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A-50013/145/2022-ADMINISTRATION-MOWR-Part(1)

Government of India

Ministry of Jal Shakti

Department of Water Resources, RD & GR

Shram Shakti Bhawan, Rafi Marg
New Delhi, 29th November, 2024

To

The Chairman,
Central Water Commission,
Sewa Bhawan, R.K. Puram,
New Delhi - 110066

Subject: Posting of Officers in PDA, Nepal - reg.

Sir,

I am directed to refer letter no. A-52011/122/2022-ESTT-I dated 17.09.2024 on the subject mentioned above and to say that the clarification on raised queries vide the ibid letter is as below:

S.No.	Query	Reply/Clarification
1.	Manner in which reimbursement of income tax would be made	<p>Reference is invited to MEA Note dated 09.06.2023, vide which (at query 2) it is submitted that any tax paid to Government of Nepal shall be reimbursed to the Official of the PDA, which with the settled SLA rate shall be termed as Enhanced SLA.</p> <p>Enhanced SLA = SLA rate + income tax paid in Nepal to be reimbursed by Government of India.</p> <p>Ultimately, the official at PDA has to pay their tax to the Government of India and any tax paid to the Government of Nepal shall be reimbursed to the Officer under Enhanced SLA.</p>
2.	Leave salary and pension Contribution	<p>In pursuance of provisions at PHPA, Bhutan, the proposal of waiver of LPSC of officers posted at PDA, Nepal was taken up with different Department/Organizations i.e., DoPT, DoE and MEA. Consequently, viz inter-ministerial meeting dated 12.06.2023, in presence of DoPT official, it was decided that the matter of waiver of LPSC should be taken up with MEA for NoC in consonance with provisions applicable to officers posted at PHPA, Bhutan.</p> <p>Consequently, MEA vide OM dated 11.08.2023, conferred NoC on the instant matter and</p>

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		subsequently, vide this Department meeting dated 16.01.2024, it was decided that the LSPC has been waived off for officials posted in PDA.
3.	Medical facility in respect of officers and their family	<p>As per official website of CGHS, the beneficiaries covered under the instant scheme does also covered the officer on deputation from Central Government. Hence, in case the family of officer stays in India, they can avail benefits under the CGHS Scheme. However, if the family move to foreign with the officer, then the terms and condition decided by the concerning organization where the officer is being deputed shall be adhered.</p> <p>In view of instant situation, it is submitted that By-laws & recruitment rules for terms and conditions drafted by PDA was submitted to this Department for views/comments and the same was furnished to the PDA. Consequently, it is inferred that the final draft of terms and conditions for officials of PDA is in the final stages.</p> <p>Hence, the medical facility provided to the officer and his family shall be in adherence to what is decided in terms and conditions under By-laws and Recruitment Rules of PDA.</p>
4.	Enhancement of Special Living Allowances (SLA)	The revision of Special Living Allowance(SLA) has been considered and submitted to MEA vide this Department OM No. A-50/41/2017-Admn. Dated 11.03.2024. The reply on the same is awaited.
5.	Other allowances such as Children Education Allowances (CEA), Leave Travel Concession Allowance (LTC), Traveling Allowance(TA), Transfer Grant, Joining Time and Joining Time Pay.	Same as point 3 above.

2. Further, it is pertinent to mention that the consolidated instructions on the service conditions including pay & allowances shall be drafted after finalization of By-laws & Recruitment Rules.

3. This issues with the approval of Competent Authority.

Encl: As Above



(Raju)
Under Secretary (Administration)
Tel. No. 23738126
Email : usadmn-mowr@nic.in

**Sub: Administrative issues regarding Indian officers posted at
Pancheshwar Development Authority**

Reference communication No A-50/41/2017-Admn dated 06 Oct 2022 and No A-50013/145/2022-Admn dated 16 May 2023 on the above subject.

2. In this regard, this Ministry's response are as follows:

Query 1: Whether the approval of grant of SLA to Indian officers posted in the PDA would be with retrospective effect or with prospective.

