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शहीद जीत सिंह मार्ग/ Shaheed Jeet Singh Marg
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दिनांक: 27.03.19

भारत सरकार द्वारा जारी निम्न वर्णित कार्यालय जापन / आदेश, सूचना एवं आवश्यक कार्रवाई हेतु केन्द्रीय विद्यालय संगठन की वेबसाइट पर अपलोड किये जा रहे हैं।

1. G.I., M.H. & F.W., O.M.No.S.11011/01/2016/CGHS-III/EHS, dated 21-12-2018 regarding Merger of 33 Postal Dispensaries with CGHS.
2. G.I., M.F., O.M.No.F.1/37/2018-PPD, dated 2-1-2019 regarding Adoption of principles of Life Cycle Cost (LCC) Analysis.
3. G.I.(CBDT)Circular No.F.No.275/192/2018-IT(B), dated 1-1-2019 regarding Income Tax deduction from Salaries during the Financial Year 2018-19 under Section 192 of the Income Tax Act, 1961.
4. G.I., (CBDT)Corrigendum F.No.275/192/2018-IT(B), dated 18-1-2019 regarding Income-Tax Deduction from Salaries during the Financial Year 2018-19 under Section 192 of the Income-tax Act, 1961.
5. G.I., CGHS, O.M.No.F.No.25-2/2018/CGHS/JD Ayush, dated 26-12-2018 regarding Extension of empanelment of AYUSH Hospitals/Centres under CGHS and CS(MA)Rules till 30-6-2019.
6. G.I., Dept. of Per. & Trg., O.M.No.18016/3/2018-Estt.(L), dated 8-1-2019 regarding Special concessions to Central Government employees working in Kashmir Valley in attached/subordinate offices or PSUs falling under the control of Central Government.
7. G.I., Dept. of Pen. & P.W., O.M.No.38/33/12-P&PW(A), dated 4-1-2019 regarding Revision of pension with effect from 1-1-2006 of pre-2006 pensioners who retired from the 5th CPC scale of Rs.6,500-10,500.
8. G.I., M.F., O.M.No.19024/1/2009-E.IV, dated 31-12-2018 regarding Air travel on official tour where the cost of air passage is not borne by the Government of India - Clarification.

P.T.O.

9. G.I.,M.F.,O.M.No.1-6/2016-IC/E-IIIA dated 07th February, 2019 regarding Bunching of stages of pay in the pre-7th CPC pay scales consequent upon fixation of pay in the revised pay scales based on 7th CPC.

(संजय कुमार)

सहायक आयुक्त(वित्त)

वितरण :

1. उपायुक्त, के. वी. एस. , सभी क्षेत्रीय कार्यालय।
2. वित्त अधिकारी , के. वी. एस. , सभी क्षेत्रीय कार्यालय।
3. सभी अधिकारी / अनुभाग , के. वी. एस. (मु.)।
4. प्राचार्य , के. वी. काठमांडू , मास्को एवं तेहरान ।
5. महासचिव , सभी मान्य संघ ।
6. निदेशक , जीट ग्वालियर , मुंबई , मैसूर , चंडीगढ़ एवं भूबनेश्वर।
7. उपायुक्त, ई डी पी , के वी एस (मु.) को
के वी एस (मु.) की वैबसाइट के शीर्ष "सूचना पट(Announcements) " के अंतर्गत
अपलोड करने हेतु प्रेषित।
8. आर टी आई , के वी एस (मु.)।
9. गार्ड फ़ाइल



No. S.11011/01/2016/CGHS-III/EHS
 Government of India
 Ministry of Health & Family Welfare
 Department of Health & Family Welfare

Nirman Bhawan, New Delhi - 110 108
 Dated: the 21st December, 2018

ORDER

Subject: Merger of 33 Postal Dispensaries with CGHS - Reg.

In pursuance of the decision taken by the Government on recommendations of the 7th Central Pay Commission, the following 33 (thirty three) postal dispensaries presently functioning in 33 Cities i.e. Agra, Ajmer, Aligarh, Ambala, Amritsar, Bareilly, Behrampur, Chhapra, Cuttack, Darbhanga, Dhanbad, Dibrugarh, Gays, Gorakhpur, Guntur, Jalandhar, Jalpaiguri, Jodhpur, Kota, Moradabad, Muzaffarpur, Nellore, Raipur, Rajahmundry, Saharanpur, Silchar, Siliguri, Tirunelveli, Tiruchirappalli, Vadodra, Varanasi, Vijayawada and Visakhapatnam are hereby merged with the CGHS.

2. All serving employees and pensioners of Department of Post (DoP) and Department of Telecom (DoT), who are residing/staffed in above 33 Cities and are beneficiaries of the 33 Postal Dispensaries, shall now be covered under CGHS and the Postal Dispensaries shall be reconstituted as CGHS Wellness Centres.

3. In so far as the existing facilities and manpower in position in these 33 Dispensaries are concerned, the merger shall be effective as per the following terms and conditions:-

1. All serving employees and pensioners of Department of Post (DoP) and Department of Telecom (DoT) shall be governed by the CGHS rules and guidelines to be applied to employees of the Government. They shall have to pay the requisite contribution as per the prevailing rates prescribed by the Ministry of Health and Family Welfare/CGHS. DoP/DoT will take necessary steps to inform their employees and pensioners in this regard.

2. The Government will provide the buildings, furniture and fixtures of the Wellness Centres to CGHS on a lease basis. The Government will also provide the services of the Postal Dispensaries to CGHS and Family Welfare/CGHS will take necessary steps to inform their employees and pensioners in this regard.

3. The Government will provide the administrative control of the Wellness Centres to CGHS for all purposes.

4. The Government will provide the medical and paramedical staff to the Wellness Centres. The Government will also provide the necessary facilities to the Wellness Centres. The Government will also provide the necessary facilities to the Wellness Centres.

- e) All expenditure relating to these Dispensaries including medicines, hospitalization and other reimbursable expenses (of pensioners), salaries and other allowances to the Postal dispensary employees as a result of merger of these dispensaries shall be borne by CGHS from its own resources.
- f) Local Committees shall be constituted in the respective cities with representatives from with representatives from both CGHS and Postal Dispensaries to resolve all staffing and other local issues arising on account of the merger in consultation with nodal Ministries.

4. These Orders shall be effective from 1st January, 2019. Additional Director of concerned CGHS City shall initiate action for taking over of Postal Dispensaries in consultation with the concerned Postal Authorities.

5. This issues with the concurrence of Ministry of Finance, Department of Expenditure (D.No. 18(4)/E.V/2017, dated 26.11.2018).

Under Secretary to Government
Ministry of Health and Family Welfare
New Delhi

No.F.1/37/2018-PPD
Government of India
Ministry of Finance
Department of Expenditure
Procurement Policy Division

512, Lok Nayak Bhavan,
New Delhi. Dated 2nd January, 2019

OFFICE MEMORANDUM

Subject :- Adoption of principles of Life Cycle Cost (LCC) Analysis.

Attention is invited to Rule 136(1)(iii) of GFR 2017 wherein it has been provided that no work shall be commenced or liability incurred in connection with it until a properly detailed design has been sanctioned; while designing the projects etc. principles of Life Cycle cost (LCC) may also be considered. It has been brought to the notice of this department by Ministry of Steel that the principles of LCC are not being adopted while preparing Detailed Project Report (DPR) or at the time of finalization of the tender terms. In this regard, it is again advised that provisions of GFR relating to LCC may be considered while designing the projects. Consulting engineers/ structural engineers/ metallurgists may be consulted wherever considered appropriate.


(K Narayana Reddy)

Under Secretary to the Govt. of India
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To,

Secretaries of All Central Government Ministries/ Departments



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**GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE)
CENTRAL BOARD OF DIRECT TAXES**

**DEDUCTION OF TAX AT SOURCE-
INCOME-TAX DEDUCTION FROM SALARIES
UNDER SECTION 192 OF THE INCOME-TAX ACT, 1961**

DURING THE FINANCIAL YEAR 2018-19

CIRCULAR NO 01 /2019

NEW DELHI, the 1st January, 2019

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CIRCULAR NO : 01 /2019

F.No. 275/192/2018-IT(B)
Government of India
Ministry of Finance
Department of Revenue
Central Board of Direct Taxes

North Block, New Delhi
Dated the 1st January, 2019

SUBJECT: INCOME-TAX DEDUCTION FROM SALARIES DURING THE FINANCIAL YEAR 2018-19 UNDER SECTION 192 OF THE INCOME-TAX ACT, 1961.

Reference is invited to Circular No. 29/2017 dated 05.12.2017 whereby the rates of deduction of income-tax from the payment of income under the head "Salaries" under Section 192 of the Income-tax Act, 1961 (hereinafter 'the Act'), during the financial year 2017-18, were intimated. The present Circular contains the rates of deduction of income-tax from the payment of income chargeable under the head "Salaries" during the financial year 2018-19 and explains certain related provisions of the Act and Income-tax Rules, 1962 (hereinafter the Rules). The relevant Acts, Rules, Forms and Notifications are available at the website of the Income Tax Department- www.incometaxindia.gov.in.

2. RATES OF INCOME-TAX AS PER FINANCE ACT, 2018:

As per the Finance Act, 2018, income-tax is required to be deducted under Section 192 of the Act from income chargeable under the head "Salaries" for the financial year 2018-19 (i.e. Assessment Year 2019-20) at the following rates:

2.1 Rates of tax

A. Normal Rates of tax:

Sl No	Total Income	Rate of tax
1	Where the total income does not exceed Rs. 2,50,000/-.	Nil
2	Where the total income exceeds Rs. 2,50,000/- but does not exceed Rs. 5,00,000/-.	5 per cent of the amount by which the total income exceeds Rs. 2,50,000/-
3	Where the total income exceeds Rs. 5,00,000/- but does not exceed Rs. 10,00,000/-.	Rs. 12,500/- plus 20 per cent of the amount by which the total income exceeds Rs. 5,00,000/-.
4	Where the total income exceeds Rs. 10,00,000/-.	Rs. 1,12,500/- plus 30 per cent of the amount by which the total income exceeds Rs. 10,00,000/-

B. Rates of tax for every individual, resident in India, who is of the age of sixty years or more but less than eighty years at any time during the financial year:

Sl No	Total Income	Rate of tax
1	Where the total income does not exceed Rs. 3,00,000/-	Nil
2	Where the total income exceeds Rs. 3,00,000 but does not exceed Rs. 5,00,000/-	5 per cent of the amount by which the total income exceeds Rs. 3,00,000/-
3	Where the total income exceeds Rs. 5,00,000/- but does not exceed Rs. 10,00,000/-	Rs. 10,000/- plus 20 per cent of the amount by which the total income exceeds Rs. 5,00,000/-.
4	Where the total income exceeds Rs. 10,00,000/-	Rs. 1,10,000/- plus 30 per cent of the amount by which the total income exceeds Rs. 10,00,000/-

C. In case of every individual being a resident in India, who is of the age of eighty years or more at any time during the financial year:

Sl No	Total Income	Rate of tax
1	Where the total income does not exceed Rs. 5,00,000/-	Nil
2	Where the total income exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000/-	20 per cent of the amount by which the total income exceeds Rs. 5,00,000/-
4	Where the total income exceeds Rs. 10,00,000/-	Rs. 1,00,000/- plus 30 per cent of the amount by which the total income exceeds Rs. 10,00,000/-

2.2 Surcharge on Income tax:

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or the provisions of section 111A or section 112 or section 112A of the Act, shall be increased by a surcharge for the purpose of the Union, calculated, in the case of every individual or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Act,-

- (a) having a total income exceeding fifty lakh rupees but not exceeding one crore rupees, at the rate of ten percent of such income-tax and
- (b) having a total income exceeding one crore rupees, at the rate of fifteen percent of such income-tax:

Provided that in the case of persons mentioned above having total income exceeding;-

- (a) Fifty lakh rupees but not exceeding one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of fifty lakh rupees by more than the amount of income that exceeds fifty lakh rupees;
- (b) one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees.

2.31 Health and Education Cess

Education Cess on income-tax and Secondary and Higher Education Cess on income-tax shall be discontinued. However, a new cess, by the name “**Health and Education Cess**” shall be levied at the rate of four percent of income tax including surcharge wherever applicable, No marginal relief shall be available in respect of such cess.

