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NATIONAL INVESTIGATION AGENCY
MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA
NEW DELHI-03

No. 16/001/Rectt-PP/2012/NIA/ 1626

Date: 07th February, 2019

Sub : Counting of former service : reg

It is to intimate that a matter regarding counting of post service rendered in the State Government before joining NIA for Pension/ consequential benefits was taken up with the MHA. The MHA in consultation with DoP&PW and DoP&T has clarified the following:

- i) In accordance with DoP&PW OM dated 20.10.2009, for counting of past service of Central/ State Government, an employee has to fulfill these conditions:
 - a) joined previous service before 01.01.2004,
 - b) he should have been governed by CCS(Pension) Rules 1972, Railway Pension Rules, 1993 or other similar on-contributory pensionable establishments of Central/ State Govts covered by old Pension Rules other than CCS(Pension) Rules, 1972,
 - c) he had applied through proper channel and was relieved from his previous organization to take the appointment in Central Government with proper permission. Counting of past service in the State Govt. would not be permissible if any of these conditions is not fulfilled.
- ii) Pay protection of State Government employees on their appointment in Central Government, subsequent to the implementation of the 7th CPC is regulated in terms of DoPT OM No. 12/2/2016.Estt(Pay-I) dated 11.05.2017.
- iii) Para 2.8 of the DoPT OM dated 17.08.16 states that a Government servant covered under NPS, the balance standing to their Personal Retirement Account along with their PRAN will be carried forward to their new Department.
- iv) Para 3.6.1 states that for appointment to posts under Central Government on results of a competition permanent/ provisionally permanent State Government employees will be entitled to joining time under the CCS(joining Time) Rules, 1979.
- v) Para 3.6.3 clarified that for appointment to posts under Central Government on the basis of results of a competition permanent/ provisionally permanent State Government employees shall be entitled to Transfer travelling allowance.
- vi) Rule 39-D of the CCS(Leave) Rules 1972 is not applicable in respect of State Government employees joining Central Government.
- vii) Past service rendered in State Government will not be counted for the purpose of determining eligibility service for promotion to the next level post.

2. In addition to above, the matter regarding eligibility of LTC on your joining NIA as PP has been taken up with MHA.

3. This is for your information.

(S. N. Pardey)
Supdt of Police (Adm)

To

Shri Abhishek Kumar Bagaria
Public prosecutor, NIA Hqrs

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to.
to

Government of India / Bharat Sarkar
Ministry of Home Affairs / Grih Mantralaya
(CTCR Division, NIA Section)

(WB)

Sub: Counting of past service : req.

North Block, New Delhi

NIA may please refer to their UO No. E-16/001/Rectt-PP/2012/NIA/14715 dated 04th Dec, 2017 on the subject cited above.

2. The proposal regarding counting of past service rendered by Shri Arjun Ambalapatta in the NIA as Public Prosecutor (PP) on deputation from 04.01/2011 to 03.07.2014 as 'regular service' for purpose of promotion to the next grade has been examined. In this regard, it is to inform that deputation is one of the modes of recruitment where officers of the Central Govt./State Govt/UT Admns. from outside are appointed to post(s) in Central Govt. for a specific period and at the end of which the officer will return to his parent cadre. The service rendered on deputation, being not a 'regular service' in the Borrowing organization/Cadre, cannot be counted as regular service for promotion to the next grade in the borrowing organization. Therefore, the request of Shri Ambalapatta, PP to count his service rendered in NIA on deputation for promotion to the Grade of Sr.PP is untenable.

3. The case for counting of past service of Shri Abshishek Kumar Bagaria, PP rendered in the UP Govt. as Assistant Public Prosecutor for purpose of Pension/consequential benefits was examined in consultation with DoP&PW. DoP&PW has clarified as under:-

"In accordance with DoPPW O.M. dated 20.10.2009, for counting of past service of Central / State Government, an employee has to fulfill these conditions (i) **joined previous service before, 01.01.2004, (ii) He should have been governed by CCS(Pension) Rules, 1972, Railway Pension Rules, 1993 or other similar on-contributory pensionable establishments of Central / State Govts. covered by old Pension Rules other than CCS(Pension) Rules, 1972, (iii) he had applied through proper channel and was relieved from his previous organization to take the appointment in Central Government with proper permission. Counting of past service in the State Govt. would not be permissible if any of these conditions is not fulfilled**".

