No. 7/1/85-Estt(Pay-I)
Government of India
Ministry of Personnel & Training, Admin.
Reforms and Public Grievances & Pension
(Department of Personnel & Training)

New Delhi, the 18 November, 1985.

OFFICE MEMORANDUM

Subject: Provisional payment of pay to officers - regarding.

The undersigned is directed to say that, the question of further delegation of powers regarding provisional payment of pay to officers has been under consideration of the Government of India. Generally, provisional payment of pay to officers becomes necessary in the following three situations:

1) When the last pay certificate of the officer transferred/appointed to a new post is not available;

2) When the sanction for the post against which the officer is appointed does not exist and action for issuing the sanction for the post is under consideration;

3) On re-employment of an officer when the full particulars of pension and pre-retirement pay are not available.

In cases falling in the first category referred to in the preceding paragraph, provisional payment can be authorised for a period of three months at the request of the officer himself in the first instance, and can be extended later upto six months on a further request. Only when the necessity for provisional payment due to non-receipt of the last pay certificate is felt beyond the period of six months, the approval of the Department of Personnel & Training (dealing with the Ministry of Finance) is necessary in accordance with the provisions of the Ministry of Finance O.M. No. F.7(15)-E.III(A)/54, dated 13.5.1964.

5. When provisional payment of pay is necessitated due to delay in issue of sanction for the continuance of temporary posts, gazetted officers are authorised to draw their pay provisionally upto a period of three months after the expiry of the sanction to the post. In cases where further delay is anticipated, the officer concerned will have to approach the Audit Office through the Head of the Department for authorisation of provisional pay beyond three months vide the Ministry of Finance O.M. No. F.7(45)-E.III(A)/73, dated the 24th October, 1973. Grant of provisional pay beyond six months will need the approval of the Department of Personnel and Training. With the drawal of pay of gazetted officers by the Drawing & Disbursement Officers as for non-gazetted establishments, these provisions have also since become slightly obsolete and now need to be reviewed.
4. As regards payment of provisional pay for re-employed pensioners, administrative Ministries/Departments can sanction provisional pay for a period of six months in accordance with the provisions of the Ministry of Finance O.M. No. B(63)-E.III/60, dated the 12th January, 1961, as amended from time to time. Again, administrative Ministries/Departments which are competent to fix the pay of officers on re-employment, can delegate their powers to appointing authorities to fix the pay on re-employment in accordance with the Ministry of Finance O.M. No. B(34)-E.III/57, dated the 25th November, 1958, as amended from time to time, subject to the condition that cases where pay is to be fixed above the minimum under paragraph 1(b), or where the provisions contained in paragraph 1(d) of the O.M. dated the 25th November, 1958 are to be invoked, will continue to be decided by the Administrative Ministries.

5. With a view to further liberalising the provisions in regard to provisional payment of pay to Government servants, the Government of India have now decided as follows:

i) In the cases referred to in paragraph 2 supra, the administrative Ministries/Departments will have full powers in the matter of grant of provisional pay even beyond six months.

ii) As regards cases referred to in paragraph 3 supra, a time lag of six months will be quite sufficient for issue of orders extending/continuing pay. In view of this, for provisional payment of pay beyond six months, the administrative Ministries/Departments will have to obtain the approval of this Department as at present.

iii) As regards cases referred to in paragraph 4 supra, the administrative Ministries/Departments may delegate their powers for provisional pay fixation on re-employment, in respect of posts for which lower authorities have been already empowered by them to fix the pay on re-employment. The payment of provisional pay by the appointing authorities in such cases will be limited to three months and cases beyond three months should be continued to be decided by the administrative Ministries/Departments.

6. The Ministry of Finance, etc. are kindly requested to note that expeditious action is taken to ensure that provisional payment of pay is limited to the shortest minimum period. While making provisional payment, it is necessary to obtain an undertaking from the officer concerned to the effect that, in the event of there being over-payments on fixation of pay on regular basis, the same will be liable to adjustments.

7. In so far as the officers working in the Indian Audit & Accounts Office are concerned, these orders have been issued in consultation with the Comptroller and Auditor General of India.