Response: Three officers mentioned in the above referred communication of Ministry of Jal Shakti (MOJS) were posted to PDA during the period 2015-18. All of them were repatriated to the cadre before May 2018. However, the order for fixation of SLA rates was issued in July 2018. Therefore, the same may not be implemented in case of the aforesaid three officers. Approved SLA rates and terms and conditions should be implemented with prospective effect.

Query 2 : With regard to reimbursement of income tax, MEA may kindly clarify if the Indian officers deputed to PDA would be entitled for exemption of income tax for pay & perquisites paid to them in addition to SLA so proposed. [Also refer to MOJS communication No A-50013/145/2022-Admn dated 16 May 2023]

Response: MEA has no objection to the modality proposed by MOJS vide communication No A-50013/145/2022-Admn dated 16 May 2023. MOJS may further review the proposal in light of Section 10(7) of Income tax act, 1961 which provides that any allowance or perquisite paid or allowed by government to employees posted outside India is exempted from Income tax for an individual-salaried employee (being a citizen of India). Further, the reimbursable income tax may be paid as enhanced SLA using the formula:

Enhanced SLA = SLA rate + income tax paid in Nepal to be reimbursed by Gol

Query 3: If the SLA were to be paid retrospectively, whether the SLA and project allowance can be given concurrently;

Response: As stated above, SLA would be applicable only with prospective effect.

Query 4: If SLA is to be prospective, the modalities for exemption of tax thereon need to be specified.

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Adv

A-50013/145/2022-ADMINISTRATION-MOWR

2589612/2023/ADMN SECTION

Response: As stated above for query 2, MOJS may kindly review the modality suggested.

Query 5 : Exemption of Leave Salary Pension contribution (LSPC) in r/o officers posted/deputed in PDA, Nepal

Response: The Nodal Ministry/Department dealing with this matter is DoPT (Department of Personnel & Training). MOJS is therefore requested to kindly take up this matter with DOPT.



Amit A Shukla
Director (North)

Tel: 011-23011710

e-mail: dirnorth@mea.gov.in

Shri S B Pandey, Deputy Secretary, Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation, Government of India, New Delhi.

MEA ID No. /Dir(N)/2023

Dated 09 June 2023

T.C.



Adw

A-50013/394/2022-ADMINISTRATION-MOWR
Government of India
Ministry of Jal Shakti
Department of Water Resources, River Development &
Ganga Rejuvenation

Shram Shakti Bhawan, Rafi Marg
New Delhi, dated 15th June 2023

OFFICE MEMORANDUM

Subject: Minutes of the Meeting held on 12.06.2023 under the Chairmanship of Secretary(WR, RD & GR) in connection with Pancheshwar Development Authority

The undersigned is directed to enclose herewith the approved minutes of the meeting held under the Chairmanship of Secretary(WR,RD&GR) on 12th June 2023, to discuss the issues related to Pancheshwar Development Authority, for kind information and further necessary action.

Encl.: As above

Lalita
15/6/2023

(Lalita Maini)

Under Secretary to the Govt. of India

Tel. No. 23738126

(email: usadmn-mowr@nic.in)

To

As per Annexure

Minutes of the meeting held under the Chairmanship of Secretary(WR,RD&GR) at 03:00 PM on 12th June 2023 to discuss the issues related to Pancheshwar Development Authority.

A meeting was held under the chairmanship of Secretary(WR,RD&GR) at 03:00PM on 12th June 2023 to discuss the issues related to Pancheshwar Development Authority (PDA). The list of participants is annexed.

2. During the meeting, participants were apprised about the pending issues related to PDA. In this regard, the reply received from Ministry of External Affairs (MEA) vide its ID Note No. Nil dated 09.06.2023 regarding issues of Leave Salary and Pension Contribution (LSPC), Special Living Allowance (SLA), and Reimbursement of Income Tax paid by officers previously deputed to PDA was discussed.

3. Accordingly, following action points emerged out during the meeting:

Regarding LSPC

- a) It was decided that the reference on the issue of LSPC may be made again to MEA with recommendation of DoWR, RD & GR, after consulting JS & FA, for re-examining the matter in light of LSPC provisions applicable to officers posted at PHPA, Bhutan.

Regarding Special Living Allowance

- a) The decision of MEA for the applicability of SLA from prospective date was agreed upon.