4. Since Shri Abshishek Kumar Bagaria, does not fulfill 1st two conditions mentioned above. His request to count his service rendered in the UP Govt. is not permissible. However, DoP&PW had advised that DoPT may be consulted for counting of service for other benefits e.g. pay protection, leave/joining time etc.

IG (A)
No. 2989
1.11.15

5. Therefore, the matter was also examined in consultation with DoPT. The DoPT has clarified the matters vide their ID No. 1295694/CR/18 dated 24.04.2018(copy enclosed) as under:-

- i) Pay protection of State Government employees on their appointment in Central Government, subsequent to the implementation of the 7th CPC is regulated in terms of DoPT OM No. 12/2/2016. Estt(Pay-I) dated 11.05.2017.
- ii) Para 2.8 of the DoPT OM dated 17.08.16 states that a Government servant covered under National Pension System, the balance standing to their Personal Retirement Account alongwith their PRAN will be carried forward to their new Department.
- iii) Para 3.6.1 states that for appointment to posts under Central Government on results of a competition permanent/provisionally permanent State Government employees will be entitled to joining time under the CCS(joining Time) Rules, 1979.
- iv) Para 3.6.3 clarifies that for appointments to posts under Central Government on the basis of results of a completion permanent/provisionally permanent State Government employees shall be entitled to Transfer travelling allowance.
- v) Rule 39-D op the CCS(Leave) Rules, 1972 is not applicable in respect of State Government employees joining Central Government.
- vi) Past service rendered in State Government will not be counted for the purpose of determining eligibility service for promotion to the next level post.

6. In view of the above, NIA is requested to follow the instructions/guidelines of DoPT/ DoP&PW in the matter and dispose of the representations of above officers accordingly.



(Dharmender Kumar)
Under Secretary (NIA)
Tele-23094881

✓ DIG (Adm), NIA

MHA UO No. 45021/05/2017/IS-III/NIA Sec

Dated, the 3rd May, 2018



NATIONAL INVESTIGATION AGENCY
MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA
NEW DELHI

No.E/98/Pay-Fix-Abs/NIA/2015/ 5851

Dated, the 2 June 2020

OFFICE ORDER No. 998 /2020

Consequent upon grant of promotion to the rank of Senior Public Prosecutor in NIA in the pay Matrix Level-11 of the 7th CPC, issued vide NIA HQ New Delhi order No. 410/2020, circulated vide letter No. E-184/02/DPC/PP-Sr.PP/NIA/ 19/1801 dated 12.02.2020, pay in respect of the following Sr. Public Prosecutors in NIA HQ are hereby fixed as under :-

S No	Name & Designation (Shri/Smt)	Date of Assumption of charge as Sr. PP.	Pay drawn/Matrix level in the lower pay scale/post at the time of promotion.	Pay in the lower post under FR 22(1)(a)(1) after grant of one notional increment at the time of promotion.	Pay in the lower post under FR 22(1)(a)(1) i.e., after grant of one notional & annual increment w.e.f	Pay fixed in the higher post as Sr. PP in NIA w.e.f	Next date of increment
1	Abhishek Kumar Bagaria	12.02.2020	73200/- w.e.f 01.07.19 Level-10	-	77700/- w.e.f 01.07.2020	78500/- w.e.f 01.07.2020 (He will draw Rs.74000/- w.e.f 12.02.2020 to 30.06.2020).	01.07.2021
2	Neel Kamal	12.02.2020	63100/- w.e.f 01.07.19 Level-10	65000/-	-	67700/- w.e.f 12.02.2020 (minimum pay in the PML-11)	01.01.2021
3	Kanchan	12.02.2020	63100/- w.e.f 01.07.19 Level-10	65000/-	-	67700/- w.e.f 12.02.2020 (minimum pay in the PML-11)	01.01.2021

Distribution :-

1. The Accounts Branch, NIA HQ(in duplicate) : For needful action.
2. SR Clk : For making necessary entry in their SRs.
3. PAO, NIA, New Delhi
4. Office Order/Guard file
5. File.

