalties -

- (v) save as provided for in clause (iii) (a), 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 increments 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 future increments of his pay

(vi) reduction to lower time-scale of pay, grade, post or Service for a period to be specified in the order of penalty, which shall be a bar to the promotion of the Government servant during such specified period to the time-scale of pay, grade, post or Service from which he was reduced, with direction as to whether or not, on promotion on the expiry of the said specified period -

a) the period of reduction to time-scale of pay, grade, post or service shall operate to postpone future increments of his pay, and if so, to what extent; and

b) the Government servant shall regain his original seniority in the higher time scale of pay , grade, post or service;

(vii) compulsory retirement;

(viii) removal from service which shall not be a disqualification for future employment under the Government;

(ix) dismissal from service which shall ordinarily be a disqualification for future employment under the Government.

Provided that, in every case in which the charge of possession of assets disproportionate to known-sources of income or the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in clause (viii) or clause (ix) shall be imposed;

Provided further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed.

Minor Penalty Proceedings

The procedure for imposing minor penalty is laid down in Rule 16 of CCS (CCA) Rules 1965. Minor penalties are less severe as compared to the Major penalties.

Once a decision has been taken by the disciplinary authority to initiate minor penalty proceedings against an employee, a memorandum is issued to the employee communicating the proposal to take action against him. This memorandum is accompanied by a statement of imputations of misconduct or misbehaviour, giving him about 10 days' time for submitting his reply. On receipt of his reply, or if no reply is received on expiry of the prescribed date, the competent authority will take a decision on the basis of available information. The findings of the disciplinary authority will be recorded in file and an appropriate order will be served on the Government servant concerned. If it is decided, as a result of such examination, to exonerate the Government servant, an order to that effect will be issued.

There may be circumstances where even for the imposition of minor penalty detailed oral hearing may be conducted.

Major Penalty Proceedings

Procedure for imposition of Major penalty is laid down in rule 14 of the CCS (CCA) Rules, 1965. Normally, a Major penalty can be imposed only by the Appointing Authority.

Major penalty proceedings are more elaborate due to their impact on an employee's career. The process includes:

Preparation of Charge Sheet: Before imposition of major penalty, the disciplinary authority is required to prepare charge sheet wherein charges should be clearly and unambiguously framed and which will have a memorandum with the following four annexures:

- (a) Annexure-I - Article of charge
- (b) Annexure-II - Statement of imputations of misconduct or misbehaviour
- (c) Annexure-III - List of documents by which the articles of charge are proposed to be sustained
- (d) Annexure-IV - List of witnesses through whom the charges are proposed to be proved

Service of Charge Sheet: The charge sheet so prepared is served on the Govt. servant concerned with the instructions to file his written statement of defence. The covering memorandum is required to be signed by the disciplinary authority. In cases wherein the

President is the disciplinary authority, the covering memorandum should be signed by an officer authorized to authenticate orders on behalf of the President. Normally, the copies of the documents and the statements of witnesses are supplied along with the Charge Sheet.

Further course of action depends upon the response of the Charged Officer. The disciplinary authority has the following options:

(a) In case of unconditional and unambiguous acceptance of the charges, the disciplinary authority may pass orders for imposing suitable penalty.

(b) In cases of conditional denial or denial without any convincing reason, or in cases wherein the Charged Officer has not submitted the written statement of defence, the disciplinary authority has to take further action for holding an inquiry for establishing the charges.

Inquiry Process:

- **Appointment of Inquiry Officer and Presenting Officer:** The inquiry officer conducts the inquiry impartially, while the presenting officer represents the disciplinary authority.
- **Hearings:** The inquiry involves a preliminary hearing to address procedural matters and a regular hearing to examine evidence and witnesses.
- **Role of Defense Assistant:** The employee may seek assistance from a defense assistant, typically a government servant, for preparing and presenting their case.

Inquiry Report: The inquiry officer submits a report detailing the evidence, analysis, and conclusions on whether the charges levelled against the charged officer are proved or not proved.

Post-Inquiry Actions: The disciplinary authority reviews the inquiry report and decides on further actions:

1. **Acceptance or Disagreement:** If the findings align with the evidence, the authority may impose a penalty or close the case. Disagreements require written reasons and further representation from the employee.

2. **Consultation with CVC or UPSC:** In cases involving vigilance or mandatory consultations, the authority seeks advice before finalizing decisions.
3. **Final Orders:** The authority issues final orders, considering the employee's representation and the inquiry report.

Appeals and Remedies: Employees penalized under disciplinary proceedings have access to remedies, including:

- **Appeals:** Challenging decisions before appellate authorities.
- **Revisions and Reviews:** Requesting reconsideration of penalties.
- **Judicial Redress:** Approaching courts for legal remedies.

Immovable Property Return (IPR) submission

In terms of Rule 18 of the CCS (Conduct) Rules, 1964 the Immovable Property Return (IPR) is required to be furnished by the Government officials.

The IPR must be filed by January 31st of each year for the previous year ending December 31st (The IPR for the year 2024 furnishing information as on 01.01.2025 has now become due and is to be submitted by 31.01.2025)

The IPR must be filed online through SPARROW portal.

The Immovable Property Return (IPR) is a mandatory annual filing for government employees, and failure to file it on time can result in denial of vigilance clearance.

References:

- 1) Central Civil Services (Classification, Control and Appeal) Rules, 1965
- 2) CCS (Conduct) Rules, 1964
- 3) Vigilance Manual of CVC
- 4) ISTM's Disciplinary Proceedings – CCS(CCA) Rules 1965
- 5) GoI / DoPT's OMs / Guidelines issued from time to time.

