

F.No. 1-14/2019-PW
अण्डमान तथा निकोबार प्रशासन

ANDAMAN AND NICOBAR ADMINISTRATION
सचिवालय/**SECRETARIAT**

Port Blair dated the 18th December 2020


OFFICE MEMORANDUM

Sub: Comprehensive guidelines for engagement of retired Government officers/ officials as Consultant - reg.

The undersigned is directed to say that comprehensive instructions have been formulated with the approval of Competent Authority of this Administration regarding engagement of retired Government officers/officials as Consultants in A&N Administration with the purpose to bring uniformity and transparency in such engagements.

These instructions, which have been uploaded on the website of A&N Administration (www.andaman.gov.in), may be noted for strict compliance.

These instructions shall take effect from 18.12.2020.


(Dr. Pooja Joshi)
Secretary (Pers.)

To

All Heads of Department under A&N Administration.

Copy also forwarded to:

1. Sr. PS to LG, Raj Niwas Port Blair.
2. Sr. PS to Chief Secretary, A&N Administration.
3. All Principal Secretary/Commr cum-Secretary/Secretary's for information.
4. All Assistant Secretary's, A&N Administration, Secretariat.
5. All Sections in Secretariat, A&N Administration.


Assistant Secretary (Pers.)

INSTRUCTIONS FOR ENGAGEMENT OF RETIRED GOVERNMENT OFFICERS / OFFICIALS AS CONSULTANT IN THE A&N ADMINISTRATION

With the objective to bring transparency and uniformity in the engagement of Consultants, the following are laid down in pursuance of Rule 179 of General Financial Rules-2017, for engagement of retired government Officers/employees as Consultants.

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 A&N Administration under its administrative control.
- 1.2 Scope: These instructions shall apply to A&N Administration and all its attached, subordinate offices, and 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:
 - 1.3.1 Institutional Consultants: Where an organization/agency/firm/institution/ joint venture of persons are hired for doing a specific job/project.
 - 1.3.2 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.
 - 1.3.3 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.
- 1.4 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".
- 1.5 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

“Administration” means A&N Administration (Main Secretariat) and its attached/subordinate offices. Approving authorities would be as under:

Office	Competent Authority
A&N Administration (Secretariat)	Administrator (Hon'ble Lt. Governor)
Department / directorate and its Attached/ Subordinate/ Field Offices	

3 RENUMERATION, ALLOWANCES AND WORKING HOURS

- 3.1 Remuneration: The maximum amount of monthly consolidated fee/remuneration will be the difference of Last pay drawn minus pension drawn.
- 3.2 Allowances: Consultants shall not be entitled to any kind of allowance or accommodation facility e.g. Dearness Allowance, Transport Facility, Residential Accommodation, Personal Staff, CGHS, and Medical Reimbursement etc.
- 3.3 TA/DA: No TA/DA shall be admissible for joining the assignment or on its completion. Foreign travel / travel within and outside Islands of Consultants is not permitted at all.
- 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 Eight (08) Days leave in a calendar year on pro- rata basis. No remuneration for the period of absence in excess of the admissible leave will be paid to Consultants. Also, un-availed leave shall neither be carried forward to next year nor encashed.
- 3.6 Tax Deduction at Source (TDS): TDS 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. 08:30 AM to 05:00 PM). However, as per the exigency, one has to sit late to complete the time bound work.

4 QUALIFICATION AND EXPERIENCE OF CONSULTANTS

- 4.1 He/She should be a Retired Employees of Central Government/ State Government /UT Admin. having considerable experience of functioning of Government Ministries/ Departments with ample knowledge of Rules and Regulations of the subject matter.
- 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

- 5.1 Normally, the maximum age limit for all categories of Consultants will be 62 years. However, engagement beyond 62 years and upto 65 years may be resorted to in deserving cases with the approval of Hon'ble LG keeping in view his/ her good health & level of expertise. A medical certificate regarding his fitness will be certified by the medical board at appropriate level.

6 PROCEDURE FOR SELECTION OF CONSULTANTS

At the outset, appointment of consultants shall not be made as a matter of practice and must be kept at a bare minimum. Such appointments shall be made only in the justified exigencies of the official work where the public interest is served by the appointment of retired employee. While making such appointments adequate functional necessity with clear grounds must be placed before the competent authority. And before inviting application, in principle approval of the competent authority shall be obtained first.

- 6.1 Engagement of Consultants shall be done by inviting applications on the website of A&N Administration, i.e. www.andaman.gov.in and print media only, in the manner as follows.
- 6.2 A circular/advertisement shall be uploaded on the website of the Department as well as in the print media inviting applications from willing/ eligible persons for engagement as Consultants. The closing date for submission of applications should be at least 21 (twenty one) days from the date of issue of the circular/advertisement.
- 6.3 A Screening-cum-Selection Committee shall be constituted by the A&N Administration for selection of Consultants. The Committee shall consist of at least 03 members and a Co-opted Member as under:

1.	Administrative Secretary	Chairman
2.	Head of Department	Member
3.	Dy. Secretary /Assistant Secretary	Member Secretary
4.	Assistant Director of the concerned department	Co-opted Member