(G K) [Signature]
Dy. Insp. General (Adm)
NIA New Delhi

NATIONAL INVESTIGATION AGENCY
MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA
CGO COMPLEX, LODHI ROAD
NEW DELHI-03

No PF/AKB/PP-UPSC/NIA/2015/ 4940

Date: 07 April, 2021

OFFICE ORDER NO 698 /2021

In pursuance of MHA ID Note No. 45021/06/2021-NIA dated 06.04.2021, the technical resignation tendered by Shri Abhishek Kumar Bagaria, Senior Public Prosecutor (Level-11 of Pay Matrix), NIA Hqrs, New Delhi is hereby accepted w.e.f. 07.04.2021 (AN) to join the post of Additional District & Sessions Judge, Faizabad, Uttar Pradesh as per notification issued by Hon'ble High Court, Allahabad vide No. 154/Admin. (Services)/2021 dated 24.03.2021.

2. As per Department of Personnel & Training's Office Memorandum No 28020/1/2010-Estt(C) dated 26.12.2013, his lien will be retained in the parent department for a period of 2 years from the date of his appointment to the new post.
3. Accordingly, Shri Abhishek Kumar Bagaria, Senior Public Prosecutor stands relieved from NIA Hqrs, New Delhi w.e.f. 07.04.2021 (AN) to join the post of Additional District & Sessions Judge, Faizabad, Uttar Pradesh.


(N K Tyagi)

Superintendent of Police (Adm)
NIA Hqrs, New Delhi

Distribution:-

1. The JS/CTCR, MHA North Block, New Delhi
2. The Executive Chairman, UP State Legal Services Authority, Third Floor, Jawahar Bhawan Annexe, Lucknow-226001.
- ③ The Registrar General, Allahabad High Court, Nyay Marg, Allahabad, Uttar Pradesh-211017.

Internal (through e-mail)

4. Sr PS to DG, NIA
5. Sr. PS to IG (Adm), NIA
6. SP/Legal, NIA
7. PAO, NIA Hqrs, New Delhi
8. Shri Abhishek Kumar Bagaria, Sr. PP, NIA Hqrs: No dues certificate should be submitted before relief.
9. DSP Hqrs/ Control Room
10. Office Order file.

23/04/21

Government of India / Bharat Sarkar
Ministry of Home Affairs / Grih Mantralaya
(CTCR Division, NIA Section)

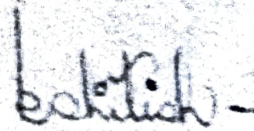
North Block, New Delhi

Sub: Acceptance of technical resignation

NIA may please refer to its I.D. Note No. PF/AK/PP-UPSC/2015/NIA/4511 dated 30th March, 2021 on the subject cited above.

2. The competent authority has accepted the technical resignation tendered by Shri Abhishek Kumar Bagaria, Senior Public Prosecutor to join the post of Additional District & Sessions Judge, Faizabad, Uttar Pradesh as per notification issued by Hon'ble High Court, Allahabad vide No. 154/Admin. (Services)/2021 dated 24.03.2021.

3. As per Department of Personnel & Training's Office Memorandum No. 28020/1/2010-Estt(C) dated 26.12.2013, his lien will be retained in the parent department for a period of 2 years from the date of his appointment in the new post.



(Kshitish Kumar)

Under Secretary to the Govt. of India

Tele-2309 4881

IG (Admin), NIA HQ, Opposite CGO Complex, Lodhi Road, New Delhi
MHA, I.D. Note No. 45021/06/2021-NIA

Dated: 6th April, 2021

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NATIONAL INVESTIGATION AGENCY
MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA
NEW DELHI - 110003

No.PF/AKB/PP-UPSC/2015/NIA - 2198

Date the 18th June, 2018

NO OBJECTION CERTIFICATE

In pursuance of MHA UO No. 45021/12/2016/IS-III/NIA Sec. dated 12th June, 2018, NIA has "NO OBJECTION" for the appearing in UP Higher Judicial Service Examination, 2018 in High Court of Allahabad UP in favour Shri Abhishek Kumar Bagaria, Public Prosecutor, NIA New Delhi.