3. SECTION 192 OF THE INCOME-TAX ACT, 1961: BROAD SCHEME OF TAX DEDUCTION AT SOURCE FROM "SALARIES":

3.1 Method of Tax Calculation:

Every person who is responsible for paying any income chargeable under the head "Salaries" shall deduct income-tax on the estimated income of the assessee under the head "Salaries" for the financial year 2018-19. The income-tax is required to be calculated on the basis of the rates given above, subject to the provisions related to requirement to furnish PAN as per sec 206AA of the Act, and shall be deducted at the time of each payment. No tax, however, will be required to be deducted at source in a case unless the estimated salary income including the value of perquisites, for the financial year exceeds Rs. 2,50,000/- or Rs.3,00,000/- or Rs. 5,00,000/-, as the case may be, depending upon the age of the employee. *(Some typical illustrations of computation of tax are given at Annexure-I).*

3.2 Payment of Tax on Perquisites by Employer:

An option has been given to the employer to pay the tax on non-monetary perquisites given to an employee. The employer may, at its option, make payment of the tax on such perquisites himself without making any TDS from the salary of the employee. However, the employer will have to pay the tax at the time when such tax was otherwise deductible i.e. at the time of payment of income chargeable under the head “salaries” to the employee.

3.2.1 Computation of Average Income Tax:

For the purpose of making the payment of tax mentioned in para 3.2 above, tax is to be determined at the average of income tax computed on the basis of rate in force for the financial year, on the income chargeable under the head "salaries", including the value of perquisites for which tax has been paid by the employer himself.

3.2.2 Illustration:

The income chargeable under the head “salaries” of an employee below sixty years of age for the year inclusive of all perquisites is Rs. 4,50,000/-, out of which, Rs. 50,000/- is on account of non-monetary perquisites and the employer opts to pay the tax on such perquisites as per the provisions discussed in para 3.2 above.

STEPS:

Income Chargeable under the head “Salaries” inclusive of all perquisites	Rs. 4,50,000/-
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Tax on Total Salary (including Cess)	Rs. 10,400/-
Average Rate of Tax [(10,400/4,50,000) X 100]	2.31%
Tax payable on Rs.50,000/= (2.31% of 50,000)	Rs. 1155
Amount required to be deposited each month	Rs. 96(Rs-96.25)= 1155/12

The tax so paid by the employer shall be deemed to be TDS made from the salary of the employee.

3.3 Salary From More Than One Employer:

Section 192(2) deals with situations where an individual is working under more than one employer or has changed from one employer to another. It provides for deduction of tax at source by such employer (as the tax payer may choose) from the aggregate salary of the employee, who is or has been in receipt of salary from more than one employer. The employee is now required to furnish to the present/chosen employer details of the income under the head "Salaries" due or received from the former/other employer and also tax deducted at source therefrom, **in writing and duly verified by him and by the former/other employer.** The present/chosen employer will be required to deduct tax at source on the aggregate amount of salary (including salary received from the former or other employer).

3.4 Relief When Salary Paid in Arrear or Advance:

3.4.1 Under section 192(2A) where the assessee, being a Government servant or an employee in a company, co-operative society, local authority, university, institution, association or body is entitled to the relief under **Section 89** he may furnish to the person responsible for making the payment referred to in Para (3.1), such particulars in **Form No. 10E duly verified by him,** and thereupon the person responsible, as aforesaid, shall compute the relief on the basis of such particulars and take the same into account in making the deduction under Para(3.1) above.

Here "university" means a university established or incorporated by or under a Central, State or Provincial Act, and includes an institution declared under Section 3 of the University Grants Commission Act, 1956 to be a university for the purpose of that Act.

3.4.2 With effect from 1/04/2010 (AY 2010-11), no such relief shall be granted in respect of any amount received or receivable by an assessee on his voluntary retirement or termination of his service, in accordance with any scheme or schemes of voluntary retirement or in the case of a public sector company referred to in section 10(10C)(i) (read with Rule 2BA), a scheme of voluntary separation, if an exemption in respect of any amount received or receivable on such voluntary retirement or termination of his service or voluntary separation has been claimed by the assessee under section 10(10C) in respect of such, or any other, assessment year.

3.5 Information regarding Income under any other head:

(i) Section 192(2B) enables a taxpayer to furnish particulars of income under any head other than "Salaries" (not being a loss under any such head other than the loss under the head " Income from house property ") received by the taxpayer for the same financial year and of any tax deducted at source thereon. The particulars may now be furnished in a **simple statement,** which is properly signed and verified by the taxpayer in the manner as

prescribed under Rule 26B(2) of the Rules and shall be annexed to the simple statement. The form of verification is reproduced as under:

I, (name of the assessee), do declare that what is stated above is true to the best of my information and belief.

It is reiterated that the DDO can take into account any loss only under the head "Income from house property". Loss under any other head cannot be considered by the DDO for calculating the amount of tax to be deducted.

It may be noted that loss under the head "Income from house property" can be set off only up to Rs. 2.00 lakh with the income under any other head of income in view of the amendment to section 71 of the Act vide Finance Act, 2017. Hence, loss under the head "Income from house property" in excess of Rs. 2.00 lakh is to be ignored for calculating the amount of tax deduction.

3.6 Computation of income under the head "Income from house property":

While taking into account the loss from House Property, the DDO shall ensure that the employee files the declaration referred to above and encloses therewith a computation of such loss from house property. Following details shall be obtained and kept by the employer in respect of loss claimed under the head "Income from house property" separately for each house property:

- a) Gross annual rent/value
- b) Municipal Taxes paid, if any
- c) Deduction claimed for interest paid, if any
- d) Other deductions claimed
- e) Address of the property

The DDO shall also ensure furnishing of the evidence or particulars in Form No. 12BB in respect of deduction of interest as specified in Rule 26C read with section 192 (2D).

3.6.1 Conditions for Claim of Deduction of Interest on Borrowed Capital for Computation of Income From House Property [Section 24(b)]:

Section 24(b) of the Act allows deduction from income from houses property on interest on borrowed capital as under:-

- (i) the deduction is allowed only in case of house property which is owned and is in the occupation of the employee for his own residence. However, if it is actually not occupied by the employee in view of his place of the employment being at other place, his residence in that other place should not be in a building belonging to him.
- (ii) the quantum of deduction allowed as per table below:

Sl No	Purpose of borrowing capital	Date of borrowing capital	Maximum Deduction allowable
1	Repair or renewal or reconstruction of the house	Any time	Rs. 30,000/-
2	Acquisition or construction of the house	Before 01.04.1999	Rs. 30,000/-
3	Acquisition or construction of the house	On or after 01.04.1999	Rs. 1,50,000/- (upto AY 2014-15) Rs. 2,00,000/- (w. e. f. AY 2015-16)

In case of Serial No. 3 above

- (a) The acquisition or construction of the house should be completed within 5 years from the end of the FY in which the capital was borrowed. Hence, it is necessary for the DDO to have the completion certificate of the house property against which deduction is claimed either from the builder or through self-declaration from the employee.
- (b) Further any prior period interest for the FYs upto the FY in which the property was acquired or constructed (as reduced by any part of interest allowed as deduction under any other section of the Act) shall be deducted in equal installments for the FY in question and subsequent four FYs.
- (c) The employee has to furnish before the DDO a certificate from the person to whom any interest is payable on the borrowed capital specifying the amount of interest payable. In case a new loan is taken to repay the earlier loan, then the certificate should also show the details of Principal and Interest of the loan so repaid.

As discussed in para 4.6.5 section 192(2D) read with rule 26C makes it mandatory for the DDO to obtain following details/evidences in respect of Interest deductible.

- (i) Interest payable or paid
 - (ii) Name of the lender
 - (iii) Address of the lender
 - (iv) PAN of the lender
- PAN of the lender being financial institution or employer, is mandatory if it is available with the employee however in case of other lender obtaining of PAN is mandatory by the DDO.

3.7 Adjustment for Excess or Shortfall of Deduction:

The provisions of Section 192(3) allow the deductor to make adjustments for any excess or shortfall in the deduction of tax already made during the financial year, in subsequent deductions for that employee within that financial year itself.

3.8 Salary Paid in Foreign Currency:

For the purposes of deduction of tax on salary payable in foreign currency, the value in rupees of such salary shall be calculated at the "Telegraphic transfer buying rate" of such currency as on the date on which tax is required to be deducted at source (see Rule 26).

4. PERSONS RESPONSIBLE FOR DEDUCTING TAX AND THEIR DUTIES:

4.1. As per section 204(i) of the Act, in the context of payments other than payments by the Central Government or the State Government the "person responsible for paying" for the purpose of Section 192 means the employer himself or if the employer is a Company, the Company itself including the Principal Officer thereof. Further, as per Section 204(iv), in case the credit, or as the case may be, the payment is made by or on behalf of Central Government or State Government, the DDO or any other person by whatever name called,

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responsible for crediting, or as the case may be, paying such sum is the "person responsible for paying" for the purpose of Section 192.

4.2. The tax determined as per para 9 should be deducted from the salary u/s 192 of the Act.

4.3. Deduction of Tax at Lower Rate:

If the jurisdictional TDS officer of the employer issues a certificate of No Deduction or Lower Deduction of Tax under section 197 of the Act, in response to the application filed before him in Form No 13 by the employee; then the DDO should take into account such certificate and deduct tax on the salary payable at the rates mentioned therein.(see Rule 23AA). The Unique Identification Number of the certificate is required to be reported in Quarterly Statement of TDS (Form 24Q).

4.4. Deposit of Tax Deducted:

Rule 30 prescribes time and mode of payment of tax deducted at source to the account of Central Government.

4.4.1. Due dates for payment of TDS:

Prescribed time of payment/deposit of TDS to the credit of Central Government account is as under:

a) In case of an Office of Government:

Sl No.	Description	Time up to which to be deposited.
1	Tax deposited without Challan [Book Entry]	SAME DAY
2	Tax deposited with Challan	7 TH DAY NEXT MONTH
3	Tax on perquisites opted to be deposited by the employer.	7 TH DAY NEXT MONTH

b) In any case other than an Office of Government

Sl No.	Description	Time up to which to be deposited.
1	Tax deducted in March	30 TH APRIL NEXT FINANCIAL YEAR
2	Tax deducted in any other month	7 TH DAY NEXT MONTH
3	Tax on perquisites opted to be deposited by the employer	7 TH DAY NEXT MONTH

However, if a DDO applies before the jurisdictional Additional/Joint Commissioner of Income Tax to permit quarterly payments of TDS under section 192, the Rule 30(3) allows for payments on quarterly basis and as per time given in Table below:

Sl. No.	Quarter of the financial year ended on	Date for quarterly payment
1	30 th June	7 th July
2	30 th September	7 th October
3	31 st December	7 th January
4	31 st March	30 th April next Financial Year

4.4.2. Mode of Payment of TDS

4.4.2.1 Compulsory filing of Statement by PAO, Treasury Officer, etc in case of payment of TDS by Book Entry u/ s 200 (2A):

In the case of an office of the Government, where tax has been paid to the credit of the Central Government *without the production of a challan* [Book Entry], the Pay and

Accounts Officer or the Treasury Officer or the Cheque Drawing and Disbursing Officer or any other person by whatever name called to whom the deductor reports about the tax deducted and who is responsible for crediting such sum to the credit of the Central Government, shall-

- (a) submit a statement in Form No. 24G **under section 200 (2A)** on or before the 30th day of April where statement relates to the month of March; and in any other case, on or before 15 days from the end of relevant month to the agency authorized by the Director General of Income-tax (Systems) [*TIN Facilitation Centres currently managed by M/s National Securities Depository Ltd*] in respect of tax deducted by the deductors and reported to him for that month; and
- (b) intimate the number (hereinafter referred to as the Book Identification Number or BIN) generated by the agency to each of the deductors in respect of whom the sum deducted has been credited. BIN consist of receipt number of Form 24G, DDO sequence number in Form No. 24G and date on which tax is deposited.

If the PAO/CDDO/TO etc, as stated above, fails to deliver the statement as required u/s 200(2A), he will be liable to pay, by way of penalty, under section 272A(2)(m), a sum which shall be Rs.100/- for every day during which the failure continues. However, the amount of such penalty shall not exceed the amount of tax which is deductible at source.

The procedure of furnishing Form 24G is detailed in Annexure III. PAOs/DDOs should go through the FAQs in Annexure IV to understand the correct process to be followed. The ZAO / PAO of Central Government Ministries is responsible for filing of Form No. 24G on monthly basis. The person responsible for filing Form No. 24G in case of State Govt. Departments is shown at Annexure V.

The procedure of furnishing Form 24G is detailed in Annexure IV. PAOs/DDOs should go through the FAQs therein to understand the correct process to be followed.