10. Types of leaves and Leave Rules

Type of Leave and Leave Rules

Leave policies for Central Government employees are designed to provide employees with the necessary time off for personal, family, health, and other reasons, while ensuring that the functioning of government offices remains uninterrupted. The rules governing leave are established under various administrative orders and guidelines provided by the Ministry of Personnel, Public Grievances and Pensions, and implemented by the respective government departments. Different types of leaves are available based on specific purposes. Some leaves, such as Casual Leave (CL), Restricted Holidays (RH), Earned Leave (EL) and Half Pay Leave (HPL), are credited to the officer's account on a regular basis, while other leaves are occasion-based, such as paternity leave, maternity leave, child care leave, study leave, etc. A brief explanation of the types of leaves and their applicability is as follows:

1. **Earned Leave (EL):** This is a major type of leave that can be availed for various reasons, with the application to be made at least 15 days before the leave commences. The 15 days of leave are credited in advance to the "Leave account" on January 1st and July 1st of each year. EL can be taken in continuation, and if a holiday (including Saturday and Sunday) occurs during the period, it will not be treated as a holiday, and leave will be debited from the account. For new appointments, 2 ½ days of leave are credited for each completed calendar month. A government servant can accumulate a maximum of 300 days + 15 days of EL, and a maximum of 300 days can be carried forward. EL can also be utilized for leave encashment.
2. **Casual Leave (CL):** The entitlement for Casual Leave in a particular year is currently eight (8) for a normal person and twelve (12) for a differently-abled person. It is the only form of absence that can be availed of for half-day leaves. CL can be taken on short notice. CL is not carried forward and lapses on December 31st. Prefix, suffix, and intervening holidays will not be counted as CL. The combination of other leaves with CL is not allowed, but it is allowed with RH.
3. **Restricted Holidays (RH):** A maximum of two Restricted Holidays (RH) can be availed by any government servant in a particular calendar year from the list circulated by the O/o CGPDTM for the relevant location. RH will not be carried forward and will lapse on December 31st. The holiday between two RHs will be treated as a holiday. The office is not closed for government business during RH. RH

can be prefixed or suffixed to regular leave or CL. It can be placed between two CLs as CL is not regular leave. However, it cannot be placed between two spells of any regular leave like EL but can be prefixed or suffixed.

4. **Half Pay Leave (HPL):** Ten days of HPL are credited in advance on January 1st and July 1st each year. For new appointments, the credit of HPL is calculated at the rate of 5/3 days per completed calendar month. The officer will receive half of the pay drawn immediately before proceeding on HPL, with the appropriate Dearness Allowance (DA) but full rates for House Rent Allowance (HRA). HPL can be carried forward and combined with any leave. It can be prefixed and suffixed with holidays, but intervening holidays will be treated as HPL.
5. **Commuted Leave:** Commuted Leave allows employees to convert Half Pay Leave (HPL) into full-pay leave, subject to certain conditions. It can be availed for medical reasons upon submission of a medical certificate issued by a CGHS doctor (if a CGHS beneficiary) or from the AMA/Government Hospitals. When availed, twice the number of days taken as Commuted Leave are debited from the HPL account. For example, availing 10 days of Commuted Leave results in a deduction of 20 days from the HPL balance. The maximum permissible limit for Commuted Leave is 240 days during an employee's entire service, provided there is sufficient HPL balance.
6. **Maternity Leave:** Maternity Leave is designed to support female employees during pregnancy and childbirth. Key provisions are:
 - i. **Eligibility:** Maternity Leave is available to female employees, including those appointed on a temporary or probationary basis.
 - ii. **Duration:** Maternity Leave is granted for a maximum of 180 days for each confinement, whether it is the first or second child.
 - iii. **Adoption:** A female employee who legally adopts a child below the age of one year is eligible for 60 days of child adoption leave, treated as Maternity Leave.
 - iv. **Miscarriage or Abortion:** Female employees are entitled to up to 45 days of Maternity Leave in their entire service in cases of miscarriage or abortion.

- v. **Pay and Benefits:** The employee is entitled to full pay during Maternity Leave.
 - vi. **Combination with Other Leave:** Maternity Leave can be combined with other leaves, such as Earned Leave, Commuted Leave, or Leave Without Pay, subject to approval.
 - vii. **Restrictions:** Maternity Leave is not debited against the employee's leave account and is treated as special leave.
7. **Paternity Leave:** Paternity Leave is available to male employees who have less than two surviving children. It is granted for a period of 15 days, which can be taken either 15 days before or up to six months after the birth of the child. The leave is also applicable in cases of adoption, provided the child is below the age of one year. The employee is entitled to full pay, including allowances, during Paternity Leave. This leave is not debited from the leave account and is treated as special leave.
8. **Child Care Leave (CCL):** CCL is available to female employees and single male employees (e.g., widowers, divorcees, or unmarried male employees) who are responsible for the care of their children. The key provisions include:
- i. **Eligibility:** CCL is available for minor children (under 18 years of age) or children with a disability of 40% or more.
 - ii. **Duration:** A maximum of 730 days (2 years) of CCL can be availed during the entire service period.
 - iii. **Salary During CCL:** Full pay is admissible for the first 365 days, and 80% of the salary is paid for the next 365 days.
 - iv. **Combination with Other Leave:** CCL can be combined with other types of leave for an extended period, subject to approval.
 - v. **Prior Sanction Required:** CCL requires prior approval from the competent authority and is not debited from the regular leave account.
9. **Extraordinary Leave (EOL):** Extraordinary Leave (EOL) is granted when no other type of leave, such as Earned Leave (EL) or Half Pay Leave (HPL), is available or applied. It is typically unpaid and may be granted for personal reasons, higher studies, or medical treatment, subject to approval by the competent authority. The duration of EOL is at the discretion of the authority but is usually limited to 24 months during the

entire service. However, in special cases, such as pursuing higher studies in the public interest, the limit may be extended up to 5 years.

10. **Study Leave:** Study Leave is a special type of leave granted to enable employees to pursue higher studies or specialized training that is in the public interest and directly related to their duties. Study Leave can be granted for a maximum of 24 months during the entire service, either continuously or in spells, and is typically availed for courses within India or abroad. Employees are eligible for Study Leave after completing 5 years of regular service, and it is not debited from their regular leave account. During this leave, the employee may receive a stipend or study allowance as per government rules, provided the study is considered beneficial to public service. Study Leave requires prior approval from the competent authority and is granted only if the employee is likely to return and serve the government after completing the course. Central Government employees do receive salary during study leave.
11. **Special Casual Leave (SCL):** SCL is a form of leave granted for specific purposes beyond the scope of regular casual leave. It is provided for activities such as participating in sports events, attending conferences, engaging in voluntary blood donation, undergoing family planning procedures under government programs, natural calamities, bandhs, etc. The duration of SCL varies based on the purpose, typically ranging from 1 to 30 days, and is not debited from the casual leave or earned leave account. SCL is also granted for activities like representing the government in cultural programs, attending civil defense training, or participating in scouting or guiding activities. It requires prior approval from the competent authority and is subject to limits set by departmental guidelines.
12. **Leave Not Due (LND):** LND is a provision that allows Central Government employees to avail leave when they do not have enough earned leave or HPL. It is granted under specific conditions, primarily on medical grounds. The competent authority must be satisfied that there is a reasonable prospect of the employee returning to duty after the leave expires. LND is limited to the half pay leave the employee is likely to earn in the future and is debited against the half pay leave the employee may earn subsequently.
 - i. **Permanent and Quasi-Permanent Government Servants (other than military officers):** Employees are eligible to avail of LND, which is granted on a medical certificate and is limited to a maximum of 360 days during the entire service period.

