

F. No. A-12033/1/2020-Estt.I
Government of India
Ministry of Ports, Shipping & Waterways
(Estt. Section)

425, Transport Bhawan,
1, Parliament Street, New Delhi
Dated : 16th February, 2021

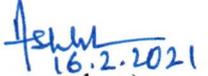
OFFICE MEMORANDUM

Subject :- Comprehensive guidelines for engagement of retired Government officers/officials as Consultant in Ministry of Ports, Shipping & Waterways [Main Secretariat] -reg.

The undersigned is directed to say that comprehensive guidelines have been formulated with the approval of Competent Authority of the Ministry regarding engagement of retired Government officers/officials as consultants in Ministry of Ports, Shipping and Waterways [Main Secretariat] with the purpose to bring uniformity and transparency in such engagements.

2. These guidelines, which have been uploaded on the website of Ministry of Ports, Shipping and Waterways, may be noted for compliance.

Encl: As above.


(Avinash Kusumakar)

Under Secretary to the Govt. of India

To,

1. All Officers and Sections, Ministry of Ports, Shipping & Waterways.
2. NIC, Ministry of Ports, Shipping & Waterways- with a request to upload these guidelines on the Ministry's website under the tab of 'Orders' → 'Guidelines for Main Secretariat' as well as under the tab of 'What's new'.
3. E-office Notice Board.

GUIDELINES FOR ENGAGEMENT OF RETIRED GOVERNMENT OFFICERS / OFFICIALS AS CONSULTANT IN MINISTRY OF PORTS, SHIPPING AND WATERWAYS (MAIN SECRETARIAT)

With the objective to bring transparency and uniformity in the engagement of Consultants, the following guidelines are laid down in exercise of the powers conferred by Rule 179 of General Financial Rules, 2017, for engagement of retired government Officers/employees as consultants.

1. PURPOSE, SCOPE AND SUBORDINATION

1.1 **Purpose:** The purpose of these guidelines is to define the broad policies and procedures for selection and monitoring of consultants engaged by Ministry of Ports, Shipping & Waterways (Main Secretariat).

1.2 **Scope:** These instructions shall apply to M/o PS&W [Main Secretariat]. Attached/subordinate/Autonomous organizations under this Ministry may use these guidelines if they find them fit for their organizations.

1.3 In Government, Consultants engaged may be classified into the following three categories:

(a) **Institutional Consultants:** Where an organization/agency/firm/institution/joint venture of persons are hired for doing a specific job/project.

(b) **Individual Consultants:** Where individuals having academic or professional degree and/or working experience in the particular subject are hired from open market or through consultancy firms / agencies for a specific job/project.

(c) **Retired Govt. employees as Consultants:** Retired Govt. officers/ officials are, engaged as Consultant for all purposes including general secretariat/ administrative work & works under various schemes.

Basic rules and procedures for hiring Consultants under the first two categories are prescribed in GFR, 2017 and detailed guidelines are given in Manual of Policies and procedure for Employment of Consultants issued by Ministry of Finance. **Therefore, guidelines prescribed herein shall apply to engagement of Consultants under third category only, i.e., "Retired Govt. employees as Consultants."**

1.4 These instructions flow from and are subordinate to GFRs, and in the event of any variance between the two, the latter shall prevail.

2. DEFINITIONS AND EXPRESSIONS

"Ministry" means Ministry of Ports, Shipping and Waterways (Main Secretariat). Approving authority would be as under:

	Competent Authority	Competent Financial Authority
Ministry (MS)	Secretary (PS&W)	AS&FA / JS&FA

3. REMUNERATION, ALLOWANCES AND WORKING HOURS

3.1 **Remuneration:** The maximum amount of monthly consolidated fee and local transport allowance payable to Consultants shall be as under:

Level of Pay in Pay Matrix	Maximum Remuneration	Transport Allowance
Level 5 to Level 7 of the Pay Matrix (Equivalent to pre-revised Pay Scale with GP of Rs 2400/- to Rs 4600/-)	Rs. 35,000/-	Rs.2,000/-
Level 8 to 10 (GP of Rs 4800 to Rs 5400)	Rs. 45,000/-	
Level 11 (GP of Rs 6600)	Rs. 55,000/-	
Level 12, 13 & 13A (GP of Rs 7600, Rs 8700 & Rs 8900)	Rs. 65,000/-	Rs.3,000/-
Level-14 and above	Rs. 70,000/-	

Note 1 – The total monthly remuneration and the Pension drawn by the consultant shall not be more than the Last Pay Drawn by him/her

Note 2 – Enhanced remuneration may be paid to deserving officials on case to case basis with the approval of Secretary (PS&W) and IFD of Ministry of Ports, Shipping and Waterways on account of special expertise / experience in the concerned field.