4.4.2.2 Payment by an Income Tax Challan:

- (i) In case the payment is made by an income-tax challan, the amount of tax so deducted shall be deposited to the credit of the Central Government by remitting it, within the time specified in Table in para 4.4.1 above, into any office of the Reserve Bank of India or branches of the State Bank of India or of any authorized bank;
- (ii) In case of a company and a person (other than a company), to whom provisions of section 44AB are applicable, the amount deducted shall be electronically remitted into the Reserve Bank of India or the State Bank of India or any authorised bank accompanied by an electronic income-tax challan (Rule 125).

The amount shall be *construed as electronically remitted* to the Reserve Bank of India or to the State Bank of India or to any authorized bank, if the amount is remitted by way of:

- (a) internet banking facility of the Reserve Bank of India or of the State Bank of India or of any authorized bank; or
- (b) debit card. {Rule 30(7)}

4.5 Interest, Penalty & Prosecution for Failure to Deposit Tax Deducted:

4.5.1 If a person fails to deduct the whole or any part of the tax at source, or, after deducting, fails to pay the whole or any part of the tax to the credit of the Central

Government within the prescribed time, he shall be liable to action in accordance with the provisions of section 201 and shall be deemed to be an assessee-in-default in respect of such tax and liable for penal action u/s 221 of the Act. Further Section 201(1A) provides that such person shall be liable to pay simple interest

(i) at the rate of 1% for every month or part of the month on the amount of such tax from the date on which such tax was deductible to the date on which such tax is deducted; and

(ii) at the rate of one and one-half percent for every month or part of a month on the amount of such tax from the date on which such tax was deducted to the date on which such tax is actually paid.

Such interest, if chargeable, is mandatory in nature and has to be paid before furnishing of quarterly statement of TDS for respective quarter.

4.5.2 Section 271C inter alia lays down that if any person fails to deduct whole or any part of tax at source or fails to pay the whole or part of tax under the second proviso to section 194B, he shall be liable to pay, by way of penalty, a sum equal to the amount of tax not deducted or paid by him.

4.5.3 Further, section 276B lays down that if a person fails to pay to the credit of the Central Government within the prescribed time, as above, the tax deducted at source by him or tax payable by him under the second proviso to Section 194B, he shall be punishable with rigorous imprisonment for a term which shall be between 3 months and 7 years, along with fine.

4.6 Furnishing of Certificate for Tax Deducted (Section 203):

4.6.1 Section 203 requires the DDO to furnish to the employee a certificate in Form 16 detailing the amount of TDS and certain other particulars. Rule 31 prescribes that Form 16 should be furnished to the employee by 15th June after the end of the financial year in which the income was paid and tax deducted. Even the banks deducting tax at the time of payment of pension are required to issue such certificates. A copy of Form 16 is enclosed. The certificate in Form 16 shall specify

- (a) Valid permanent account number (PAN) of the deductee;
- (b) Valid tax deduction and collection account number (TAN) of the deductor;
- (c) (i) Book identification number or numbers (BIN) where deposit of tax deducted is without production of challan in case of an office of the Government;
(ii) Challan identification number or numbers (CIN*) in case of payment through bank.

*(*Challan identification number (CIN) means the number comprising the Basic Statistical Returns (BSR) Code of the Bank branch where the tax has been deposited, the date on which the tax has been deposited and challan serial number given by the bank.)*

- (d) Receipt numbers of all the relevant quarterly statements of TDS (24Q). The receipt number of the quarterly statement is of 8 digit.

Further as per Circular 04/2013 dated 17-04-2013 all deductors (including Government deductors who deposit TDS in the Central Government Account through book entry) shall issue the Part A of Form No. 16, by generating and subsequently downloading it through TRACES Portal and after duly authenticating and verifying it, in respect of all sums deducted on or after the 1st day of April, 2012 under the provisions of section 192 of

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Chapter XVII B. Part A of Form No 16 shall have a unique TDS certificate number. 'Part B (Annexure)' of Form No. 16 shall be prepared by the deductor manually and issued to the deductee after due authentication and verification along with the Part A of the Form No. 16.

It may be noted that under the new TDS procedure, TAN of deductee/ PAN of the deductee and receipt number of TDS statement filed by the deductor act as unique identifier for granting online credit of TDS to the decutee. Hence due care should be taken in filling these particulars. Due care should also be taken in indicating correct CIN/ BIN in TDS statement.

If the DDO fails to issue these certificates to the person concerned, as required by section 203, he will be liable to pay, by way of penalty, under section 272A(2)(g), a sum which shall be Rs.100/- for every day during which the failure continues.

It is, however, clarified that there is no obligation to issue the TDS certificate in case tax at source is not deductible/deducted by virtue of claims of exemptions and deductions.

[Note: TRACES is a web-based application of the Income - tax Department that provides an interface to all stakeholders associated with TDS administration. It enables viewing of challan status, downloading of NSDL Conso File, Justification Report and Form 16 / 16A as well as viewing of annual tax credit statements (Form 26AS). Each deductor is required to Register in the Traces portal. Form 16/16A issued to deductees should mandatorily be generated and downloaded from the TRACES portal.]

Certain essential points regarding the filing of the Statement and obtaining TDS certificates are mentioned below:

(a) TDS certificate (Form16) would be generated for the deductee only if Valid PAN is correctly mentioned in the Annexure II of Form 24Q in Quarter 4 filed by the deductor. Moreover, employers are advised to ensure in Form 16 that the status of "matching" with respect to "Form 24G/OLTAS" is 'F'. If the status of matching other than 'F', kindly take necessary action promptly to rectify the same. It is pertinent to mention here that certain facilities have been provided to the deductors at website www.tdscpc.gov.in/ including online correction of statements (Form 24Q).

(b) The employer should quote the **gross amount of salary** (including any amount exempt under section 10 and the deductions under chapter VI A) in column 321 (Amount paid/credited) of Annexure I of Form 24Q as per NSDL RPU (hereafter Return Preparation Utility).

(c) The employer should quote the amount of salary excluding any amount exempt under section 10 in column 333 (Total amount of salary) of Annexure II of Form 24Q as per NSDL RPU.

(d) TDS on Income (including loss from House Property) under any Head other than the head 'Salaries' offered for TDS (shown in column 339) can be shown in column 350 (Reported amount of TDS by previous employer, as per NSDL RPU).

(e) Employer is advised to quote Total Taxable Income (Column 346) in Annexure II without rounding-off and TDS should be deducted and reported accordingly i.e. without rounding-off of TDS also.

Example:

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Total Taxable Income	Total Taxable Income (Rounded Off)	TDS to be Deducted	TDS Deducted/ Reported after rounding-off of income	Short Deduction
Rs.1350094	Rs. 1350090	Rs. 235028.20	Rs 235028	Rs.1.20

4.6.2. If an assessee is employed by more than one employer during the year, each of the employers shall issue Part A of the certificate in Form No. 16 pertaining to the period for which such assessee was employed with each of the employers and *Part B may be issued by each of the employers or the last employer at the option of the assessee.*

4.6.3. Authentication by Digital Signatures:

- (i) Where a certificate is to be furnished in Form No. 16, the deductor may, at his option, use **digital signatures** to authenticate such certificates.
- (ii) In case of certificates issued under clause (i), the deductor shall ensure that
 - (a) the conditions prescribed in para 4.6.1 above are complied with;
 - (b) once the certificate is digitally signed, the contents of the certificates are not amenable to change; and
 - (c) the certificates have a control number and a log of such certificates is maintained by the deductor.

❖ The digital signature is being used to authenticate most of the e-transactions on the internet as transmission of information using digital signature is failsafe. It saves time specially in organisations having large number of employees where issuance of certificate of deduction of tax with manual signature is time consuming (Circular no 2 of 2007 dated 21.05.2007)

4.6.4. Furnishing of particulars pertaining to perquisites, etc (Section 192(2C)):

4.6.4.1 As per section 192(2C), the responsibility of providing correct and complete particulars of perquisites or profits in lieu of salary given to an employee is placed on the person responsible for paying such income i.e., the person responsible for deducting tax at source. The form and manner of such particulars are prescribed in Rule 26A, Form 12BA (Annexure II) and Form 16 of the Rules. Information relating to the nature and value of perquisites is to be provided by the employer in Form 12BA in case salary paid or payable is above Rs.1,50,000/-. In other cases, the information would have to be provided by the employer in Form 16 itself.

4.6.4.2 An employer, who has paid the tax on perquisites on behalf of the employee as per the provisions discussed in para 3.2 of this circular, shall furnish to the employee concerned, a certificate to the effect that tax has been paid to the Central Government and specify the amount so paid, the rate at which tax has been paid and certain other particulars in the amended Form 16.

4.6.4.3 The obligation cast on the employer under Section 192(2C) for furnishing a statement showing the value of perquisites provided to the employee is a crucial responsibility of the employer, which is expected to be discharged in accordance with law and rules of valuation framed there under. Any false information, fabricated documentation or suppression of requisite information will entail consequences thereof provided under the law. The certificates in Forms 16 and/or Form 12BA specified above, shall be furnished to the employee by 31st May of the financial year immediately following the financial year in which the income was paid and tax deducted. If he fails to issue these certificates to the person concerned, as required by section 192(2C), he will be liable to pay,

by way of penalty, under section 272A(2)(i), a sum which shall be Rs.100/- for every day during which the failure continues.

As per Section 139C of the Act, the Assessing Officer can require the taxpayer to produce Form 12BA along with Form 16, as issued by the employer.

4.6.5 DDOs empowered to obtain evidence of proof or particulars of the prescribed claim (including claim for set-off of loss) under the section 192(2D):

DDOs have been authorized u/s 192 to allow certain deductions, exemptions or allowances or set-off of certain loss as per the provisions of the Act for the purpose of estimating the income of the assessee or computing the amount of tax deductible under the said section. The evidence /proof /particulars for some of the deductions/exemptions/allowances/set-off of loss claimed by the employee such as rent receipt for claiming deduction in HRA, evidence of interest payments for claiming loss from self-occupied house property, etc is not available to the DDO. To bring certainty and uniformity in this matter, section 192(2D) provides that person responsible for paying (DDOs) shall obtain from the assessee evidence or proof or particular of claims such as House rent Allowance (where aggregate annual rent exceeds one lakh rupees); Leave Travel Concession or Assistance; Deduction of interest under the head "Income from house property" and deduction under Chapter VI-A as per the prescribed form 12BB laid down by Rule 26C of the Rules. **Form 12BB is enclosed as Annexure IIa.**

4.7 Mandatory Quoting of PAN and TAN:

4.7.1 Section 203A of the Act makes it obligatory for all persons responsible for deducting tax at source to obtain and quote the Tax deduction and collection Account No (TAN) in the challans, TDS-certificates, statements and other documents. Detailed instructions in this regard are available in this Department's Circular No.497 [F.No.275/118/ 87-IT(B) dated 01.10.1987]. If a person fails to comply with the provisions of section 203A, he will be liable to pay, by way of penalty, under section 272BB, a sum of ten thousand rupees. Similarly, as per Section 139A(5B), it is obligatory for persons deducting tax at source to quote PAN of the persons from whose income tax has been deducted in the statement furnished u/s 192(2C), certificates furnished u/s 203 and all statements prepared and delivered as per the provisions of section 200(3) of the Act.

4.7.2 All tax deductors are required to file the TDS statements in Form No.24Q (for tax deducted from salaries). As the requirement of filing TDS certificates alongwith the return of income has been done away with, the lack of PAN of deductees is creating difficulties in giving credit for the tax deducted. Tax deductors are, therefore, advised to procure and quote correct PAN details of all deductees in the TDS statements for salaries in Form 24Q. Taxpayers are also liable to furnish their correct PAN to their deductors. Non-furnishing of PAN by the deductee (employee) to the deductor (employer) will result in deduction of TDS at higher rates u/s 206AA of the Act mentioned in para 4.8 below.

4.8 Compulsory Requirement to furnish PAN by employee (Section 206AA):

4.8.1 Section 206AA in the Act makes furnishing of PAN by the employee compulsory in case of receipt of any sum or income or amount, on which tax is deductible. If employee (deductee) fails to furnish his/her PAN to the deductor, the deductor has been made responsible to make TDS at higher of the following rates:

- i) at the rate specified in the relevant provision of this Act; or
- ii) at the rate or rates in force; or

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iii) at the rate of twenty per cent.