- ii. **Temporary Government Servants:** Temporary employees suffering from tuberculosis (TB), leprosy, cancer, or mental illness can avail LND under the same conditions, with a maximum duration of 360 days during their entire service. The employee must have completed at least one year of service. The post held by the employee should be likely to last until they return to duty. A medical certificate must be provided, as specified in Rule 32.

13. **Leave Encashment:** Leave Encashment is detailed under Rule 39 of the Central Civil Services (Leave) Rules, 1972, which allows employees to encash unused Earned Leave (EL) when they retire, resign, or are otherwise separated from service. The key provisions regarding Leave Encashment are as follows:

- i. **Eligibility:** Employees are eligible for leave encashment if they have accumulated Earned Leave (EL) that has not been availed during their service period. The leave encashment is available at the time of retirement, resignation, death, or retirement on medical grounds. It is also available when an employee is transferred to another government department or organization where leave transfer provisions apply.
- ii. **Maximum Limit of Leave Encashment:** The maximum limit for encashment is 300 days of Earned Leave during an employee's entire service. This means that an employee can encash up to 300 days of unused earned leave when they retire, provided they have accumulated that much leave. Any leave accumulated beyond 300 days is typically forfeited, as it cannot be encashed.
- iii. **Calculation of Encashment:** The amount of Leave Encashment is calculated by multiplying the number of days of leave being encashed by the average daily pay. The average daily pay is derived from the total pay the employee was receiving at the time of retirement divided by 30 (or the number of days in the month).
- iv. **Income Tax and Deductions:** Leave encashment is subject to income tax under the Income Tax Act, and the amount payable will be reduced by the tax deductions at source.
- v. **Transfer of Leave:** In cases of transfer to another government organization or department, the accumulated earned leave can be transferred, and encashment may

occur if the employee does not wish to carry forward the leave balance or opts for cashing it out.

14. General Conditions:

- i. Leave cannot be claimed as a matter of right [Rule 7 (1)].
- ii. Leave may be refused, curtailed, or revoked, in the public interest.
- iii. The kind of leave due and applied for cannot be altered by the organization, except at the written request of the Government Servant [Rule 7(2)].
- iv. Any claim to leave at credit ceases from the date of dismissal or removal or resignation from Government service. However, a technical resignation to take up an appointment against any outside post under the Government of India with prior permission does not entail any such lapse [Rule 9 (2)].
- v. Leave may be commuted retrospectively into leave of a different kind, which was due and admissible at the time the leave was sanctioned. There are some prescribed conditions for availing of such conversions. However, such commutation cannot be claimed as a matter of right. The commutation would entail adjustment of leave salary on the basis of leave finally granted to the Government Servant [Rule 10 (1)].
- vi. For any kind of leave to be availed of, the Government Servant must apply and obtain permission before its commencement [Rule 14].

11. Introduction to RTI, CPGRAM (Grievance)

Introduction to Right to Information Act, 2005

1. Introduction

The Right to Information Act, 2005, was enacted to promote transparency and accountability in the functioning of public authorities. It empowers Indian citizens to seek information from public authorities, thereby making the government more open and accessible.

2. Key Definitions

- **Section 2(a): Appropriate Government** - Refers to the Central Government or the State Government, depending on the context.
- **Section 2(c): Central Public Information Officer (CPIO)** - The officer designated to provide information under the Act.
- **Section 2(f): Information** - Any material in any form, including records, documents, emails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form.
- **Section 2(h): Public Authority** - Any authority or body or institution of self-government established or constituted by or under the Constitution, Parliament, State Legislature, or by notification issued by the appropriate Government. It includes any—
 - (i) body owned, controlled or substantially financed;
 - (ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government
- **Section 2(j): Right to Information** - The right to access information held by or under the control of any public authority.

3. Obligations of Public Authorities

- **Section 4(1)(b)** - Public authorities must proactively disclose certain categories of information, such as their functions, duties, and the names, designations, monthly remuneration of their officers, the procedure followed in the decision making process, including channels of supervision and accountability, a statement of the categories of documents that are held by it or under its control, the budget allocation, indicating the

particulars of all plans, proposed expenditures and reports on disbursements made, the names, designations and other particulars of the Public Information Officers etc.

- **Section 6** - Any citizen can request information by submitting a written or electronic application to the Central Public Information Officer (CPIO) or State Public Information Officer (SPIO).
- **Section 7** - The CPIO or SPIO must provide the requested information within 30 days. If the information concerns the life or liberty of a person, it must be provided within 48 hours.

If the PIO decide that the information can be provided on payment of any further fee representing the cost of providing the information, the PIO shall send an intimation to the person making the request, giving the details of further fees representing the cost of providing the information as determined by him, together with the calculations made to arrive at that amount.

This section of the Act mandates that public authorities provide assistance to individuals with sensory disabilities to enable them to access information. This includes providing appropriate assistance for inspection.

If an RTI request is rejected, the concerned PIO must inform the applicant about reasons for rejection, appeal period and the Appellate authority.

Section 7(9): An information shall ordinarily be provided in the form in which it is sought unless it would **disproportionately divert the resources of the public authority** or **would be detrimental to the safety or preservation of the record in question.**

4. Fees and mode of payment

As per rule 3 of RTI Rules, 2012, a fee of Rs. 10 is required as application fee for filing an RTI application. Additional fees, as specified in Rule 4 are charged for providing the information (Rule 4). However, individuals below the poverty line are exempt from these fees upon presenting a valid government-issued certificate.