Note 3 – A fixed monthly amount shall be admissible, arrived at by deducting the basic pension from the pay drawn at the time of retirement. The amount of remuneration so fixed shall remain unchanged for the term of the contract. There will be no annual increment/ percentage increase during the contract period. The commuted portion of pension shall also be included in the portion of pension to be deducted.

Note 4- In case, it is decided to give enhanced remuneration to a retired Govt. Employee, it shall not exceed the maximum remuneration fixed for corresponding level.

Note 5- The total monthly Transport Allowance drawn by the consultant shall not be more than the Transport Allowance drawn by consultant at the time of his/her superannuation (i.e. last drawn Transport Allowance).

3.2 **Allowances:** Consultants shall not be entitled to any kind of allowance or accommodation facility e.g. Dearness Allowance, House Rent Allowance, Transport Facility, Residential Accommodation, Personal Staff, CGHS, and Medical Reimbursement etc. However, Conveyance /Transport allowance shall be paid at the rates mentioned in the table above (Para 3.1).

3.3 **TA/DA:** No TA/DA shall be admissible for joining the assignment or on its completion. Foreign travel of Consultants is not permitted at all. However, should they require to travel inside the country in connection with the official work of the Ministry,

TA/DA as admissible to a regular employee of the same grade, he/she retired from, will be paid to him/her after obtaining approval of the competent authority.

3.4 **Drawal of Pension:** A retired Government official appointed as consultant shall continue to draw pension and the dearness relief on pension during the period of his engagement as consultant. His/her engagement as Consultant shall not be considered as a case of re-employment

3.5 **Leave:** Consultants shall be eligible for leave at the rate of 1.5 days for each completed month of service/consultancy. Accumulation of leave beyond a calendar year may not be allowed. No remuneration for the period of absence in excess of the admissible leave will be paid to Consultants.

3.6 **Tax Deduction at Source (TDS):** TDA as admissible shall be deducted from the monthly remuneration of Consultants. A TDS certificate shall be issued by the concerned DDO on demand.

3.7 **Working Hours:** Consultants may follow the normal working hours as prescribed (i.e. 09:00 AM to 05:30 PM). However, as per the exigency one has to sit late to complete the time bound work. Attendance would be made through Biometric Attendance System.

4. QUALIFICATION AND EXPERIENCE OF CONSULTANTS

4.1 He/She should be a Retired Employees of Central Government / State Government having considerable experience of functioning of Central Government Ministries / Field.

4.2 He/She should have effective communication and interpersonal skills with a strong flair for in-depth examination relating to Policy Matters / Administration/ Finance / Any other Requisite Field.

5. AGE-LIMIT

The maximum age limit for Consultants will be 65 years.

6. PROCEDURE FOR SELECTION OF CONSULTANTS

6.1 Engagement of Consultants shall be done by inviting application Ministry of Ports, Shipping and Waterways, i.e., <http://shipmin.gov.in/> only, in the manner as follows:

- a. A circular / advertisement shall be uploaded on the website of the Ministry inviting applications from willing/ eligible persons for Consultants. The closing date for submission of submission of applications should be at least 21 (twenty one) days from the date of issue of the circular.
- b. **A Screening-cum-Selection Committee** shall be constituted by the Ministry/ office for selection of Consultants. The Committee shall consist of at least three members as under:

- I. **In case of appointment of a Retd. Govt Officer of the level of JS & above as Consultant, the Committee shall comprise of the following :-**

Additional Secretary (PS&W)	-	Chairman
AS& FA (PS&W)	-	Member
Joint Secretary (Admn.)	-	Member Secretary

- II. **In case of appointment of Retd. Govt Officer of the level of Dir/DS & below as Consultant, the Committee shall comprise of the following :-**

Joint Secretary (Admn.)	-	Chairman
DS/Dir (IFW)	-	Member
DS/Dir (PHRD)	-	Member
DS/Dir (SM)	-	Member
MD(IPA)	-	Member

The Chairman may invite the Wing Heads of the Concerned Division where the proposed Consultant will be deployed, if required.