(S N Pandey)
Superintendent of Police (Adm)
NIA Hqrs, New Delhi.

Distribution:-

1. Legal Section, NIA Hqrs New Delhi.
2. Shri Abhishek Kumar Bagaria, PP, NIA New Delhi.
3. Service Book/ concerned file*

NATIONAL INVESTIGATION AGENCY
MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA
NEW DELHI-03

No. E-184/02/DPC/PP-Sr.PP/NIA/19/ 1801

Date: 12th February, 2020

OFFICE ORDER NO. 410/2020

As approved by the competent authority, the following Public Prosecutors of NIA are promoted to the rank of Senior Public Prosecutor in the pay Level-11 in Pay Matrix in NIA on regular basis from the date of assumption of charge of the promoted post:-

Sr. No.	SL No.	Name of the officer (S/ Shri/ Smt)	Date of Birth	Present place of posting
1	1	Arjun Ambalapatta	19.07.76	Kochi
2	2	Sandeep Kashinathrao Sadawarte	09.11.81	Kolkata
3	3	Neel Kamal	26.08.79	Hqrs
4	4	Kanchan	08.01.83	Hqrs
5	5	Abhishek Kumar Bagaria	20.12.78	Hqrs
6	6	G Siddiramulu	19.08.75	Hyderabad
7	7	Ismail Razak Shaikh	27.05.78	Hyderabad
8	8	Sathyannarayana (SC) (Promoted against reserved vacancy)	08.09.75	Guwahati

2. The promotion shall be subject to the judgement dated 26.09.2018 of the Hon'ble Supreme Court in SLP (C) No. 30621/2011.

3. They should avail their promotion within one month from the date of issue of the order. If any officer fails to avail the promotion for any reason or ground, he can forego his promotion and will not be considered for the promotion for next one year from the date of refusal and the next person in the panel will be offered the promotion. After the expiry of one year, if it is still decided to promote him, he shall be considered for the promotion only against the next vacancy becoming available to accommodate him. He will not be allowed to avail the benefit of the original seniority in the above panel, which he would have retained had he not refused promotion in turn. However, in case, reasons adduced by any official for his refusal of promotion are not acceptable to the competent authority, the promotion would be enforced on him and in case the officer still refuses to be promoted, he will be liable to face disciplinary action for refusing to obey the orders.

4. In terms of Ministry of PPG&P (DoP&T), Government of India O.M. No. 20034/5/2002-Estt(D) dated 04.08.2004, if the above-mentioned officer is found to be on a sanctioned leave, an intimation about his promotion may be sent to his


12/02/20

5. On promotion, the inter-se-seniority of the above mentioned officers in the grade of Senior Public Prosecutor will be in the same order as per the above panel.

6. The controlling officer may ensure that those of the afore-mentioned officials against whom any of the following conditions are fulfilled may not be allowed to take over on promotion and a report of the same may please be sent to NIA Hqrs immediately:-

- i) Under suspension,
- ii) A charge sheet has been issued and the disciplinary proceedings are pending,
- iii) Prosecution for a criminal charge is pending.

7. The above mentioned officers, on promotion as Senior Public Prosecutor may exercise their option for fixation of their pay in terms of FR 22(I)(a)(1). The officers, who have been granted financial up-gradation under the ACP/MACP Scheme, need not exercise option under FR 22(I) (a)(1) as no pay fixation benefit shall accrue to them on promotion against a functional post of the Senior Public Prosecutor.


12/12/20
(Ankit Garg IPS)
Deputy Inspector General (Adm)
NIA Hqrs New Delhi

Distribution :

1. JS/CTCR, MHA North Block, New Delhi

Internal:

2. Sr. PS to DG, NIA
3. Sr. PS to IsG, NIA
4. All DIsG/ SsP, NIA Hqrs New Delhi
5. NIA Branch Offices Hyderabad, Guwahati, Lucknow, Mumbai, Kochi, Kolkata, Jammu, Raipur and Chandigarh
6. PAO, NIA Hqrs New Delhi
7. All Branches, NIA Hqrs New Delhi
8. Officer concerned. : Assumption of charge certificate may please be sent to this Hqrs duly countersigned by respective supervisory SP/DIG.