The fees may be paid in cash to the public authority or by DD, bankers cheque, Indian Postal Order or electronic means to the Accounts Officer of the public authority.

5. Exemptions

- **Section 8** - Lists the types of information exempt from disclosure, such as information affecting national security, personal information, and more. Some key exemptions include:
 - Information that would prejudicially affect the sovereignty and integrity of India.
 - Information expressly forbidden to be published by any court of law or tribunal.
 - Information that would cause a breach of privilege of Parliament or the State Legislature.
 - Information received in confidence from a foreign government.
 - Information that would endanger the life or physical safety of any person.
 - Information which would impede the process of investigation.
 - Personal information that is not related to public activity or interest, and whose disclosure would invade an individual's privacy, can be withheld unless the public interest clearly outweighs the individual's privacy rights.
- **Section 9** - Grounds for rejection of requests if it involves infringement of copyright.

Severability Clause- Section 10: Where a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure, then, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under the Act and which can reasonably be severed from any part that contains exempt information, giving due notice to the applicant informing him of severance of the record and reasons for the decision.

6. Procedure to be followed by PIO in case of Third Party Confidential Information- Section 11

- **Notice to Third Party:** The PIO must give a written notice to the third party within 5 days of receiving the RTI request, informing the third party about the request and the

intention to disclose the information. The PIO should invite the third party to submit written or oral representations regarding the disclosure.

- **Third Party Representation:** The third party has 10 days to submit their representations.
- **Decision by PIO:** Within 40 days of receiving the RTI request (considering the third party's representation period), the PIO must decide whether to disclose the information and must inform the third party of the decision in writing along with their right to prefer an appeal under section 19. The PIO's decision should consider the public interest and potential harm to the third party's interests.

7. Central Information Commission (CIC) and State Information Commission (SIC)

CIC is an independent body to oversee the implementation of the RTI Act. It consists of a Chief Information Commissioner and Information Commissioners (upto 10 in nos.) who are persons of eminence with wide knowledge and expertise in relevant fields and appointed by the President for a 3-year term (or until the attainment of 65 years of age, whichever is earlier) based on recommendation of a committee comprising of the Prime Minister (as the Chairperson), Leader of Opposition in Lok Sabha and a Union Cabinet Minister nominated by the Prime Minister.

Similar body at the level of the state is referred to as **State Information Commission (SIC)**.

8. Appeals and Penalties

- **Section 19** - Provides for appeals against the decisions of the PIO. The first appeal lies within 30 days to the officer senior in rank to the PIO, designated as First Appellate Authority. The second appeal lies within 90 days within which decision should have been made or was actually received, with the Central Information Commission or the State Information Commission, as the case may be.
- **Section 20** - Penalties for non-compliance with the provisions of the Act. The PIO can be fined Rs. 250 per day up to a maximum of Rs. 25,000 for refusing to receive an application, not furnishing information within the time specified, or knowingly giving incorrect, incomplete, or misleading information.

9. Protection for Work Done in Good Faith

Section 21 of the Act provides that no suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under the Act or any rule made thereunder. A Public Information Officer should, however, note that it would be his responsibility to prove that his action was in good faith.

10. Miscellaneous

- **Section 24** - Certain intelligence and security organizations, as specified in the Second Schedule, are exempt from the Act, except in cases of human rights violations and corruption.

Some relevant Case Laws in RTI

Girish Ramchandra Deshpande vs. CIC & Ors. (SLP (Civil) No. 27734 of 2012)

The Hon'ble Supreme Court in its decision in this case held that:- "*The performance of an employee/officer in an organization is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression "personal information", the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which would cause unwarranted invasion of privacy of that individual. Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer of the Appellate Authority is satisfied that the larger public interest justified the disclosure of such information appropriate orders could be passed but the petitioner cannot claim those details as a matter of right.*"

Girish Ramchandra Deshpande v. Central Information Commission and Ors (Supreme Court, 2013)

The case was about whether information related to property, assets and liabilities of a public servant could be protected from RTI queries. The court noted that typically, income tax returns fell under "personal information" under Section 8(1)(j) of the RTI Act. However, if the authority is convinced that a larger public interest is involved, then that information must be given out.

T.S.R. Subramaniam v Union of India and Ors. (Supreme Court, 2013)

The Court was deciding whether civil servants could work under mere oral directions passed by senior administration or the political executive, or whether only written instructions were valid. The Court noted that Sections 3 and 4 of the RTI Act emphasized transparency, and that written directions act as records of transparency. It held that recording of information was necessary to ensure accountability in the functioning of civil servants.

Harish Kumar vs Provost Marshal –cum-Appellate Authority & Ors., LPA No. 253/2012

Copy of caste certificate of an employee is personal information and cannot be disclosed unless there is an overriding public interest and that too only if that employee consented to the disclosure as third party. Section 8(1)(j) is applicable.

CBSE Vs. Aditya Bandopadhyay (Supreme Court, 2011)

Public authority is also not required to provide 'advice' or 'opinion' to an applicant, nor required to obtain and furnish any 'opinion' or 'advice' to an applicant. The reference to 'opinion' or 'advice' in the definition of 'information' in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act.

Dr. Celsa Pinto Vs. Goa State Information Commission (W.P.No.419 of 2007)

The Hon'ble High Court of Bombay held:- "The definition (of information) cannot include within its fold answers to the question "why" which would be the same thing as asking the reason for a justification for a particular thing. The Public Information Authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information.

Centralized Public Grievance Redress and Monitoring System (CPGRAMS)

Overview

- CPGRAMS is an online web-enabled system developed by NIC, in association with the Directorate of Public Grievances (DPG) and Department of Administrative Reforms and Public Grievances (DARPG). This online platform is available to the citizens 24×7 to lodge their grievances to the public authorities on any subject related to service delivery.
- It is a single portal connected to all the Ministries/Departments of Government of India and States.
- Every Ministry and state have role-based access to this system.
- CPGRAMS is also accessible to the citizens through a standalone mobile application downloadable through the Google Play store and mobile application integrated with UMANG.
- The grievances received by the Department are forwarded to the concerned Ministries or Government Departments, who are dealing with the fundamental functions linked with the grievance for redress under intimation to the complainant.
- Once a grievance is raised on the web portal, a specific registration number is generated and any citizen who raises a grievance can follow up the progress through the personalized registration number.
- Once a grievance is lodged online by any citizen, it is received by the Nodal Officer and then further forwarded to the concerned Officer for redress and quick actions to be taken against the grievance.
- CPGRAMS also provides an appeal facility to the citizens if they are not satisfied with the resolution by the Grievance Officer.
- After the closure of grievance, if the complainant is not satisfied with the resolution, he/she can provide feedback. If the rating is 'Poor' the option to file an appeal is enabled.