The deductor has to determine the tax amount in all the three conditions and apply the higher rate of TDS. However, where the income of the employee computed for TDS u/s 192 is below taxable limit, no tax will be deducted. But where the income of the employee computed for TDS u/s 192 is above taxable limit, the deductor will calculate the average rate of income-tax based on rates in force as provided in sec 192. If the tax so calculated is below 20%, deduction of tax will be made at the rate of 20% and in case the average rate exceeds 20%, tax is to be deducted at the average rate. Health and Education cess @ 4% is not to be deducted, in case the tax is deducted at 20% u/s 206AA of the Act.

4.9 Statement of deduction of tax under section 200(3) [Quarterly Statement of TDS]:

4.9.1 The person deducting the tax (employer in case of salary income), is required to file duly verified Quarterly Statements of TDS in **Form 24Q** for the periods [details in Table below] of each financial year, to the TIN Facilitation Centres authorized by DGIT (System's) which is currently managed by M/s National Securities Depository Ltd (NSDL) or at www.incometaxindiaefiling.gov.in after registering as Deductor. Particulars of e-TDS Intermediary at any of the TIN Facilitation Centres are available at <http://www.incometaxindia.gov.in> and <http://tin-nsdl.com> portals. **The requirement of filing an annual return of TDS has been done away with w.e.f. 1.4.2006.** The quarterly statement for the last quarter filed in Form 24Q (as amended by Notification No. S.O.704(E) dated 12.5.2006) shall be treated as the annual return of TDS. Due dates of filing this statement quarterwise is as in the Table below.

TABLE: Due dates of filing Quarterly Statements in Form 24Q

Sl. No.	Date of ending of quarter of financial year	Due date
1	30 th June	31 st July of the financial year
2	30 th September	31 st October of the financial year
3	31 st December	31 st January of the financial year
4	31 st March	31 st May of the financial year immediately following the financial year in which the deduction is made

4.9.2 The statements referred above may be furnished in paper form or electronically under digital signature or along with verification of the statement in Form 27A of verified through an electronic process in accordance with the procedures, formats and standards specified by the Director General of Income-tax (Systems). The procedure for furnishing the e-TDS/FCS statement is detailed at Annexure VI.

4.9.3 All Returns in Form 24Q are required to be furnished in electronically except in case where the number of deductee records is less than 20 and deductor is not an office of Government, or a company or a person who is required to get his accounts audited under section 44AB of the Act. [Rule 3A(3)].

4.9.4 Fee for default in furnishing statements (Section 234E):

If a person fails to deliver or caused to be delivered a statement within the time prescribed in section 200(3) in respect of tax deducted at source [on or after 1.07.2012] he shall be liable

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to pay, by way of fee a sum of Rs. 200 for every day during which the failure continues. However, the amount of such fee shall not exceed the amount of tax which was deductible at source. This fee is mandatory in nature and to be paid before furnishing of such statement.

4.9.5 Rectification of mistake in filing TDS Statement:

A DDO can also file a correction statement for rectification of any mistake or to add, delete or update the information furnished in the statement delivered earlier.

4.9.6 Penalty for failure in furnishing statements or furnishing incorrect information (section 271H):

If a person fails to deliver or caused to be delivered a statement within the time prescribed in section 200(3) or furnishes an incorrect statement, in respect of tax deducted at source [on or after 1.07.2012], he shall be liable to pay, by way of penalty a sum which shall not be less than Rs. 10,000/- but which may extend to Rs 1,00,000/-. However, the penalty shall not be levied if the person proves that after paying TDS with the fee and interest, if any, to the credit of Central Government, he had delivered such statement before the expiry of one year from the time prescribed for delivering the statement.

4.9.7 At the time of preparing statements of tax deducted, the deductor is required to:

- (i) mandatory quote his tax deduction and collection account number (TAN) in the statement;
- (ii) mandatory quote his permanent account number (PAN) in the statement except in the case where the deductor is an office of the Government (including State Government). In case of Government deductors "PANNOTREQD" to be quoted in the e-TDS statement;
- (iii) mandatory quote of permanent account number PAN of all deductees;
- (iv) furnish particulars of the tax paid to the Central Government including book identification number or challan identification number, as the case may be.
- (v) furnish particular of amounts paid or credited on which tax was not deducted in view of the issue of certificate of no deduction of tax u/s 197 by the assessing officer of the payee.

4.10 TDS on Income from Pension:

In the case of pensioners who receive their pension (not being family pension paid to a spouse) from a nationalized bank, the instructions contained in this circular shall apply in the same manner as they apply to salary-income. The deductions from the amount of pension under section 80C on account of contribution to Life Insurance, Provident Fund, NSC etc., if the pensioner furnishes the relevant details to the banks, may be allowed. **Necessary instructions in this regard were issued by the Reserve Bank of India to the State Bank of India and other nationalized Banks vide RBI's Pension Circular(Central Series) No.7/C.D.R./1992 (Ref. CO: DGBA: GA (NBS) No.60/GA.64 (11CVL)-/92) dated the 27th April 1992, and, these instructions should be followed by all the branches of the Banks, which have been entrusted with the task of payment of pensions.** Further all branches of the banks are bound u/s 203 to issue certificate of tax deducted in Form 16 to the pensioners as abolished vide CBDT circular no. 761 dated 13.1.98.

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4.11. Matters pertaining to the TDS made in case of Non Resident:

4.11.1 Where Non-Residents are deputed to work in India and taxes are borne by the employer, if any refund becomes due to the employee after he has already left India and has no bank account in India by the time the assessment orders are passed, the refund can be issued to the employer as the tax has been borne by it [Circular No. 707 dated 11.07.1995].

4.11.2 In respect of non-residents, the salary paid for services rendered in India shall be regarded as income earned in India. It has been specifically provided in the Act that any salary payable for rest period or leave period which is both preceded or succeeded by service in India and forms part of the service contract of employment will also be regarded as income earned in India.

5. COMPUTATION OF INCOME UNDER THE HEAD "SALARIES"

5.1 INCOME CHARGEABLE UNDER THE HEAD "SALARIES":

(1) The following income shall be chargeable to income-tax under the head "Salaries" :

- (a) any salary due from an employer or a former employer to an assessee in the previous year, whether paid or not;
- (b) any salary paid or allowed to him in the previous year by or on behalf of an employer or a former employer though not due or before it became due to him.
- (c) any arrears of salary paid or allowed to him in the previous year by or on behalf of an employer or a former employer, if not charged to income-tax for any earlier previous year.

(2) For the removal of doubts, it is clarified that where any salary paid in advance is included in the total income of any person for any previous year it shall not be included again in the total income of the person when the salary becomes due.

Any salary, bonus, commission or remuneration, by whatever name called, due to, or received by, a partner of a firm from the firm shall not be regarded as "Salary".

5.2 DEFINITION OF "SALARY", "PERQUISITE" AND "PROFIT IN LIEU OF SALARY" (SECTION 17):

5.2.1 "Salary" includes:-

- i. wages, fees, commissions, perquisites, profits in lieu of, or, in addition to salary, advance of salary, annuity or pension, gratuity, payments in respect of encashment of leave etc.
- ii. the portion of the annual accretion to the balance at the credit of the employee participating in a recognized provident fund as consists of {Rule 6 of Part A of the Fourth Schedule of the Act}:
 - a) contributions made by the employer to the account of the employee in a recognized provident fund in excess of 12% of the salary of the employee, and
 - b) interest credited on the balance to the credit of the employee in so far as it is allowed at a rate exceeding such rate as may be fixed by Central

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Government. [w.e.f. 01-09-2010 rate is fixed at 9.5% - Notification No SO 1046(E) dated 13-05-2011]

- iii. the contribution made by the Central Government or any other employer to the account of the employee under the New Pension Scheme as notified vide Notification F.N. 5/7/2003- ECB&PR dated 22.12.2003 (enclosed as Annexure VII) referred to in section 80CCD (para 5.5.3 of this Circular).

It may be noted that, since salary includes pension, tax at source would have to be deducted from pension also, unless otherwise so required. However, no tax is required to be deducted from the commuted portion of pension to the extent exempt under section 10 (10A).

Family Pension is chargeable to tax under head "Income from other sources" and not under the head "Salaries". Therefore, provisions of section 192 of the Act are not applicable. Hence, DDOs are not required to deduct TDS on family pension paid to person.

5.2.2 Perquisite includes:

- I. The value of rent free accommodation provided to the employee by his employer;
- II. The value of any concession in the matter of rent in respect of any accommodation provided to the employee by his employer;
- III. The value of any benefit or amenity granted or provided free of cost or at concessional rate in any of the following cases:
 - i) By a company to an employee who is a director of such company;
 - ii) By a company to an employee who has a substantial interest in the company;
 - iii) By an employer (including a company) to an employee, who is not covered by (i) or (ii) above and whose income under the head "Salaries" (whether due from or paid or allowed by one or more employers), exclusive of the value of all benefits and amenities not provided by way of monetary payment, exceeds Rs.50,000/-.

[What constitutes concession in the matter of rent have been prescribed in Explanations 1 to 4 below section 17(2)(ii) of the Act]

- IV. Any sum paid by the employer in respect of any obligation which would otherwise have been payable by the assessee.
- V. Any sum payable by the employer, whether directly or through a fund, other than a recognized provident fund or an approved superannuation fund or other specified funds u/s 17, to effect an assurance on the life of an assessee or to effect a contract for an annuity.
- VI. The value of **any specified security or sweat equity shares allotted or transferred, directly or indirectly, by the employer, or former employer**, free of cost or at concessional rate to the employee and for this purpose, .

(a) "specified security" means the securities as defined in section 2(h) of the Securities Contracts (Regulation) Act, 1956 and, where employees' stock option has been granted under any plan or scheme therefore, includes the securities offered under such plan or scheme;

(b) "sweat equity shares" means equity shares issued by a company to its employees or directors at a discount or for consideration other than cash for

providing know-how or making available rights in the nature of intellectual property rights or value additions, by whatever name called;

(c) the value of any specified security or sweat equity shares shall be the fair market value of the specified security or sweat equity shares, as the case may be, on the date on which the option is exercised by the assessee as reduced by the amount actually paid by, or recovered from the assessee in respect of such security or shares;

(d) "fair market value" means the value determined in accordance with the method as may be prescribed (refer Rule 3(9) of the IT Rules);

(e) "option" means a right but not an obligation granted to an employee to apply for the specified security or sweat equity shares at a predetermined price;

VII. The amount of any contribution to an approved superannuation fund by the employer in respect of the assessee, to the extent it exceeds one lakh and fifty thousand rupees (w.e.f. 01.04.2017); and

VIII. The value of any other fringe benefit or amenity as prescribed in Rule 3.

5.2.2A Rules for valuation of such benefit or amenity as given in Rule 3 are as under : -

I. Residential Accommodation provided by the employer [Rule 3(1)]:-

"Accommodation" includes a house, flat, farm house or part thereof, hotel accommodation, motel, service apartment, guest house, a caravan, mobile home, ship or other floating structure.

A. For valuation of the perquisite of **rent free unfurnished accommodation**, all employees are divided into two categories:

(i) For employees of the Central and State governments the value of perquisite shall be equal to the licence fee charged for such accommodation as reduced by the rent actually paid by the employee. Employees of autonomous, semi-autonomous institutions, PSUs/PSEs & subsidiaries, Universities, etc. are not covered under this method of valuation.

(ii) For all others, i.e., those salaried taxpayers not in employment of the Central government and the State government, the valuation of perquisite in respect of accommodation would be at prescribed rates, as discussed below:

a) Where the accommodation provided to the employee is **owned by the employer**:

Sl No	Cities having population as per the 2001 census	Perquisite
1	Exceeds 25 lakh	15% of salary
2	Exceeds 10 lakhs but does not exceed 25 lakhs	10% of salary
3	For other places	7.5 % of salary

b) Where the accommodation so provided is taken on lease/ rent by the employer:

The prescribed rate is 15% of the salary or the actual amount of lease rental payable by the employer, whichever is lower, as reduced by any amount of rent paid by the employee.

Meaning of 'Salary' for the purpose of calculation of perquisite in respect of Residential Accommodation :

- a. Basic Salary ;
- b. Dearness Allowance, or Dearness Pay if it enters into the computation of superannuation or retirement benefit of the employees;
- c. Bonus ;
- d. Commission ;
- e. All other taxable allowances (excluding the portion not taxable); and
- f. Any monetary payment which is chargeable to tax (by whatever name called).

Salary from all employers shall be taken into consideration in respect of the period during which an accommodation is provided. Where on account of the transfer of an employee from one place to another, he is provided with accommodation at the new place of posting while retaining the accommodation at the other place, the value of perquisite shall be determined with reference to only one such accommodation which has the lower value for a period not exceeding 90 days and thereafter the value of perquisite shall be charged for both such accommodation.