{In this connection, a clause may also be added in the guidelines that in case of appointment of retd. Officers as Consultants}

- c. The Committee shall first shortlist the applications on the basis of the criteria decided by it. Thereafter, the Committee may hold a personal interaction with the shortlisted candidates, if required. All the members of the Committee will separately assign the marks (out of 10) to interviewed Consultants. Those securing highest marks out of total 30 shall be recommended by the Committee for engagement. In case of stalemate, the decision of the Committee shall be final. Criteria for short listing could be experience in the relevant field, depth of relevant knowledge, qualification, etc.
- 6.2 After selection of suitable candidate (s) for appointment as Consultant and obtaining necessary approvals of Competent Authorities as mentioned in the Table in para-2, an offer letter shall be issued to successful candidates clearly indicating the terms and conditions of engagement.
- 6.3 No Consultant shall be allowed to join without first submitting an undertaking towards acceptance of the terms and conditions as mentioned in the offer letter.

7 PERIOD OF ENGAGEMENT

- 7.1 The initial engagement of a person as Consultant will be for the period as given in the Terms of Reference (ToR) or one year, whichever is less. After expiry of initial term, engagement may be extended, based on requirement of the Ministry and performance of Consultant(s) concerned, with the concurrence of AS&FA/ JS&FA &

approval of Secretary (PS&W), for a maximum period of one year at a time. Beyond two years after the age of superannuation where adequate justification exists, the term may be extended based on a review of the task and the performance of the contract appointee, provided it shall not be extended beyond 5 years after superannuation. Relaxation may be given in deserving cases.

7.2 The appointment of Consultants would be on full-time basis and they would not be permitted to take up any other assignment during the period of Consultancy in the Ministry of Ministry of Ports, Shipping and Waterways.

7.3 The appointment of Consultants is of a temporary (non-official) nature against the specific jobs.

7.4 The engagement of Consultants can be terminated by the Ministry/ office at any time without assigning any reason thereof by giving them 15 Days' notice. However, in case a Consultant wishes to resign, he will have to give 15 days' advance notice or remuneration in lieu thereof before resigning from the engagement.

8. ENGAGEMENT OF EXISTING CONSULTANTS WORKING IN MINISTRY

The existing consultants in the Ministry/ Department/ Organization will continue as per their existing entitlements/ remuneration till they complete their sanctioned tenures. Such consultants, who are already, engage, after completion of their tenure, will be suitably adjusted in the new grades as per these guidelines, on request of the consultant.

9. LIMIT ON ENGAGEMENT OF CONSULTANTS

9.1 Engagement of Consultants should be done only in urgent and emergent cases where expert/professional services are required for urgent and identifiable work and should not be used as a common practice.

9.2 Every proposal for engaging a Consultant shall invariably mention the following:

- (a) Whether the proposed engagement is for a specific work/ project;
- (b) The estimated time period required for such work/ project to complete;
- (c) What experience/ expertise/ skills and knowledge in the relevant field are possessed by the person being recommended for engagement as Consultant.

9.3 With above comments, the proposal shall thereafter be submitted first to AS&FA/ JS&FA and then to Secretary (PS&W) for final approval or the Minister in-charge, in case the Consultants(s) at the level of Joint Secretary or above.

9.4 Before engaging Consultants or extending their tenure it must be ensured that funds for payment of their remuneration are available.

10. CONFIDENTIALITY OF DATA AND DOCUMENTS

10.1 The intellectual Property Rights (IPR) of the data collected as well as deliverables produced for the Ministry/ Department/ Organization shall remain with the Ministry/ Department/ Organization

10.2 No One shall utilize or publish or disclose or part with, to a third party, any part of data or statistics or proceedings or information collected for the purpose of his assignment or during the course of assignment for the Ministry/ Department/ Organization, without the express written consent of the Ministry/ Department/ Organization. The consultant shall sign an agreement of confidentiality with the Government of India containing a clause on ethics and integrity.

10.3 The consultant shall be bound to hand-over the entire set of records of assignment to the Ministry/Department/Organization before the expiry of the contract and before the final payment is released by the department/organization.