- The status of the Appeal can also be tracked by the petitioner with the grievance registration number.

How to Raise a Complaint in CPGRAMS?

Citizens who wish to raise a complaint can raise a grievance at the official website of the Department of Administrative Reforms and Public Grievances by the following steps:

1. Visit the official site (pgportal.gov.in) and select the 'Lodge a Grievance' option on the home page.
2. Register on the portal with a valid username and password.
3. Once registered, the petitioner can update the grievance form available online and follow it up until it is resolved completely.
4. People can also check the status of their grievances and also the number of grievances pending and resolved on the same online portal.
5. There also is an option of reminders/clarifications, where one can find the newly received notifications or clarifications from higher Officials and Authorities.

References:

1. RTI Act.
2. Website of CPGRAMS (<https://pgportal.gov.in/>)
3. Various articles on RTI available online

12. Gender sensitization and prevention of sexual harassment at workplace

Gender Sensitization and Prevention of Sexual Harassment at Work Place

Objective:

The goal of this topic is to provide trainees with an understanding of how to prevent sexual harassment in the workplace and familiarize them with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013.

Gender concepts

Sex: The biological difference between men and women, boys and girls—the physical attributes with which we are born.

Gender: Culturally and socially constructed roles, responsibilities, privileges, relations and expectations of women, men, boys and girls. Gender is not another word for women. Gender is also not another word for sexual difference.

Gender roles: The different tasks and responsibilities and expectations that society defines and allocates to men, women, boys and girls. These are not necessarily determined by biological differences and therefore can change with time and in different situations.

Gender bias: An approach that treats boys/men and girls/women differently.

Gender equity: An approach that results in just/ fair treatment of women and men, and recognition and appreciation of both women's and men's potential. For instance giving bicycles to girls to enable them to travel to a distant school and thereby reduce gender gaps in the drop-out rate.

Gender stereotyping: The assignment of roles, tasks and responsibilities to a particular gender on the basis of preconceived prejudices. For instance the assumption that masons can only be men or that nurses are necessarily women.

Forms of Sexual Harassment at Workplace

Sexual Harassment has traditionally been divided into two well-known forms: *Quid pro Quo* and Hostile work environment

i) ***Quid Pro Quo*** literally means ‘this for that’. Applying this to sexual harassment, it means seeking sexual favours or advances in exchange for work benefits such as promises of promotion, higher pay, academic advancements etc. This type of sexual harassment mostly holds a woman to ransom as her refusal to comply with a ‘request’ can be met with retaliatory action such as dismissal, demotion, memos, tarnished work record and difficult work conditions.

ii) **‘Hostile work environment’** is a less clear yet more pervasive form of sexual harassment. It commonly involves conditions of work or behaviour towards a female worker, which make it unbearable for her to be there. While the worker is never promised or denied anything in this context, unwelcome sexual harassment occurs simply because she is a woman.

Understanding Instances of Sexual Harassment

The prominent instances of sexual harassment are:

- a) Derogatory comments of sexual nature or based on gender;
- b) Presence of sexual visual material or pornographic material such as posters, cartoons, drawings, calendars, pinups, pictures, computer programs of sexual nature;
- c) Written material that is sexual in nature, such as notes or e-mail containing sexual comments;
- d) Comments about clothing, personal behavior, or a person’s body;
- e) Patting, stroking grabbing or pinching one’s body;
- f) Obscene phone calls;
- g) Telling lies or spreading rumors about a person’s personal or sex life;
- h) Rape or attempted rape and so on.

Impact and Consequences

Looking from the angle of human resources, sexual harassment causes a range of ill effects like:

- a) Self-blame and guilt;
- b) Insomnia or other sleep disturbances;
- c) Depression;
- d) Anxiety, fear, decreased interest in work;

- e) Restlessness, uncertainty about future;
- f) Physical or emotional withdrawal from friends, family and co-workers and so on.

Synopsis of Vishaka Judgment [(1997) 6 SCC 241, AIR 1997 SC. 3011]

In 1992, Bhanwari Devi a woman employed as a Saathin in Government of Rajasthan, was working within the community to spread awareness about ending child marriage. Her brutal gang-rape was a revenge, a form of punishment for organizing the community to oppose child marriage.

“Vishaka” – conglomerate of women’s organizations working in Rajasthan, along with three other women’s organizations active in the campaign to bring the perpetrators to justice, filed a Writ Petition in the Hon’ble Supreme Court. The Hon’ble Supreme Court used the opportunity to address the one long pending issue– the glaring lacunae in the law which left the women workers in the country without any remedy, when sexually harassed at work.

In response to the increasing outrage regarding sexual harassment of working women and noting the dearth of legislative responses to such acts, the Supreme Court relied upon the UN Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) which was ratified by India and created a binding and enforceable set of guidelines designed to eradicate sexual harassment of women at workplace.

In the matter of *Vishaka & Others vs State of Rajasthan*, the Hon’ble Supreme Court defined sexual harassment at workplace, for the first time in 1997 and promulgated measures to curb it by strongly advocating a code of conduct in every workplace. Though often referred to as a set of guidelines, this was no less than a law. Because, the Supreme Court pronounced:

“...(in) the absence of enacted law to provide for the effective enforcement of the basic human right of gender equality and guarantee against sexual harassment and abuse, more particularly against sexual harassment at work places, we lay down the guidelines and norms specified hereinafter for due observance at all work places or other institutions, until a legislation is enacted for the purpose. This is done in exercise of the power available under Article 32 of the Constitution for enforcement of the fundamental rights and it is further emphasised that this would be treated as the law declared by this Court under Article 141 of the Constitution.”

So far undefined term “Sexual Harassment” was unambiguously defined for the first time. As the Supreme Court defines: “..For this purpose, sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication) as:

- a) physical contact and advances;
- b) a demand or request for sexual favours;
- c) sexually coloured remarks;
- d) showing pornography;
- e) any other unwelcome physical verbal or non-verbal conduct of sexual nature.”