B Valuation of the perquisite of **furnished accommodation**- the value of perquisite as determined by the above method (in A) shall be increased by-

- i) 10% of the cost of furniture, appliances and equipments, or
- ii) where the furniture, appliances and equipments have been taken on hire, by the amount of actual hire charges payable

and the value so arrived at shall be reduced by any charges paid by the employee himself.

It is added that where the accommodation is provided by the Central Government or any State Government to an employee who is serving on deputation with any body or undertaking under the control of such Government,-

- (i). the employer of such an employee shall be deemed to be that body or undertaking where the employee is serving on deputation; and
- (ii). the value of perquisite of such an accommodation shall be the amount calculated in accordance with Table in A(ii)(a) above, as if the accommodation is owned by the employer.

C. Furnished Accommodation in a Hotel: The value of perquisite shall be determined on the basis of lower of the following two:

- 1. 24% of salary paid or payable in respect of period during which the accommodation is provided; or
- 2. Actual charges paid or payable by the employer to such hotel,

for the period during which such accommodation is provided as reduced by any rent actually paid or payable by the employee.

However, nothing in (C) shall be taxable if following two conditions are satisfied :

- 1. The hotel accommodation is provided for a total period not exceeding in aggregate 15 days in a previous year, and
- 2. Such accommodation is provided on an employee's transfer from one place to another place.

It may be clarified that while services provided as an integral part of the accommodation, need not be valued separately as perquisite, any other services over and above that for which the employer makes payment or reimburses the employee shall be valued as a perquisite as per the residual clause. In other words, composite tariff for accommodation will be valued as per the Rules and any other charges for other facilities provided by the hotel will be separately valued under the residual clause.

D. However, the value of any accommodation provided to an employee working at a mining site or an on-shore oil exploration site or a project execution site or a dam site or a power generation site or an off-shore site will not be treated as a perquisite if:

- i) such accommodation is located in a "remote area" or
- ii) where it is not located in a "remote area", the accommodation is of a temporary nature having plinth area of not more than 800 square feet and should not be located within 8 kilometers of the local limits of any municipality or cantonment board.

A project execution site here means a site of project up to the stage of its commissioning. A "remote area" means an area located at least 40 kilometers away from a town having a population not exceeding 20,000 as per the latest published all-India census.

II Perquisite on Motor car provided by the Employer | Rule 3(2):

(I) If an employer provides motor car facility to his employee, the value of such perquisite shall be :

- a) Nil, if the motor car is used by the employee wholly and exclusively in the performance of his official duties. However following compliances are necessary:
 - The employer has maintained complete details of the journey undertaken for official purposes;
 - The employer gives a certificate that the expenditure was incurred wholly for official duties.
- b) Actual expenditure incurred by the employer on the running and maintenance of motor car including remuneration to chauffeur as increased by the amount representing normal wear and tear of the motor car and as reduced by any amount charged from the employee for such use (in case the motor car is exclusively for private or personal purposes of the employee or any member of his household).
- c) Rs. 1800/- (plus Rs. 900/-, if chauffeur is also provided) per month (in case the motor car is used partly in performance of duties and partly for private or personal purposes of the employee or any member of his household if the expenses on maintenance and running of motor car are met or reimbursed by the employer). However, the value of perquisite will be Rs. 2400/- (plus Rs. 900/-, if chauffeur is also provided) per month if the cubic capacity of engine of the motor car exceeds 1.6 litres.
- d) Rs. 600/- (plus Rs. 900/-, if chauffeur is also provided) per month (In case the motor car is used partly in performance of duties and partly for private or personal purposes of the employee or any member of his household if the expenses on maintenance and running of motor car for such private or personal use are fully met by the employee). However, the value of perquisite will be Rs. 900/- (plus Rs. 900/-, if chauffeur is also provided) per month if the cubic capacity of engine of the motor car exceeds 1.6 litres.

(II) If the motor car or any other automotive conveyance is owned by the employee but the actual running and maintenance charges are met or reimbursed by the employer, the method of valuation of perquisite value is different and as below:

a) where the motor car or any other automotive conveyance is owned by the employee but actual maintenance & running expenses (including chauffeur salary, if any) are met or reimbursed by the employer, no perquisite shall be chargeable to tax if the car is used wholly and exclusively for official purposes. However following compliances are necessary:

- The employer has maintained complete details of the journey undertaken for official purposes;
- The employer gives a certificate that the expenditure was incurred wholly for official duties.

However if the motor car is used partly for official or partly for private purposes then the amount of perquisite shall be the actual expenditure incurred by the employer as reduced by the amounts in c) referred to in (1) above.

Normal wear and tear of the motor shall be taken at 10 % per annum of the actual cost of the motor car.

III Personal attendants etc. [Rule 3(3)]: The value of free service of all personal attendants including a sweeper, gardener and a watchman is to be taken at actual cost to the employer. Where the attendant is provided at the residence of the employee, full cost will be taxed as perquisite in the hands of the employee irrespective of the degree of personal service rendered to him. Any amount paid by the employee for such facilities or services shall be reduced from the above amount.

IV Gas, electricity & water for household consumption [Rule 3(4)]: The value of perquisite in the nature of gas, electricity and water shall be the amount paid by the employer. Where the supply is made from the employer's own resources, the manufacturing cost per unit incurred by the employer would be taken for the valuation of perquisite. Any amount paid by the employee for such facilities or services shall be reduced from the perquisite value.

V Free or concessional education [Rule 3(5)]: Perquisite on account of free or concessional education for any member of the employee's household shall be determined as the sum equal to the amount of expenditure incurred by the employer in that behalf. However, where such educational institution itself is maintained and owned by the employer or where such free educational facilities are provided in any institution by reason of his being in employment of that employer, the value of the perquisite to the employee shall be determined with reference to the cost of such education in a similar institution in or near the locality if the cost of such education or such benefit per child exceeds Rs.1000/- p.m. The value of perquisite shall be reduced by the amount, if any, paid or recovered from the employee.

VI Carriage of Passenger Goods [Rule 3(6)]: The value of any benefit or amenity resulting from the provision by an employer, who is engaged in the carriage of passengers or goods, to any employee or to any member of his household for personal or private journey free of cost or at concessional fare, in any conveyance owned, leased or made available by any other arrangement by such employer for the purpose of transport of passengers or goods shall be taken to be the value at which such benefit or amenity is offered by such employer

to the public as reduced by the amount, if any, paid by or recovered from the employee for such benefit or amenity. This will not apply to the employees of any airline or the railways.

VII Interest free or concessional loans [Rule 3(7)(i)]: It is common practice, particularly in financial institutions, to provide interest free or concessional loans to employees or any member of his household. The value of perquisite arising from such loans would be the excess of interest payable at **prescribed interest rate** over interest, if any, actually paid by the employee or any member of his household. The **prescribed interest rate** would now be *the rate charged per annum by the State Bank of India as on the 1st day of the relevant financial year in respect of loans of same type and for the same purpose advanced by it to the general public.* Perquisite value would be calculated on the basis of the *maximum outstanding monthly balance method.* For valuing perquisites under this rule, any other method of calculation and adjustment otherwise adopted by the employer shall not be relevant. However, small loans up to Rs. 20,000/- in the aggregate are exempt.

Loans for medical treatment of diseases specified in Rule 3A are also exempt, provided the amount of loan for medical reimbursement is not reimbursed under any medical insurance scheme. Where any medical insurance reimbursement is received, the perquisite value at the prescribed rate shall be charged from the date of reimbursement on the amount reimbursed, but not repaid against the outstanding loan taken specifically for this purpose.

VIII Perquisite on account of travelling, touring, accommodation and any other expenses paid for or reimbursed by the employer for any holiday availed [Rule 3(7)(ii)]:

The value of perquisite on account of travelling, touring, accommodation and any other expenses paid for or reimbursed by the employer for any holiday availed of by the employee or any member of his household, other than leave travel concession (as per section 10(5)), shall be the amount of the expenditure incurred by the employer in that behalf. However, any amount recovered from or paid by the employee shall be reduced from the perquisite value so determined.

Where such facility is maintained by the employer, and is not available uniformly to all employees, the value of benefit shall be taken to be the value at which such facilities are offered by other agencies to the public. If a holiday facility is maintained by the employer and is available uniformly to all employees, the value of such benefit would be exempt.

Where the employee is on official tour and the expenses are incurred in respect of any member of his household accompanying him, the amount of expenditure with respect to the member of the household shall be a perquisite.

IX Value of Subsidized / Free food / non-alcoholic beverages provided by employer to an employee [Rule 3(7)(iii)]:

Value of taxable perquisite is calculated as under:

Expenditure incurred by the employer on the value of food / non-alcoholic beverages including 'paid vouchers which are not transferable and usable only at eating joints'

XXX

Less: Fixed value of a sum of Rs. 50/- per meal

XXX

Less: Amount recovered from the employee

XXX

XXX

Balance amount is the taxable as perquisites on the value of food provided to the employees

XXX

Note : Exemption is given in following situations :

1. Tea / snacks provided in working hours.
2. Food & non-alcoholic beverages provided in working hours in remote area or in an offshore installation.

X Membership fees and Annual Fees [Rule 3(7)(v)]: Any membership fees and annual fees incurred by the employee (or any member of his household), which is charged to a credit card (including any add-on card) provided by the employer, or otherwise, paid for or reimbursed by the employer is taxable on the following basis:

Amount of expenditure incurred by the employer		XXX
Less : Expenditure on use for official purposes		XXX
Less : Amount, if any, recovered from the employee		XXX <u>XXX</u>
Amount taxable as perquisite		<u>XXX</u>

However if the amount is incurred wholly and exclusively for official purposes it will be exempt if the following conditions are fulfilled

- i) Complete details of such expense, including date and nature of expenditure, is maintained by the employer.
- ii) Employer gives a certificate that the same was incurred wholly and exclusively for official purpose.

XI Club Expenditure [Rule 3(7)(vi)]:

Any annual or periodical fee for Club facility and any expenditure in a club by the employee (or any member of his household), which is paid or reimbursed by the employer is taxable on the following basis:

Amount of expenditure incurred by the employer		XXX
Less : Expenditure on use for official purposes		XXX
Less : Amount, if any, recovered from the employee		XXX <u>XXX</u>
Amount taxable as perquisite		<u>XXX</u>

However if the amount is incurred wholly and exclusively for official purposes it will be exempt if the following conditions are fulfilled

- i) Complete details of such expense, including date and nature of expenditure and its business expediency is maintained by the employer.
- ii) Employer gives a certificate that the same was incurred wholly and exclusively for official purpose.

Note: 1) Health club, sport facilities etc. provided uniformly to all classes of employee by the employer at the employer's premises and expenditure incurred on them are exempt.

2) The initial one-time deposits or fees for corporate or institutional membership, where benefit does not remain with a particular employee after cessation of employment are exempt. Initial fees / deposits, in such case, is not included.

XII Use of assets [Rule 3(7)(vii)]: It is common practice for a movable asset other than those referred in other sub rules of rule 3 owned by the employer to be used by the employee or any member of his household. This perquisite is to be charged at the rate of 10% of the original cost of the asset as reduced by any charges recovered from the

employee for such use. However, the use of Computers and Laptops would not give rise to any perquisite.

XIII Transfer of assets [Rule 3(7)(viii)]: Often an employee or member of his household benefits from the transfer of movable asset (not being shares or securities) at no cost or at a cost less than its market value from the employer. The difference between the original cost of the movable asset (not being shares or securities) and the sum, if any, paid by the employee, shall be taken as the value of perquisite. In case of a movable asset, which has already been put to use, the original cost shall be reduced by a sum of 10% of such original cost for every completed year of use of the asset. Owing to a higher degree of obsolescence, in case of computers and electronic gadgets, however, the value of perquisite shall be worked out by reducing 50% of the actual cost by the reducing balance method for each completed year of use. Electronic gadgets in this case means data storage and handling devices like computer, digital diaries and printers. They do not include household appliance (i.e. white goods) like washing machines, microwave ovens, mixers, hot plates, ovens etc. Similarly, in case of cars, the value of perquisite shall be worked out by reducing 20% of its actual cost by the reducing balance method for each completed year of use.

XIV Gifts [Rule 3(7)(iv)]:

The value of any gift or vouchers or token in lieu of which such gift may be received, given by the employer to the employee or member of his household, is taxable as perquisite. However gift, etc less than Rs. 5,000 in aggregate per annum would be exempt.