Regarding Income Tax Reimbursement

- a) The modalities provided by this Department to MEA vide communication dated 16.05.2023 followed by 06.06.2023 were agreed upon.

Regarding Regular Appointment of India officials at PDA

- a) The pay levels decided initially by the Department for Executive Directors (at Level-14) and ACEO/CEO (at Level 15) may be retained.
 - b) Appropriate mechanism may be devised at the earliest for regular appointments to PDA.
4. The meeting ended with a vote of thanks to the Chairperson.

List of Participants

1. Shri Pankaj Kumar, Secretary(WR,RD&GR)-Chair
2. Shri Subodh Yadav, Joint Secretary (Admin. IC&GW), DoWR,RD&GR
3. Shri Atul Jain, Commissioner (FM), DoWR, RD&GR
4. Shri G.K. Aggarwal, Chief Engineer, Yamuna Basin Organization and ACEO, PDA
5. Shri Praveen Kumar, Secretary, Central Water Commission
6. Shri Amit A Shukla, Director (North), M/o External Affairs
7. Shri Rakesh Toteha, SJC(FM), DoWR, RD&GR
8. Shri Murali Bhavaraju, Director(Pay), Department of Personnel and Training
9. Shri S.B. Pandey, Deputy Secretary(Admin), DoWR, RD&GR

E-II/112/02/2017
Ministry of External Affairs
(Northern Division - Nepal Section)

New Delhi, 11 August 2023

OFFICE MEMORANDUM

Subject: Waiving off deduction of Leave Salary Pension contribution (LSPC) in r/o Indian officers posted/deputed in Pancheshwar Development Authority (PDA), Nepal

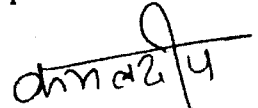
Reference Ministry of Jal Shakti's (MoJS) Office Memorandum No. A-50013/145 2002-ADMIN dated 30 June, 2023 on the captioned subject.

2. MoJS has proposed that deduction of LSPC for officials deputed to PDA may be waived off as has been done in case of officers working in PHPA, Bhutan as per MEA Order No. E.IV/551/9/2001 dated November 21, 2001. In this regard, MoJS vide its communication No. A-50013/145/2022-Admn. dated 21.06.2022 had conveyed that as per Para No. 7.7 (ii) of DoPT's OM No. 6/8/2009-Estt. (Pay-II) dated 17 June, 2010, for officers on deputation/foreign service, the LSPC will have to be contributed either by the employee himself or by the borrowing organization to the Central Government. MoJS informed that based on this, Central Water Commission (CWC) is proposing deduction of LSPC from retirement benefits of CWC officials deputed to PDA in Nepal.

3. MoJS has proposed that an exemption may be provided for the officers deputed to PDA, Nepal as has been done in case of officers in PHPA, Bhutan.

4. It may be noted that as per clause 2.2(c) of DoPT's Order of 17 June, 2010, this Order is not applicable to officers deputed outside India. Hence, DoPT's OM of 17 June, 2010 regarding deduction of LSPC contribution is not applicable to the officers deputed to PDA in Nepal. Further, it may be noted that the exemption regarding Bhutan is in line with FR 119 (Government of India's Order). In the absence of explicit applicability of DoPT's Order of 17 June, 2010 and given the fact that the LSPC contribution is to be deducted from the individual officer and to be deposited into the accounts of the parent organization, the parent organization may frame rules regarding exemption for deduction of LSPC for such officers.

5. In view of above, this Ministry has 'no objection' to the proposal of M/o Jal Shakti for waiving off deduction of Leave Salary and Pension Contribution (LSPC) in respect of Indian officers posted/ deputed in Pancheshwar Development Authority (PDA), Nepal.