Where any of these acts is committed in circumstances where under the victim of such conduct has a reasonable apprehension that in relation to the victim’s employment or work whether she is drawing salary, or honorarium or voluntary, whether in government, public or private enterprise such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

The complaint handling mechanism, complaints committee formation, awareness generation is the other aspects mentioned in this judgment as well. In an effect, a whole window of possibilities opened up for all sectors to consolidate their action in a unified effort to uproot sexual harassment from its origin and provide healthy work atmosphere for women.

Important Provisions under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules, 2013

In 2013, the Government of India notified the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (referred to as Act hereinafter). Consistent with the Vishaka judgment, the Act aspires to ensure women’s right to workplace equality, free from sexual harassment.

As per section 2(f) of the Act “*employee*” means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

As per section 2(g) of the Act “*employer*” means— (i) in relation to any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit of the appropriate Government or a local authority, the head of that department, organization, undertaking, establishment, enterprise, institution, office, branch or unit or such other officer as the appropriate Government or the local authority, as the case may be, may by an order specify in this behalf;

(ii) in any workplace not covered under sub-clause (i), any person responsible for the management, supervision and control of the workplace.

Explanation. —For the purposes of this sub-clause “management” includes the person or board or committee responsible for formulation and administration of polices for such organization;

(iii) in relation to workplace covered under sub-clauses (i) and (ii), the person discharging contractual obligations with respect to his or her employees;

(iv) in relation to a dwelling place or house, a person or a household who employs or benefits from the employment of domestic worker, irrespective of the number, time period or type of such worker employed, or the nature of the employment or activities performed by the domestic worker;

As per section 2(n) of the Act “*sexual harassment*” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:— (i) physical contact and advances; or (ii) a demand or request for sexual favours; or (iii) making sexually coloured remarks; or (iv) showing pornography; or (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

As per section 2(o) of the Act “*workplace*” includes - (i) any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government company or a corporation or a co-operative society;

(ii) any private sector organization or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organization, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service;

(iii) hospitals or nursing homes;

(iv) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;

(v) any place visited by the employee arising out of or during the course of employment including transportation by the employer for undertaking such journey;

(vi) a dwelling place or a house;

As per section 3 (1) of the Act - No woman shall be subjected to sexual harassment at any workplace.

Complaint Committee

The Act places an obligation on all employers, both public and private sectors to set up an **Internal Complaints Committee (ICC)**. In case the offices of the workplace located in different places, then a separate ICC is to be constituted at each location. The Complaint Committee serves double purposes, namely, to enquire into complaints of sexual harassment at the workplace, and also to generate awareness and take preventive steps in order to ensure that the work environment is conducive to the participation of women employees.

Section 4 of the Act prescribes composition of the ICC as under:

Sl . No.	Member	Eligibility
1	Presiding Officer	Who shall be a woman employed at a senior level at

		workplace from amongst the employees
2	Two Members (minimum)	From amongst employees committed to the cause of women
3	NGO Member	committed to the cause of women, or familiar with the issues relating to sexual harassment.

At least **one half** of the members of the ICC must be **women**. The members are nominated by the employer for a period upto three years from the date of their nomination as may be specified by the employer.

Complaint

As per section 9 of the Act - (1) Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident:

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the woman for making the complaint in writing:

Provided further that the Internal Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section.

Conciliation

As per section 10 of the Act - The Internal Committee may, before initiating an inquiry under section 11 and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation provided that no monetary settlement shall be made as a basis of conciliation.

Inquiry into complaint

Sections 11 to 13 of the Act deal with inquiry into complaint where it provides a mechanism for redressal of complaints of sexual harassment at workplace. For government sectors where Service Rules are already in existence, the relevant Service Rules are to be followed.

The Internal Committee shall have the same powers as are vested in a civil court the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely:— (a) summoning and enforcing the attendance of any person and examining him on oath; (b) requiring the discovery and production of documents; and (c) any other matter which may be prescribed. The inquiry under sub-section 11(1) shall be completed within a period of ninety days.

Inquiry report.

As per section 13 of the Act - on the completion of an inquiry, the Internal Committee shall provide a report of its findings to the employer within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.

Where the Internal Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.

Where the Internal Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer to take action. The actions against the respondent has been listed in the 2013 Rules as follows:

- a written apology;
- a warning;
- reprimand or censure;
- withholding of pay rise or increments;
- termination from service;
- counseling;
- community service.

The employer shall act upon the recommendation within sixty days of its receipt by him.

Punishment for false or malicious complaint and false evidence

As per section 14 of the Act – Where the Internal Committee arrives at a conclusion that the allegation against the respondent is malicious - on the recommendation of the Internal Committee action against the woman or the person who has made the complaint can be taken in accordance with the provision of applicable service rules.

References :

- 1) The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules, 2013 and Rules made thereunder
- 2) ISTM's Handbook on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules, 2013
- 3) ISTM's training module on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013)
- 4) Various online articles on the subject

**13. Prior Intimation / permission
regarding applying for employment
in other Offices, Resignation /
Technical Resignation, Permission
for visiting abroad on personal
ground, NOC for Passport issuance
etc.**

**Prior Intimation / permission regarding applying for employment in other
Offices, Resignation / Technical resignation, NOC for Passport issuance,
Permission for visiting abroad on personal ground, etc.**

Forwarding of applications

I) General Guidelines /Principles

1. Applications from the employees may be forwarded for posts within the **Central Government, State Governments, Autonomous/ Statutory Bodies, CPSEs etc.**
2. In a case in which a particular employee **cannot be spared** without serious detriment to important work in hand, **public interest would justify** by withholding of his application. Where for good and sufficient reasons an application is withheld, it may be made sure that no infringement of any Constitutional right is involved.
3. **No distinction need to be made between applications** made for posts in a Department under the Central government, Autonomous Bodies or sub-ordinate offices, posts under the State Governments, posts in Public Sector Undertakings owned wholly or partly by the Central Government or a State Government and posts in quasi-Government organizations. They should all be treated alike so far as the forwarding of applications is concerned.
4. Ordinarily, an employee (whether scientific and technical or non-scientific and non-technical personnel) is permitted to apply for an outside post up to **four times**.
5. If Government servant desires to apply for a **post in a private** concern, he **should submit his resignation** or notice of retirement, as the case may be, before applying for private employment.
6. Applications of Government servants who have been given some **technical training at Government expenses after commencement of service** - Such Government servant cannot justifiably **complain of hardship** if **he is not allowed** to capitalize the special qualifications so gained by seeking other better employment. Withholding of application in such a case is therefore justifiable.
7. Applications for employment of temporary or permanent Central Government servants belonging to **SC/ST should be readily forwarded** except in very rare cases where there may be compelling grounds of public interest for withholding such application.