XV Medical Reimbursement by the employer: As per the amendment vide Finance Act, 2018, the total amount of medical re-imbursment is to be taken as perquisite under section 17(2).

It is further clarified that the method regarding valuation of perquisites are given in section 17(2) of the Act and in rule 3 of the Rules. The deductors may look into the above provisions carefully before they determine the perquisite value for deduction purposes.

5.2.3 'Profits in lieu of salary' shall include

- I. the amount of any compensation due to or received by an assessee from his employer or former employer at or in connection with the termination of his employment or the modification of the terms and conditions relating thereto;
- II. any payment (other than any payment referred to in clauses (10), (10A), (10B), (11), (12) (13) or (13A) of section 10 due to or received by an assessee from an employer or a former employer or from a provident or other fund, to the extent to which it does not consist of contributions by the assessee or interest on such contributions or any sum received under a Keyman insurance policy including the sum allocated by way of bonus on such policy.

"Keyman insurance policy" shall have the same meaning as assigned to it in section 10(10A);

- III. any amount due to or received, whether in lump sum or otherwise, by any assessee from any person
 - (A) before his joining any employeent with that person; or
 - (B) after cessation of his employment with that person.

5.3 INCOMES NOT INCLUDED UNDER THE HEAD "SALARIES" (EXEMPTIONS)

Any income falling within any of the following clauses shall not be included in computing the income from salaries for the purpose of section 192 of the Act :-

5.3.1 The value of any **travel concession or assistance** received by or due to an employee from his employer or former employer for himself and his family, in connection with his proceeding (a) on leave to **any place in India** or (b) after retirement from service, or, after termination of service to any place in India is exempt under Section 10(5) subject, however, to the conditions prescribed in Rule 2B of the Rules.

For the purpose of this clause, "family" in relation to an individual means:

- (i) the spouse and children of the individual; and
- (ii) the parents, brothers and sisters of the individual or any of them, wholly or mainly dependent on the individual.

It may also be noted that the amount exempt under this clause shall in no case exceed the amount of expenses actually incurred for the purpose of such travel.

As discussed in para 4.6.5 section 192 (2D) read with the rule 26C makes it mandatory for the DDO to obtain details/evidence in respect of claim of exemption for leave travel concession or assistance before allowing the said exemption the relevant form for furnishing details by employee is Form 12BB

5.3.2 Death-cum-retirement gratuity or any other gratuity is exempt to the extent specified from inclusion in computing the total income under Section 10(10). Any death-cum-retirement gratuity received under the revised Pension Rules of the Central Government or, as the case may be, the Central Civil Services (Pension) Rules, 1972, or under any similar scheme applicable to the members of the civil services of the Union or holders of posts connected with defence or of civil posts under the Union (such members or holders being persons not governed by the said Rules) or to the members of the all-India services or to the members of the civil services of a State or holders of civil posts under a State or to the employees of a local authority or any payment of retiring gratuity received under the Pension Code or Regulations applicable to the members of the defence service is exempt. Gratuity received in cases other than those mentioned above, on retirement, termination etc is exempt up to the limit as prescribed by the Board. Presently the limit is Rs. 10 lakhs w.e.f. 24.05.2010 [Notification no. 43/2010 S.O. 1414(E) F.No. 200/33/2009-ITA-1 dated 11th June 2010].

5.3.3 Any payment in **commutation of pension** received under the Civil Pensions (Commutation) Rules of the Central Government or under any similar scheme applicable to the members of the civil services of the Union or holders of posts connected with defence or of civil posts under the Union (such members or holders being persons not governed by the said Rules) or to the members of the all-India services or to the members of the defence services or to the members of the civil services of a State or holders of civil posts under a State or to the employees of a local authority] or a corporation established by a Central, State or Provincial Act, is exempt under Section 10(10A)(i). As regards payments in commutation of pension received under any scheme of any other employer, exemption will be governed by the provisions of section 10(10A)(ii). Also, any payment in commutation of pension from a fund referred to in Section 10(23AA)(B) is exempt under Section 10(10A)(iii).

5.3.4 Any payment received by an employee of the Central Government or a State Government, as **cash-equivalent of the leave salary** in respect of the period of earned leave at his credit **at the time of his retirement**, whether on superannuation or otherwise, is exempt under Section 10(10AA)(i). In the case of other employees, this exemption will be determined with reference to the leave to their credit at the time of retirement on superannuation or otherwise, subject to a maximum of ten months' leave. This exemption will be further limited to the maximum amount specified by the Government of India Notification No.S.O.588(E) dated 31.05.2002 at Rs. 3,00,000/- in relation to such employees who retire, whether on superannuation or otherwise, after 1.4.1998.

5.3.5 Under Section 10(10B), the **retrenchment compensation** received by a workman is exempt from income-tax subject to certain limits. The maximum amount of retrenchment compensation exempt is the sum calculated on the basis provided in section 25F(b) of the Industrial Disputes Act, 1947 or any amount not less than Rs.50,000/- as the Central Government may by notification specify in the Official Gazette, whichever is less. These limits shall not apply in the case where the compensation is paid under any scheme which is approved in this behalf by the Central Government, having regard to the need for extending special protection to the workmen in the undertaking to which the scheme applies and other relevant circumstances. The maximum limit of such payment is Rs. 5,00,000/- where retrenchment is on or after 1.1.1997 as specified in Notification No. 10969 dated 25-06-1999.

5.3.6 Under Section 10(10C), any payment received or receivable (even if received in installments) by an employee of the following bodies at the time of his voluntary retirement or termination of his service, in accordance with any scheme or **schemes of voluntary retirement** or in the case of public sector company, a **scheme of voluntary separation**, is exempt from income-tax to the extent that such amount does not exceed Rs. 5,00,000/-:

- a) A public sector company;
- b) Any other company;
- c) An Authority established under a Central, State or Provincial Act;
- d) A Local Authority;
- e) A Cooperative Society;
- f) A university established or incorporated or under a Central, State or Provincial Act, or, an Institution declared to be a University under section 3 of the University Grants Commission Act, 1956;
- g) Any Indian Institute of Technology within the meaning of Section 3 (g) of the Institute of Technology Act, 1961;
- h) Such Institute of Management as the Central Government may by notification in the Official Gazette, specify in this behalf.

The exemption of amount received under VRS has been extended to employees of the Central Government and State Government and employees of notified institutions having importance throughout India or any State or States. It may also be noted that where this exemption has been allowed to any employee for any assessment year, it shall not be allowed to him for any other assessment year. Further, if relief has been allowed under section 89 for any assessment year in respect of amount received on voluntary retirement or superannuation, no exemption under section 10(10C) shall be available.

5.3.7 Any sum received under a Life Insurance Policy [Sec 10(10D)], including the sum allocated by way of bonus on such policy other than the following is exempt under section 10(10D):

- i) any sum received under section 80DD(3) or section 80DDA(3); or
- ii) any sum received under a Keyman insurance policy; or
- iii) any sum received under an insurance policy issued on or after 1.4.2003, but on or before 31-03-2012, in respect of which the premium payable for any of the years during the term of the policy exceeds 20 percent of the actual capital sum assured; or
- iv) any sum received under an insurance policy issued on or after 1.4.2012 in respect of which the premium payable for any of the years during the term of the policy exceeds 10 percent of the actual capital sum assured; or
- v) any sum received under an insurance policy issued on or after 1.4.2013 in cases of persons with disability or person with severe disability as per Sec 80U or suffering from disease or ailment as specified in Sec 80DDB, in respect of which the premium payable for any of the years during the term of the policy exceeds 15 percent of the actual capital sum assured

However, any sum received under such policy referred to in (iii), (iv) and (v) above, on the death of a person would be exempt.

Under section 10 (12A) of the Act, any **payment from the National Pension System** Trust to an assessee on closure of his account or on his opting out of the pension scheme referred to in section 80CCD to the extent it does not exceed forty percent , of the total amount payable to him at the time such closure of his opting out of the scheme shall be exempt.

Under section 10 (12B) of the Act, any **payment from the National Pension System** Trust to an employee under the pension scheme referred to in section 80CCD, on partial withdrawal made out of his account in accordance with the terms and conditions, specified under the Pension Fund regulatory and Development Authority Act, 2013 and the regulation made thereunder, to the extent it does not exceed twenty-five percent of the amount of contribution made by him shall be exempt.

5.3.8 Any payment from a Provident Fund to which the Provident Funds Act, 1925, applies or from any other provident fund set up by the Central Government and notified by it in the Official Gazette is exempt under section 10(11).

5.3.9 Under section 10(13A) of the Act, any special allowance specifically granted to an assessee by his employer to meet **expenditure incurred on payment of rent** (by whatever name called) in respect of residential accommodation occupied by the assessee is exempt from Income-tax to the extent as may be prescribed, having regard to the area or place in which such accommodation is situated and other relevant considerations. According to Rule 2A of the Rules, the quantum of exemption allowable on account of grant of special allowance to meet expenditure on payment of rent shall be the least of the following:

- (a) the actual amount of such allowance received by the assessee in respect of the relevant period i. e. the period during which the accommodation was occupied by the assessee during the financial year; or
- (b) the actual expenditure incurred in payment of rent in excess of one-tenth of the salary due for the relevant period; or

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- (i) where such accommodation is situated in Bombay, Calcutta, Delhi or Madras, 50% of the salary due to the employee for the relevant period; or
 - (ii) where such accommodation is situated in any other places, 40% of the salary due to the employee for the relevant period.

For this purpose, "Salary" includes dearness allowance, if the terms of employment so provide, but excludes all other allowances and perquisites.

It has to be noted that only the expenditure actually incurred on payment of rent in respect of residential accommodation occupied by the assessee subject to the limits laid down in Rule 2A, qualifies for exemption from income-tax. Thus, house rent allowance granted to an employee who is residing in a house/flat owned by him is not exempt from income-tax.

As discussed in para 4.6.5 section 192 (2D) read with rule 26C makes it obligatory for the DDO to obtain following details/evidences in respect of exemptions for house rent allowance.

- (i) Rent paid to the landlord
- (ii) Name of the landlord
- (iii) Address of the landlord
- (iv) PAN of the landlord

Where the aggregate rent paid during the financial year exceeds one lakh Rs the employee is required to furnish these details in Form 12BB.

5.3.10 Section 10(14) provides for exemption of the following allowances :-

- (i) Any special allowance or benefit granted to an employee to meet the **expenses wholly, necessarily and exclusively incurred in the performance of his duties** as prescribed under Rule 2BB subject to the extent to which such expenses are actually incurred for that purpose.
- (ii) Any allowance granted to an employee either to meet his personal expenses at the place of his posting or at the place he ordinarily resides or to **compensate him for the increased cost of living**, which may be prescribed and to the extent as may be prescribed.

However, the allowance referred to in (ii) above should not be in the nature of a personal allowance granted to the assessee to remunerate or compensate him for performing duties of a special nature relating to his office or employment unless such allowance is related to his place of posting or residence.

It is further clarified that any allowance granted to an employee which is not exempted under section 10(14) read with rule 2BB or the sum of allowance exceeding the amount prescribed under rule shall be chargeable to tax under the head income from salary. For example no exemption is provided in rule 2BB for the training allowance paid for the posting in any training institute hence whole of the training allowance shall be included in the salary.

The CBDT has prescribed guidelines for the purpose of Section 10(14) (i) & 10(14) (ii) vide notification No.SO 617(E) dated 7th July, 1995 (F.No.142/9/95-TPL) which has been amended vide notification SO No.463(E) dt 24.1.2000 (F.No.142/34/99-TPL). Rule 2BB has been amended and the exemption in respect of transport allowance for financial year 2018-19 shall be available upto Rs. 3200 per month only to the person who is blind or

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orthopedically handicapped with disabilities of lower extremities, to meet the his expenditure for the purpose of commuting between the place of the residence and the place of his duties.

5.3.11 Under Section 10(15)(iv)(i) of the Act, interest payable by the Government on deposits made by an employee of the Central Government or a State Government or a public sector company out of his retirement benefits, in accordance with such scheme framed in this behalf by the Central Government and notified in the Official Gazette is exempt from income-tax. By notification No.F.2/14/89-NS-II dated 7.6.89, as amended by notification No.F.2/14/89-NS-II dated 12.10.89, the Central Government has notified a scheme called **Deposit Scheme for Retiring Government Employees, 1989** for the purpose of the said clause.

5.3.12 Any scholarship granted to meet the cost of education is not to be included in total income as per provisions of section 10(16) of the Act.