(Kamal Deep Khanna)
Section Officer (Nepal)

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Tel: 011-23019032

To

Sh. Anil Kumar Sharma,
Under Secretary (Admn)
Department of Water Resources, River Development & Ganga Rejuvenation
M/o Jal Shakti, Shram Shakti Bhawan, New Delhi

Copy to:

Joint Secretary (Admin)
Department of Water Resources, River Development & Ganga Rejuvenation ,
M/o Jal Shakti, Shram Shakti Bhawan, New Delhi

A-50013/145/2022-ADMINISTRATION-MOWR

Government of India
Ministry of Jal Shakti
Department of Water Resources, RD & GR

Shram Shakti Bhawan, Rafi Marg
New Delhi, Dated: 18th January, 2024

OFFICE MEMORANDUM

Subject: Minutes of the Meeting held on 16.01.2024 under the Chairpersonship of Secretary (WR, RD & GR) in connection with Pancheswar Development Authority

The undersigned is directed to enclose herewith the approved minutes of the meeting held under the Chairpersonship of Secretary (WR, RD & GR) on 16th January, 2024 to discuss the issues related to Pancheswar Development Authority, for kind information and further necessary action.

Encl. As above



(Raju)

Under Secretary (Administration)

Tel. No. 23738126

Email : usadmn-mowr@nic.in

To,

As per Annexure

Minutes of the meeting held under the Chairpersonship of Secretary (WR, RD & GR) at 04:30 PM on 16th January, 2024 to discuss the pending establishment matters related to Pancheshwar Development Authority, Nepal

A meeting was held under the chairpersonship of Secretary (WR, RD & GR) at 04:30 PM on 16th January, 2024 in the Chamber of Secretary (WR, RD & GR) to discuss the following establishment issues of the three officers viz. Sh. H.K. Sahu, Shri Munni Lal and Shri A.K. Kharya relating to their posting in Pancheshwar Development Authority (PDA), Nepal. The list of participants is at Annexure-I.

1. Leave Salary Pension Contribution (LSPC)
2. Reimbursement of Income tax paid to Government of Nepal
3. Special Living Allowance

Item No. 1:- Release of Withheld Gratuity of Shri Munni Lal, Chief Engineer(Retd.): Controller of Accounts, DoWR, RD & GR briefed the issues related to non-payment of LSPC in respect of the period of deputation served by the officer in PDA, Nepal and consequential withhold of his retirement gratuity on his superannuation and also proposed that the approval of DoPT may be taken for waiver of Leave Salary Pension in line with the NoC obtained from Ministry of External Affairs. However, it was recalled that a meeting to resolve the same issue was also held under the Chairmanship of the then Secretary (WR, RD & GR) with the officers of DoPT & MEA on 12.06.2023, consequent to which NoC of only MEA was sought on the proposal of this Department for waiving of the requirement of LSPC. As such, the meeting was also attended by the Director (Pay), DoPT and he was part of the decision arrived at to seek NoC from MEA only regarding waiver of LSPC amount and subsequently MEA had agreed to the proposal of this Department for waiving of the LSPC amount vide letter dated 11.08.2023, therefore, it was agreed that the issue related to LSPC stands resolved.

Secretary (WR, RD & GR) emphasised that the amount of withheld gratuity of Sh. Munni Lal (Retd., Chief Engineer, CWC) may be released in seven days.

Item No. 2:- Reimbursement of Income tax Paid to Government of Nepal:-

Commissioner (FM) detailed the Secretary (WR, RD & GR) about the demand of the officers regarding reimbursement of Income Tax & penalty paid/accrued to Government of Nepal in respect of the income earned during their posting in PDA, Nepal. The modalities to be worked upon in the reimbursement of Income tax paid/accrued to GoN were discussed at length. Secretary decided that a subsequent meeting be held with the Concerned officers of the CBDT, MoF to resolve the pending issue. DS(Admn) was directed to ensure the participation of appropriate officer from the CBDT, MoF in the subsequent meeting.

Item No. 3:- Grant of Special Living Allowance:- The decision of MEA conveyed vide I.D. note dated 09.06.2023 for the applicability of SLA from prospective date was agreed upon and has already been conveyed to the concerned officers. Therefore, the matter regarding SLA stands settled.

Further, the Secretary (WR, RD & GR) directed that the terms and conditions of service in PDA, Nepal to be worked upon and be finalized at the earliest.

The meeting ended with a vote of thanks to the Chairperson.