II) Procedure to be followed

1. Applications not in response to advertisements or circulars will not be forwarded to the employer.
2. The applications may be forwarded in **accordance with the general principles given in preceding paragraphs**, irrespective of whether the post applied for in the other department/office is permanent or temporary.
3. **Temporary Government servants** - They should, as a matter of rule, be **asked to resign from the parent department / office at the time of release**. An **undertaking** to the effect that he / she will resign from the parent department / office in the event of his / her selection and appointment to the post applied for **may be taken** from his / her **at the time of forwarding the application**. This procedure is to be followed even in case of a temporary Government servant applying as a direct recruit for a post in the same organization.
4. **Permanent Government servants - Lien may be retained** in the parent department / office for a period of **two years** in case of the new **post being in the Central / State Government**. They should either revert to the parent department / office within that period or resign from the parent department / office at the end of that period. An undertaking to abide by these conditions may be taken from them at the time of forwarding the applications to other departments / office. **In exceptional cases** where it would take some time for the other department / office to confirm such Government servants due to the delay in converting temporary posts into permanent ones, or due to some other administrative reasons, the permanent Government servants may be **permitted to retain their lien in the parent department/office for one more year**. While granting such permission, a fresh undertaking similar to the one indicated above may be taken from the permanent Government servants by the parent department.
5. **Permanent Government servants** on their being selected for appointment in an autonomous Body / CPSE **will have to resign before they are permitted to join the new organization**. In their case **no lien shall be retained** and they will be governed by the orders issued by Department of Pensions & Pensioners' Welfare regulating mobility of personnel between Central Govt and Autonomous Bodies/ CPSEs etc.
6. The **terms of the bond need not be enforced** in the cases of those who apply for appointment elsewhere, **other than private employment, through proper channel**.

However, **the obligations under the bond would be carried forward to the new employment.** An undertaking to this effect may be obtained from the Govt. servant before he is relieved. [O.M. No. 60/37/63-Ests(A) dated 14.07.1967; OM No. 8/4/70-Ests(C) dated 06.03.1974; O.M. No. 28016/5/85-Estt(C) dated 31.01.1986]

III) Posts Advertised by UPSC / SSC

1. Where Government servants apply directly to UPSC / SSC as in the case of direct recruit, they **must immediately inform the Head of Office / Department** giving details of the examination/post for which they have applied with a request to communicate the permission to the Commission directly. **If, however, the Head of the Office/Department considers it necessary to withhold the requisite permission,** he should inform the Commission accordingly within **thirty days of the date of closing for receipt of applications.**

IV) Circumstances in which application should not be forwarded

Application of a Government servant for appointment, whether by direct recruitment, transfer on deputation or transfer, to any other post should not be considered/forwarded, if-

- (a)
 - (i) he is under suspension; or
 - (ii) disciplinary proceedings are pending against him and a charge sheet has been issued; or
 - (iii) sanction for prosecution, where necessary has been accorded by the competent authority; or
 - (iv) where a prosecution sanction is not necessary, a charge-sheet has been filed in a Court of law against him for criminal prosecution.
 - (v) where he is undergoing a penalty — no application should be forwarded during the currency of such penalty.
- (b) When the **conduct of a Government servant is under investigation** (by the CBI or by the Controlling Department) but the investigation has not reached the stage of issue of charge-sheet or prosecution sanction or filing of charge-sheet for criminal

prosecution in a court, the application of such a Government servant may be forwarded together with brief comments on the nature of allegations and it should also be made clear that in the event of actual selection of the Government servant, he would not be released for taking up the appointment, if by that time any of the situations in (a) above arises.

V) Forwarding of applications for posts advertised by Central / Public Sector Undertakings/ Central Autonomous Bodies

Applications of Central Government Servants in response to press advertisement for posts in Central Public Enterprises/Autonomous Bodies may be forwarded with a clear understanding with the employee that in the event of their selection for the post applied for they will **sever their connections with the Government before joining the Public Sector Undertakings/ Autonomous Bodies. No lien shall be retained in such cases.** The relieving order should indicate the period within which the official should join the Public Sector Undertaking/ Autonomous Body. Normally this period should not be more than 15 days. This period may be extended by the competent authority for reasons beyond the control of the official. Necessary notification/ orders accepting the resignation of the Govt. servant from Govt. service should be issued from the actual date of his/her joining the Public Sector Undertaking/Autonomous Body. The period between the date of relieving and the date of joining Public Sector Undertaking/ Autonomous Body can be regulated as leave of the kind due and admissible and if no leave is due, by grant of extra ordinary leave. In case he/she is not able to join the Public Sector Undertaking/Autonomous Body within the period allowed by the competent authority, he/she should report back to the parent office forthwith [Department of Pension & Pensioner's Welfare OM No. 4/15/88-P&PW(D) dated 13.11.1991]

B) Resignation / Technical resignation

I) Resignation

- 1) Resignation should be clear and unconditional.
- 2) Resignation from the service will generally be accepted straightaway.

Exception – a) When the officer concerned is engaged on the work of importance and alternative arrangements for filling up the post may take time.

b) Officer against who inquiry / investigation is pending.

- 3) Acceptance of resignation is subject to prior approval of the Minister-in-Charge in respect of Group A posts.
- 4) In all cases of acceptance of resignation, prior vigilance clearance from the competent authority is mandatory.
- 5) Resignation should not be accepted until all the departmental dues are fully adjusted.
- 6) The accepting authority will decide the date from which the resignation should become effective.
- 7) A resignation becomes effective not merely when it accepted by the authority concerned, but only when the officer actually relieved of his duties.
- 8) An official quitting his post before receiving intimation of acceptance of his resignation is liable to be proceeded against both legally and departmentally.
- 9) A Government servant quitting service on resignation will not be entitled to any pension, gratuity of terminal benefits. However, he may be granted, *suo motu*, by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of cessation of service, to the extent of half of such leave at his credit, subject to a maximum of 150 days [see Rule 39(6)(a)(ii) of the CCS (Leave) Rules].