5.3.13 Section 10(18) provides for exemption of any income by way of pension received by an individual who has been in the service of the Central Government or State Government and has been awarded "Param Vir Chakra" or "Maha Vir Chakra" or "Vir Chakra" or such other gallantry award as may be specifically notified by the Central Government. Family pension received by any member of the family of such individual is also exempt [Notifications No.S.O.1948(E) dated 24.11.2000 and 81(E) dated 29.1.2001, which are enclosed as per Annexure VIII & IX]. "Family" for this purpose shall have the meaning assigned to it in Section 10(5) of the Act.

DDO may not deduct any tax in the case of recipients of such awards after satisfying himself about the veracity of the claim.

5.3.14 Under Section 17 of the Act, exemption from tax will also be available in respect of:-

(a) the value of any **medical treatment** provided to an employee or any member of his family, in any hospital maintained by the employer;

(b) any sum paid by the employer in respect of any expenditure actually incurred by the employee on his medical treatment or of any member of his family:

(i) in any hospital maintained by the Government or any local authority or any other hospital approved by the Government for the purposes of medical treatment of its employees;

ii) in respect of the prescribed diseases or ailments as provided in Rule 3A(2) of the Rules in any hospital approved by the Chief Commissioner having regard to the prescribed guidelines as provided in Rule 3(A)(1) of the Rules.

(c) premium paid by the employer in respect of medical insurance taken for his employees (under any scheme approved by the Central Government or Insurance Regulatory and Development Authority) or reimbursement of insurance premium to the employees who take medical insurance for themselves or for their family members (under any scheme approved by the Central Government or Insurance Regulatory and Development Authority);

(d) As regards medical treatment abroad, the actual expenditure on stay and treatment abroad of the employee or any member of his family, or, on stay abroad of one attendant who accompanies the patient, in connection with such treatment, will be excluded from perquisites to the extent permitted by the Reserve Bank of India. It may be noted that the expenditure incurred on travel abroad by the patient/attendant, shall be excluded from perquisites only if the employee's gross total income, as computed before including the said expenditure, does not exceed Rs.2 lakhs.

For the purpose of availing exemption on expenditure incurred on medical treatment, "hospital" includes a dispensary or clinic or nursing home, and "family" in relation to an individual means the spouse and children of the individual. Family also includes parents, brothers and sisters of the individual if they are wholly or mainly dependent on the individual.

It is pertinent to mention that benefits specifically exempt u/s 10(13A), 10(5), 10(14), 17 etc. of the Act would continue to be exempt. These include benefits like house rent allowance, leave travel concession, travel expense allowance on tour and transfer, daily allowance to meet tour expenses as prescribed, medical facilities subject to conditions.

5.3.15 In this connection it is to be noted that as per sec. 10 (14) read with rule 2BB any allowance granted to meet the cost of travel on tour or on transfer includes any sum paid in connection with transfer, packing and transportation of personal effects o such transfer shall be exempt. Also any allowance, whether, granted for the period of journey in connection with transfer, to meet the ordinary daily charges incurred by an employee on account of absence form his normal place of duty shall be exempt.

5.4 DEDUCTIONS U/S 16 OF THE ACT FROM THE INCOME FROM SALARIES

5.4.1 Standard deduction under section 16 (ia):

From F.Y. 2018 19 a deduction of forty thousand rupees or the amount of salary whichever is less shall be allowed as standard deduction.

5.4.2 Entertainment Allowance [Section 16(ii)]:

A deduction is also allowed under section 16(ii) in respect of any allowance in the nature of an entertainment allowance specifically granted by an employer to the assessee, who is in receipt of a salary from the Government, a sum equal to one-fifth of his salary(exclusive of any allowance, benefit or other perquisite) or five thousand rupees whichever is less. No deduction on account of entertainment allowance is available to non-government employees.

5.4.3 Tax on Employment [Section 16(iii)]:

The tax on employment (Professional Tax) within the meaning of article 276(2) of the Constitution of India, leviable by or under any law, shall also be allowed as a deduction in computing the income under the head "Salaries".

5.5 DEDUCTIONS UNDER CHAPTER VI-A OF THE ACT

In computing the taxable income of the employee, the following deductions under Chapter VI-A of the Act are to be allowed from his gross total income:

5.5.1 Deduction in respect of Life insurance premia, deferred annuity, contributions to provident fund, subscription to certain equity shares or debentures, etc. (section 80C)

A. Section 80C, entitles an employee to deductions for the whole of amounts paid or deposited in the current financial year in the following schemes, **subject to a limit of Rs.1,50,000/-**:

- (1) Payment of **insurance premium** to effect or to keep in force an insurance on the life of the individual, the spouse or any child of the individual.
- (2) Any payment made to effect or to keep in force a contract for a **deferred annuity**, not being an annuity plan as is referred to in item (7) herein below on the life of the individual, the spouse or any child of the individual, provided that such contract does not contain a provision for the exercise by the insured of an option to receive a cash payment in lieu of the payment of the annuity;
- (3) Any sum deducted from the salary payable by, or, on behalf of the Government to any individual, being a sum deducted in accordance with the conditions of his service for the purpose of securing to him a **deferred annuity** or making provision for his spouse or children, in so far as the sum deducted does not exceed 1/5th of the salary;
- (4) Any contribution made :

- (a) by an individual to any **Provident Fund** to which the Provident Fund Act, 1925 applies;
- (b) to any provident fund set up by the Central Government, and notified by it in this behalf in the Official Gazette, where such contribution is to an account standing in the name of an individual, or spouse or children;
[The Central Government has since notified Public Provident Fund vide Notification S.O. No. 1559(E) dated 3.11.05]
- (c) by an employee to a Recognized Provident Fund;
- (d) by an employee to an approved superannuation fund;

It may be noted that "contribution" to any Fund shall not include any sums in repayment of loan or advance;

(5) Any sum paid or deposited during the year as a subscription :-

- (a) in the name of employee or a girl child of that employee including a girl child for whom the employee is the legal guardian in any such security of the Central Government or any such deposit scheme as the Central Government may, by notification in the Official Gazette, specify in this behalf;
[The Central Government has since notified the scheme 'Sukanya Samridhi Account' vide Notification GSR No. 863(E) dated 02.12.2014]
- (b) to any such saving certificates as defined under section 2(c) of the Government Saving Certificate Act, 1959 as the Government may, by notification in the Official Gazette, specify in this behalf.

[The Central Government has since notified National Saving Certificate (VIIth Issue) vide Notification S.O. No. 1560(E) dated 3.11.05 and National

Saving Certificate (IXth Issue) vide Notification . G.S.R. 848 (E), dated the 29th November, 2011, publishing the National Savings Certificates (IX-Issue) Rules, 2011 G.S.R. 868 (E), dated the 7th December, 2011, specifying the National Savings Certificates IX Issue as the class of Savings Certificates F No1-13/2011-NS-II r/w amendment Notification No.GSR 319(E), dated 25-4-2012]

(6) Any sum paid as contribution in the case of an individual, for himself, spouse or any child,

- a. for participation in the Unit Linked Insurance Plan, 1971 of the Unit Trust of India;
- b. for participation in any unit-linked insurance plan of the LIC Mutual Fund referred to section 10 (23D) and as notified by the Central Government.

[The Central Government has since notified Unit Linked Insurance Plan (formerly known as Dhanraksha, 1989) of LIC Mutual Fund vide Notification S.O. No. 1561(E) dated 3.11.05.]

(7) Any subscription made to effect or keep in force a contract for such annuity plan of the Life Insurance Corporation or any other insurer as the Central Government may, by notification in the Official Gazette, specify;

[The Central Government has since notified New Jeevan Dhara, New Jeevan Dhara-I, New Jeevan Akshay, New Jeevan Akshay-I and New Jeevan Akshay-II vide Notification S.O. No. 1562(E) dated 3 11 05 and Jeevan Akshay-III vide Notification S.O. No. 847(E) dated 1.6.2006]

(8) Any subscription made to any units of any Mutual Fund, of section 10(23D), or from the Administrator or the specified company referred to in Unit Trust of India (Transfer of Undertaking & Repeal) Act, 2002 under any plan formulated in accordance with any scheme as the Central Government, may, by notification in the Official Gazette, specify in this behalf;

[The Central Government has since notified the Equity Linked Saving Scheme, 2005 for this purpose vide Notification S.O. No. 1563(E) dated 3.11.2005]

The investments made after 1.4.2006 in plans formulated in accordance with Equity Linked Saving Scheme, 1992 or Equity Linked Saving Scheme, 1998 shall also qualify for deduction under section 80C.

(9) Any contribution made by an individual to any pension fund set up by any Mutual Fund referred to in section 10(23D), or, by the Administrator or the specified company defined in Unit Trust of India (Transfer of Undertaking & Repeal) Act, 2002, as the Central Government may, by notification in the Official Gazette, specify in this behalf;

[The Central Government has since notified the Equity Linked Saving Scheme, 2005 for this purpose vide Notification S.O. No. 1563(E) dated 3.11.2005]

(10) Any subscription made to any such deposit scheme of, or, any contribution made to any such pension fund set up by, the National Housing Bank, as the Central Government may, by notification in the Official Gazette, specify in this behalf;

(11) Any subscription made to any such deposit scheme, as the Central Government may, by notification in the Official Gazette, specify for the purpose of being floated by (a) public sector companies engaged in providing long-term finance for construction or purchase of houses in India for residential purposes, or, (b) any authority constituted in India by, or, under any law, enacted either for the purpose of dealing with and satisfying the

need for housing accommodation or for the purpose of planning, development or improvement of cities, towns and villages, or for both.

[The Central Government has since notified the Public Deposit Scheme of HUDCO vide Notification S.O. No.37(E), dated 11.01.2007, for the purposes of Section 80C(2)(xvi)(a)].

(12) Any sums paid by an assessee for the purpose of purchase or construction of a residential house property, the income from which is chargeable to tax under the head "Income from house property" (or which would, if it has not been used for assessee's own residence, have been chargeable to tax under that head) where such payments are made towards or by way of any instalment or part payment of the amount due under any self-financing or other scheme of any Development Authority, Housing Board etc.

The deduction will also be allowable in respect of re-payment of loans borrowed by an assessee from the Government, or any bank or Life Insurance Corporation, or National Housing Bank, or certain other categories of institutions engaged in the business of providing long term finance for construction or purchase of houses in India. Any repayment of loan borrowed from the employer will also be covered, if the employer happens to be a public company, or a public sector company, or a university established by law, or a college affiliated to such university, or a local authority, or a cooperative society, or an authority, or a board, or a corporation, or any other body established under a Central or State Act.

The stamp duty, registration fee and other expenses incurred for the purpose of transfer shall also be covered. Payment towards the cost of house property, however, will not include, admission fee or cost of share or initial deposit or the cost of any addition or alteration to, or, renovation or repair of the house property which is carried out after the issue of the completion certificate by competent authority, or after the occupation of the house by the assessee or after it has been let out. Payments towards any expenditure in respect of which the deduction is allowable under the provisions of section 24 of the Act will also not be included in payments towards the cost of purchase or construction of a house property.

Where the house property in respect of which deduction has been allowed under these provisions is transferred by the tax-payer at any time before the expiry of five years from the end of the financial year in which possession of such property is obtained by him or he receives back, by way of refund or otherwise, any sum specified in section 80C(2)(xviii), no deduction under these provisions shall be allowed in respect of such sums paid in such previous year in which the transfer is made and the aggregate amount of deductions of income so allowed in the earlier years shall be added to the total income of the assessee of such previous year and shall be liable to tax accordingly.

(13) Tuition fees, whether at the time of admission or thereafter, paid to any university, college, school or other educational institution situated in India, for the purpose of full-time education of any two children of the employee.

Full-time education includes any educational course offered by any university, college, school or other educational institution to a student who is enrolled full-time for the said course. It is also clarified that full-time education includes play-school activities, pre-nursery and nursery classes.

It is clarified that the amount allowable as tuition fees shall include any payment of fee to any university, college, school or other educational institution in India except the amount

representing payment in the nature of development fees or donation or capitation fees or payment of similar nature.

(14) Subscription to equity shares or debentures forming part of any eligible issue of capital made by a public company, which is approved by the Board or by any public finance institution.

(15) Subscription to any units of any mutual fund referred to in clause (23D) of Section 10 and approved by the Board, if the amount of subscription to such units is subscribed only in eligible issue of capital of any company.

(16) Investment as a term deposit for a fixed period of not less than five years with a scheduled bank, which is in accordance with a scheme framed and notified by the Central Government, in the Official Gazette for these purposes.