11. CONFLICT OF INTEREST

11.1 The Consultant appointed by the Ministry/ Department/Organization, shall in no case represent or give opinion or advice to others in any matter which is adverse to the interest of the Ministry/ Department/Organization nor will he indulge in any activity outside the terms of the contractual assignment.

11.2 The Consultant will not be entitled for any benefit/compensation absorption/regularization of service with this Department.

12. MODEL FORMATS AND APPLICATIONS

12.1 A circular calling for applications for Consultants shall invariable include the following:

- (i) Format of application –A model format of application is given In the **Annexure-I**
- (ii) Period of engagement and the events under which engagement may be terminated prematurely
- (iii) Eligibly criteria for engagement
- (iv) Terms and conditions of engagement
- (v) Terms of reference (ToR) which may include brief description of duties/work. **(Annexure-II)**

12.2 Above points are only indicative and not exhaustive. Ministry/Department/Organization issuing the circular may include any other clause as per their requirements.

12.3 Terms and conditions of engagement as given in Annexure-III will be mentioned in the circular, offer letter as well as in appointment order.

13. TERMINATION OF ENGAGEMENT

Ministry/ Department/ Organization may terminate the engagement in following conditions:

- i. The Consultant is unable to address the assigned work;
- ii. Quality of the work is not to the satisfaction of the Department;
- iii. The Consultant fails in timely achievement of the milestones as finally decided by the Ministry/ Department/ Organization;
- iv. The Consultant is found lacking in honesty and integrity and is not punctual in his work.

Note: The Ministry reserves the right to terminate the engagement, by serving fifteen (15) days' notice on the Consultant. Termination shall be effected on the day right after the completion of fifteen (15) days of delivery of such notice.

14. REVIEW OF GUIDELINES

These Guidelines may be reviewed as and when the circumstances so warrant with the approval of the Secretary (PS&W).

15. RIGHTS OF THE MINISTRY

The Ministry has the right to cancel the advertisement, and not go for engagement of Consultant, at any stage. It may accept or reject any or all applications, without giving any reasons therefor, whatsoever.

16. RELAXATION

Any relaxation to the provisions lies with Department of Expenditure and any request for the above will be referred to Department of Expenditure.

ANNEXURE-I

Application for the post of Consultant in the Ministry of Ports, Shipping and Waterways

1. Full Name (in Block Letters)
2. Father's/Husband's Name
3. Date of Birth
4. Contact Details
5. Mobile No.
6. Email ID
7. Address for communication
8. Date of Joining of Government Service
9. Age as on date
10. Whether SC/ST/OBC
11. Whether Physically handicapped
12. Date of retirement and the post from which retired
(enclose copy of retirement order)
13. Name of the Ministry/Department from which retired
14. Last Pay Drawn (Please enclose copy)
15. Education/ Technical Qualification
(Please enclose copy of Certificate/ Mark Sheet)
16. P.P.O. No. (Please enclose copy)
17. Details of computer Knowledge
18. Brief particulars of Experience of the last 10 years
(assignment-wise) [A separate sheet may be annexed]

I hereby declare that the particulars furnished above are true and true and correct to the best of my knowledge and belief. I understand and agree that in the event of any information being found false OR incorrect/ incomplete or ineligibility being detected at any time before or after selection/ interview, my candidature is liable to be rejected and I shall be bound by the decision of the Ministry of Ports, Shipping and Waterways. I have read this circular and ready to accept all the terms and conditions for engagement of Consultants.

Signature

Place:

Date:

Annexure-II

Government of India
Ministry of Ports, Shipping and Waterways

Terms of Reference of Engagement of Consultants

i. Precise statement of objectives of appointment of Consultant:-

(Discipline or the domains where engagement of consultants is required should be indicated)

ii. Outline of the tasks to be carried out:-

(Details of work required to be carried out/ specific tasks/ activities to be assigned to Consultants should be indicated.).

iii. Schedule for completion of Tasks:-

(This should be framed in such a manner that both the time frame for the jobs as well as the deliverables are clearly identified and are amenable to periodic monitoring over the duration of the assignment).

Terms and conditions of engagement to be mentioned in the circular, offer letter as well as in appointment order

- i. Period of engagement
- ii. Nature of engagement
- iii. Remuneration, leave and allowance
- iv. Clause regarding confidentiality of data and documents and conflict of interest
- v. Events under which such engagement may be terminated prematurely
- vi. Any other clause/ point peculiar to such engagement