II) Technical Resignation

- 1) As per the Ministry of Finance OM No. 3379-E.III (B)/65 dated the 17th June, 1965, the resignation is treated as a technical formality where a Government servant has applied through proper channel for a post in the same or some other Department, and is on selection, required to resign the previous post for

administrative reasons. The resignation will be treated as technical resignation if these conditions are met, even if the Government servant has not mentioned the word “Technical” while submitting his resignation. The benefit of past service, if otherwise admissible under rules, may be given in such cases. Resignation in other cases including where competent authority has not allowed the Government servant to forward the application through proper channel will not be treated as a technical resignation and benefit of past service will not be admissible. Also, no question of benefit of a resignation being treated as a technical resignation arises in case of it being from a post held on *ad hoc* basis.

2) This benefit is also admissible to Government servants **who have applied before joining the Government service** and on that account the application was not routed through proper channel. The benefit of past service is allowed in such cases subject to the fulfillment of the following conditions:

- (i) The Government servant should intimate the details of such application immediately on their joining;
- (ii) The Government servant at the time of resignation should specifically make a request, indicating that he is resigning to take up another appointment under the Government for which he applied before joining the Government service;
- (iii) The authority accepting the resignation should satisfy itself that had he employee been in service on the date of application for the post mentioned by the employee, his application would have been forwarded through proper channel.

3) Carry forward of Leave benefits

(i) In terms of Rule 9(2) of the CCS (Leave) Rules, 1972, technical resignation shall not result in the lapse of leave to the credit of the Government servant. The balance of unutilized Child Care Leave(CCL) as well as all other leaves of the kind due & admissible will be carried forward.

(ii)As per rule 39-D of the CCS(Leave) Rules,1972, in case of permanent absorption in PSUs/ Autonomous Bodies/ State Government etc., the Government servant shall

be granted cash equivalent of leave salary in respect of EL & HPL at his credit subject to overall limit of 300 days.

4) **Carry forward of LTC** : Entitlement to LTC may be carried forward in case of a Central Government Servant who joins another post after having submitted Technical Resignation. In case of a Government Servant who resigns within 8 years of his appointment and joins another post in the Government after Technical Resignation, the Government Servant will be treated as a **fresh recruit** for a period of 8 years from the date of his initial appointment under Government. Thus if a Government Servant joins another Department after serving in Government for 4 years, he will be treated as a fresh recruit for 4 years in the new Department.

5) **Pay Protection, eligibility of past service for reckoning of the minimum period for grant of Annual Increment** : In cases of appointment of a Government servant to another post in Government on acceptance of technical resignation, the protection of pay is given in terms of the Ministry of Finance OM No. 3379-E.III (B)/65 dated the 17th June, 1965 read with proviso to FR 22-B. Thus, if the pay fixed in the new post is less than his pay in the post he holds substantively, he will draw the **presumptive pay of the pay** he holds substantively as define in FR-9(24). Past service rendered by such a Government servant is taken into account for reckoning of the minimum period for grant of annual increment in the new post/ service/ cadre in Government under the provisions of FR 26 read with Rule 10 of CCS (RP) Rules, 2016. In case the Government servant rejoins his earlier posts, he will be entitled to increments for the period of his absence from that post.

6) **New Pension Scheme** : In case of 'Technical Resignation' of Government servant covered under National Pension System (NPS), the balance standing to their Personal Retirement Account (PRA) along-with their PRAN will be carried forward to the new office.

7) **Retention of Lien**: A permanent Government servant appointed in another Central Government Department/Office/ State Government, has to resign from his parent department unless he reverts to that department within a period of 2 years, or 3 years in unless he exceptional cases. An undertaking to abide by this condition may be taken from him at the time of forwarding of his application to other departments/offices.

8) **Temporary Government** servants will be required to sever connections with the Government in case of their selection for outside posts. **No lien** will be retained in such cases.

C) NOC for Passport issuance

1. Prior intimation letter for Passport: A Government servant while applying for passport shall submit an intimation letter to the Controlling / Administrative Authority.
2. Guidelines for issuance of NOC – The following particulars to be furnished by the employee:
 - a) The country to be visited,
 - b) The object of the visit &
 - c) The time of the visit.
3. Points to be considered and verified by the department -
 - (a) The nature of work the Government servant is handling in the Department and other subsidiary factors like general behavior, association etc.
 - (b) Whether and disciplinary / vigilance case is pending against him.
 - (c) whether there are grounds to be believed that the applicant could figure adversely on the security records of the Government.
4. Authorities competent to issue NOC – Decision to grant NOC to be taken at the level of an Officer not below the rank of Director / Joint Secretary to the Government or Head of Office though he may be lower rank. An officer not below the rank of Under Secretary or equivalent to be authorized to sign the NOC.

D) Permission for visiting abroad on personal ground

When Government servant applies for leave for going abroad on a private visit, separately prior permission of the Competent authority for such visit is also required. While granting such permission, administration may require to keep in view.

For example,

- i) Whether the Government servant is handling large amounts of government cash.
- ii) Whether the Government servant is dealing with secret / top secret matters.
- iii) Whether any case involving serious charges against the Government servant is under investigation.
- iv) Whether any disciplinary proceeding is pending against the Government servant , etc.

Application for prior permission shall be made in the prescribed proforma. Such proforma may seek details such as:

- Name and Designation,
- Pay,
- Passport No.,
- Details of private foreign travels to be undertaken (Period of travel, Name of foreign countries to be visited, purpose, Estimated expenditure, Source of fund etc),
- Details of private foreign travel undertaken during the last four years

References

- 1) Swamy's Handbook
- 2) DoPT OM No. No.DOPT-1669266628362 dated 24/11/2022, DOPT's O.M. No. 13/24/92-Estt(Pay-1) dated 22.01.1993 and other Circular / OM released by DoPT / GoI from time to time
- 3) Various text available online on the subject matter

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