List of Participants

1. Ms. Debashree Mukherjee, Secretary (WR, RD & GR)- Chair
2. Shri Subodh Yadav, Joint Secretary (A, IC & GW), DoWR, RD & GR
3. Ms. Richa Misra, Joint Secretary & Financial Advisor, DoWR, RD & GR
4. Shri Atul Jain, Commissioner (FM), DoWR, RD & GR
5. Shri Subhash Chandra, Controller of Accounts, DoWR, RD & GR
6. Shri Shanker Lal, Deputy Secretary (Admin), DoWR, RD & GR
7. Shri Gautam Mohakul, Deputy CA, DoWR, RD & GR
8. Shri Rajesh Kumar, Senior Joint Commissioner (FM), DoWR, RD & GR
9. Shri Raju, Under Secretary (Admin), DoWR, RD & GR
10. Shri Saurabh, Section Officer (Admin), DoWR, RD & GR

No. A-50/41/2017-Admn.
भारत सरकार
Government of India
जल शक्ति मंत्रालय
Ministry of Jal Shakti
जल संसाधन, नदी विकास एवं गंगा संरक्षण विभाग
Department of Water Resources, River Development & Ganga Rejuvenation
(प्रशासन अनुभाग/Administration Section)

Shram Shakti Bhawan, Rafi Marg
New Delhi, dated 11th March, 2024

OFFICE MEMORANDUM

Subject: - Revision in Special Living Allowance (SLA) for posting of Officers at Pancheshwar Development Authority (PDA), Nepal- reg.

The undersigned is directed to refer to Ministry of External Affairs' I.D. No. 657/DS(N)/2018 dated 28.07.2018 (Copy enclosed) vide which Special Living Allowance (SLA) to the Indian Officers posted in PDA, Nepal was approved and to state that keeping in view that the same was fixed in the year 2018, MEA is hereby requested to re-consider their proposal and revise the SLA amount to attract the best talents available.

Encl: As above,



(Raju)

Under Secretary to the Govt. of India
Tel. No. 23738126
(Email: usadmn-mowr@nic.in)

To

Ministry of External affairs
[Kind Attn: Amit Kumar Mishra, Director (North)]
South Block, New Delhi
Email: dirnorth@mea.gov.in

**Ministry of External Affairs
(Northern Division)**

Sub: Foreign Compensatory Allowance (FCA) to Indian officers posted in Pancheshwar Development Authority, Nepal.

The undersigned is directed to refer to MoWR's OM No. A.50/41/2017-Admn. dated 15.05.2018 regarding grant of Foreign Compensatory Allowance (FCA) to Indian officers posted in Pancheshwar Development Authority (PDA), Nepal.

2. The matter has been examined in the Ministry of External Affairs (MEA) and the following has been approved:

a) Nomenclature of proposed FCA would be changed to "Special Living Allowance (SLA)", in order to distinguish it from normal FCA granted to Indian officials deputed to foreign countries.

b) SLA would be paid to the officers as per the following table:

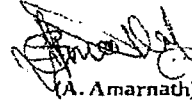
Level	Special Living Allowance (in US\$*)
Director	1473
Joint Secretary	1539
Additional Secretary	1872

*1\$=Rs.65.10. However, it shall be paid as per the prevailing Salary rate of exchange of MEA at the time of release.

c) MEA would approach Government of Nepal for exemption of income tax for Indian officers posted in PDA. If tax exemption is not provided by Government of Nepal, Nepal Income Tax paid by the officers would be reimbursed to them as per actuals. MoWR, RD and GR shall work out the modalities of such reimbursement in consultation with MEA.

d) Ministry of Water Resources, RD and GR shall consult MEA before any revision to SLA rates mentioned in Para 2(b) above.

3. This issues with the approval of Competent Authority.


(A. Amarnath)

Deputy Secretary (North)

Tel: 011-23011710

E-mail: dimorth@mea.gov.in

Shri Khatchin Langel, Director (Admin), Ministry of Water Resources, RD & GR, Shram Shakti Bhawan, New Delhi

MEA ID No. 657/DS(N)/2018 Dated 28.07.2018

Copy to:

1. Shri Rakesh Toteja, Sr. Jt. Commissioner, Ministry of Water Resources, RD & GR,
CGO Complex, New Delhi

2. Shri Ram Prasad, Counsellor (Commerce), Embassy of India, Kathmandu

3. Shri Abhishek Dubey, Head of Chancery, Embassy of India, Kathmandu