- 6.4 The Chairman may invite the Head of the Concerned Division where the proposed Consultant will be deployed, if required.
- 6.5 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 shortlisting could be experience in the relevant field, depth of relevant knowledge, qualification, etc.
- 6.6 After selection of suitable candidate(s) for appointment as Consultant the proposal shall be submitted to the Hon'ble LG for approval with the concurrence of Finance and Personnel Department of this Administration. Thereafter, an offer letter shall be issued to successful candidates clearly indicating the terms and conditions of engagement.
- 6.7 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 06 (Six) months. After expiry of initial term, engagement may be extended, based on requirement of the Administration/Department and performance of Consultant(s) concerned, with the concurrence of Personnel Department of the Administration & approval of the Hon'ble LG, for a further period of 06 (six) months or till he/she attains the age of 62 years, whichever is earlier.
- 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 engagement in the A&N Administration.
- 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 A&N Administration/ 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 THE A&N ADMINISTRATION

- 8.1 The existing consultants in the Administration/ Department/ Organization will continue, as per their existing entitlements/ remuneration till they complete their sanctioned tenures. Such consultants, who are already engaged, 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:
- 9.2.1 Whether the proposed engagement is for a specific work/ project;
 - 9.2.2 The estimated time period required for such work/ project to complete;
 - 9.2.3 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 the Administrative Branch and then to HLG through CS and concerned Administrative Secretary for final approval.
- 9.4 Before engaging Consultants or extending their tenure it must be ensured that funds for payment of their remuneration are available, and no extra fund will be located for the purpose.

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 Administration/ Department/ Organization

- 10.2 No one shall utilize or publish or disclose or part with, to a third party, any part of the data or statistics or proceedings or information collected for the purpose of his assignment or during the course of assignment for the Administration/ Department/ Organization, without the express written consent of the Administration/ Department/ Organization.
- 10.3 The consultant shall be bound to hand-over the entire set of records of assignment to the A&N Administration/ Department/ Organization before the expiry of the contract and before the final payment is released by the Department/ organization.

11. CONFLICTS OF INTEREST

- 11.1 The Consultant appointed by the A&N Administration/ 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 A&N Administration/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 invariably include the following:
- 12.1.1 Format of application -A model format of application is given In the Annexure-I.
 - 12.1.2 Period of engagement and the events under which engagement may be terminated prematurely.
 - 12.1.3 Eligibly criteria for engagement.
 - 12.1.4 Terms and conditions of engagement.
 - 12.1.5 Terms of Reference (ToR) which may include brief description of duties/work. (Annexure-II).
- 12.2 Above points are only indicative and not exhaustive. Administration/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

- 13.1 Department/ Organization may terminate the engagement in following conditions:
- 13.2 The Consultant is unable to address the assigned work.
- 13.3 Quality of the work is not to the satisfaction of the Department.
- 13.4 The Consultant fails in timely achievement of the milestones as finally decided by the Department/ Organization.
- 13.5 The Consultant is found lacking in honesty and integrity.

Note: The Administrative Secretary reserves the right to terminate the engagement, by serving fifteen (15) days' written 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

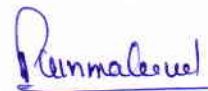
These guidelines may be reviewed as and when the circumstances so warrant with the approval of the Hon'ble LG.

15 RIGHTS OF THE A&N ADMINISTRATION

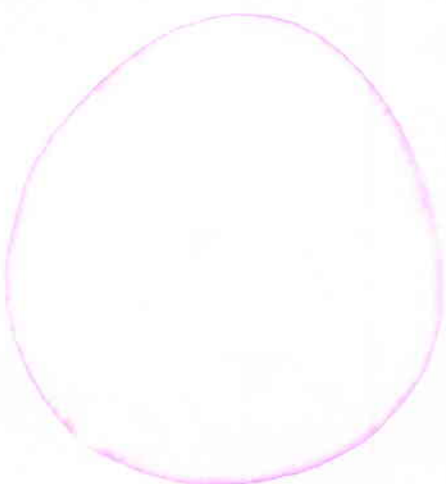
The Department/A&N Administration has the right to cancel the advertisement, and not go for engagement of Consultant, at any stage. It may accept or reject any or all applications, without giving any reasons therefor, whatsoever.

16 RELAXATION

The power to relax any or all of the conditions enumerated above shall vest with the Hon'ble LG, which should be exercised giving adequate justification in consultation with the Personnel and Finance Department of this Administration.



Assistant Secretary (Pers.)



Application for the post of Consultant in the A&N Administration
and its attached/subordinate offices at Port Blair

Recent
Passport Size
Photograph

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

I hereby declare that the particulars furnished above are 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 Administration/Department. I have read this and ready to accept all the terms and conditions for engagement of Consultants.

Place:

Date:

Signature

Full name of the applicant

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Terms of Reference for engagement of Consultants

(i) Precise statement of Objectives for appointment of Consultant:-

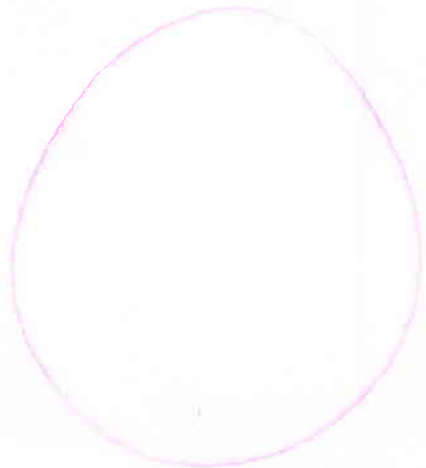
(Discipline or the domains where engagement of consultants is required should be indicated)

(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).



Annexure-III

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

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