[The Central Government has since notified the Bank Term Deposit Scheme, 2006 for this purpose vide Notification S.O. No. 1220(E) dated 28.7.2006]

(17) Subscription to such bonds issued by the National Bank for Agriculture and Rural Development, as the Central Government may, by such notification in the Official Gazette, specify in this behalf.

(18) Any investment in an account under the Senior Citizens Savings Scheme Rules, 2004.

(19) Any investment as five year time deposit in an account under the Post Office Time Deposit Rules, 1981.

B. Section 80C(3) & 80C(3A) states that in case of Insurance Policy other than contract for a deferred annuity the amount of any premium or other payment made is restricted to:

Policy issued before 1 st April 2012	20% of the actual capital sum assured
Policy issued on or after 1 st April 2012	10% of the actual capital sum assured
Policy issued on or after 1 st April 2013 * - In cases of persons with disability or person with severe disability as per Sec 80 U or suffering from disease or ailment as specified in rules made under Sec 80DDB	15% of the actual capital sum assured

*Introduced by Finance Act 2013

Actual capital sum assured in relation to a life insurance policy means the minimum amount assured under the policy on happening of the insured event at any time during the term of the policy, not taking into account –

- i. the value of any premium agreed to be returned, or
- ii. any benefit by way of bonus or otherwise over and above the sum actually assured which may be received under the policy by any person.

5.5.2 Deduction in respect of contribution to certain pension funds (Section 80CCC)

Section 80CCC allows an employee deduction of an amount paid or deposited out of his income chargeable to tax to effect or keep in force a contract for any **annuity plan of Life Insurance Corporation of India or any other insurer for receiving pension** from the Fund referred to in section 10(23AAB). However, the deduction shall exclude interest or bonus accrued or credited to the employee's account, if any and shall not exceed Rs. 1,50,000.

However, if any amount is standing to the credit of the employee in the fund referred to above and deduction has been allowed as stated above and the employee or his nominee receives this amount together with the interest or bonus accrued or credited to this account due to the reason of

- (i) Surrender of annuity plan whether in whole or part
- (ii) Pension received from the annuity plan

then the amount so received during the Financial Year shall be the income of the employee or his nominee for that Financial Year and accordingly will be charged to tax.

Where any amount paid or deposited by the employee has been taken into account for the purposes of this section, a deduction with reference to such amount shall not be allowed under section 80C.

5.5.3 Deduction in respect of contribution to pension scheme of Central Government (Section 80CCD):

Section 80CCD(1) allows an employee, being an individual employed by the Central Government on or after 01.01.2004 or being an individual employed by any other employer, or any other assessee being an individual, a deduction of an amount paid or deposited out of his income chargeable to tax under a pension scheme as notified vide Notification F. N. 5/7/2003- ECB&PR dated 22.12.2003 National Pension System-NPS or as may be notified by the Central Government. However, the deduction shall not exceed an amount equal to 10% of his salary (includes Dearness Allowance but excludes all other allowance and perquisites).

As per section 80CCD(1B), an assessee referred to in 80CCD(1) shall be allowed an deduction in computation of his income, of the whole of the amount paid or deposited in the previous year in his account under the pension scheme notified or as may be notified by the Central Government, which shall not exceed Rs. 50,000. The deduction of Rs. 50,000 shall be allowed whether or not any deduction is allowed under sub-section(1). However, the same amount cannot be claimed both under sub-section (1) and sub-section (1B) of section 80CCD.

As per Section 80CCD(2), where any contribution in the said pension scheme is made by the Central Government or any other employer then the employee shall be allowed a deduction from his total income of the whole amount contributed by the Central Government or any other employer subject to limit of 10% of his salary of the previous year.

Subject to provisions of section 10 (12A) and section 10 (12B) discussed in para 5.3.7, if any amount is standing to the credit of the employee in the pension scheme referred above and deduction has been allowed as stated above, and the employee or his nominee receives this amount together with the amount accrued thereon, due to the reason of

- (i) Closure or opting out of the pension scheme or
- (ii) Pension received from the annuity plan purchased and taken on such closure or opting out

then the amount so received during the FYs shall be the income of the employee or his nominee for that Financial Year and accordingly will be charged to tax.

Further, the amount received by the nominee, on the death of the assessee, on closure or opening of the pension not be deemed to be the income of the nominee.

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Where any amount paid or deposited by the employee has been taken into account for the purposes of this section, a deduction with reference to such amount shall not be allowed under section 80C.

Further, it has been specified that w.e.f 01.04.09 any amount received by the employee from the New Pension Scheme shall be deemed not to have been received in the previous year if such amount is used for purchasing an annuity plan in the same previous year.

It is emphasized that as per the section 80CCE the aggregate amount of deduction under sections 80C, 80CCC and Section 80CCD(1) shall not exceed Rs.1,50,000/-. The deduction allowed under section 80 CCD(1B) is an additional deduction in respect of any amount paid in the NPS upto Rs. 50,000/-. However, the contribution made by the Central Government or any other employer to a pension scheme u/s 80CCD(2) shall be excluded from the limit of Rs.1,50,000/- provided under this section.

5.5.4 Deduction in respect of investment made under an equity savings scheme (Section 80 CCG):

Section 80CCG provides deduction wef assessment year 2013-14 in respect of investment made under notified equity saving scheme. **Rajiv Gandhi Equity Savings Scheme 2012** has been notified vide SO No 2777 E, dated 23.11.2012 (subsequent corrigendum SO NO. 2835E dated 05.12.2012) and amended vide notification SO No. 3693E dated 18.12.2013 as a scheme under this section. The scheme was modified in December 2013 vide notification SO 3693 dated 18.12.13 (RGESS, 2013). The deduction under this section in accordance with RGESS 2013 is available if following conditions are satisfied:

- (a) The assessee is a resident individual
- (b) His gross total income does not exceed Rs. 12 lakhs;
- (c) He has acquired listed shares in accordance with a notified scheme or listed units of an equity oriented fund as defined in section 10(38);
- (d) The assessee is a new retail investor;
- (e) The investment is locked-in for a period of 3 years from the date of acquisition in accordance with the above scheme;
- (f) The assessee satisfies any other condition as may be prescribed.

Amount of deduction –The amount of deduction is at 50% of the amount invested in equity shares/units. However, the amount of deduction under this provision cannot exceed Rs. 25,000.

Withdrawal of deduction – If the assessee, after claiming the aforesaid deduction, fails to satisfy the above conditions, the deduction originally allowed shall be deemed to be the income of the assessee of the year in which default is committed.

This deduction is allowed for three consecutive assessment years beginning with the AY in which the listed equity shares or units were first acquired. If any deduction is claimed by a taxpayer under this section in any year, he shall not be entitled to any deduction under this section for any other year.

The deduction under this section for F.Y. 2018-19 shall be allowed to an employee who has claimed deduction under this section for F.Y 2016-17 if he is otherwise eligible to claim deduction as per provisions of this sections.

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5.5.5 Deduction in respect of health insurance premia paid, etc. (Section 80D)

Particulars	Case-1		Case-2		Case-3	
	Self & Family (no one of them is a senior citizen)	Parents (no one of them is a senior citizen)	Self & Family (no one of them is a senior citizen)	Parents (atleast one of them is a senior citizen)	Self & Family (atleast one of them is a senior citizen)	Parents (atleast one of them is a senior citizen)
Medical Insurance, etc.*	25,000	25,000	25,000	50,000	50,000	50,000
Medical Expenditure**	--	--	--	50,000	50,000	50,000
Maximum deduction allowable	25,000	25,000	25,000	50,000	50,000	50,000
Aggregate amount of deduction allowable under section 80D	50,000		75,000		1,00,000	

* Includes (i) contribution to the Central Government Health Scheme/notified scheme for self & family; and (ii) amount paid for preventive health check-up up to Rs. 5,000/-.

** Allowable only if no amount is paid for medical insurance.

Note 1 : The payment for preventive health check-up can only be made in cash, other payments must be made by non-cash mode.

Note 2 : Finance Act, 2018 amended section 80D of the Act to provide that in case of single premium health insurance policy having cover of more than one year, the deduction shall be allowed on proportionate basis for the number of years for which health insurance cover is provided, subject to the monetary limits specified above.

Here

- i) "family" means the spouse and dependent children of the employee.
- ii) "Senior citizen" means an individual **resident** in India who is of the age of **sixty years** or more at any time during the relevant previous year

The DDO must ensure that the medical insurance referred to above shall be in accordance with a scheme made in this behalf by-

- (a) the General Insurance Corporation of India formed under section 9 of the General Insurance Business (Nationalization) Act, 1972 and approved by the Central Government in this behalf; or
- (b) any other insurer and approved by the Insurance Regulatory and Development Authority established under sub-section (1) of section 3 of the Insurance Regulatory and Development Authority Act, 1999.

(II) Lump sum payment of health insurance premium

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In case, a lump sum amount is paid to effect or to keep in force an insurance on health for more than a year, proportionate deduction (appropriate fraction) will be allowable for the year in which it was paid and for subsequent year/years in accordance with sub-section (4A) of Section 80D.

5.5.6 Deductions in respect of expenditure on persons or dependants with disability

5.5.6.1 Deductions in respect of maintenance including medical treatment of a dependent who is a person with disability (section 80DD):

Under section 80DD, where an employee, who is a resident in India, has, during the previous year-

(a) incurred any **expenditure for the medical treatment (including nursing), training and rehabilitation of a dependant, being a person with disability;** or

(b) paid or deposited any amount under a scheme framed in this behalf by the Life Insurance Corporation or any other insurer or the Administrator or the specified company subject to the conditions specified in this regard and approved by the Board in this behalf for the maintenance of a dependant, being a person with disability, the employee shall be allowed a deduction of a sum of Rs 75,000/- from his gross total income of that year.

However, where such dependant is a person with severe disability, an amount Rs 1,25,000/- shall be allowed as deduction subject to the specified conditions.

The deduction under (b) above shall be allowed only if the following conditions are fulfilled:-

(i) the scheme referred to in (b) above provides for payment of annuity or lump sum amount for the benefit of a dependant, being a person with disability, in the event of the death of the individual in whose name subscription to the scheme has been made;

(ii) the employee nominates either the dependant, being a person with disability, or any other person or a trust to receive the payment on his behalf, for the benefit of the dependant, being a person with disability.

However, if the dependant, being a person with disability, predeceases the employee, an amount equal to the amount paid or deposited under sub-para(b) above shall be deemed to be the income of the employee of the previous year in which such amount is received by the employee and shall accordingly be chargeable to tax as the income of that previous year.

5.5.6.2 Deductions in respect of a person with disability (section 80U):

Under section 80U, in computing the total income of an individual, being a resident, who, at any time during the previous year, is certified by the medical authority to be a **person with disability**, there shall be allowed a deduction of a sum of Rs 75,000/-. However, where such individual is a person with **severe disability**, a higher deduction of Rs 1,25,000/- shall be allowable.

DDOs should note that 80DD deduction is in case of the dependent of the employee whereas 80U deduction is in case of the employee himself. However, under both the sections, the employee shall furnish to the DDO the following:

1. A copy of the certificate issued by the medical authority as defined in Rule 11A(1) in the prescribed form as per Rule 11A(2) of the Rules. The DDO has to allow deduction

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only after seeing that the Certificate furnished is from the Medical Authority defined in this Rule and the same is in the form as mentioned therein.

2. Further in cases where the condition of disability is temporary and requires reassessment of its extent after a period stipulated in the aforesaid certificate, no deduction under this section shall be allowed for any subsequent period **unless a new certificate** is obtained from the medical authority as in 1 above and furnished before the DDO.

3. For the purposes of sections 80DD and 80 U some of the terms defined are as under:-

(a) "Administrator" means the Administrator as referred to in clause (a) of section 2 of the Unit Trust of India (Transfer of Undertaking and Repeal) Act, 2002;

(b) "dependant" means—

(i) in the case of an individual, the spouse, children, parents, brothers and sisters of the individual or any of them;

(ii) in the case of a Hindu undivided family, a member of the Hindu undivided family, dependant wholly or mainly on such individual or Hindu undivided family for his support and maintenance, and who has not claimed any deduction under section 80U in computing his total income for the assessment year relating to the previous year;

(c) "disability" shall have the meaning assigned to it in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and includes "autism", "cerebral palsy" and "multiple disability" referred to in clauses (a), (c) and (h) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999;

(d) "Life Insurance Corporation" shall have the same meaning as in clause (iii) of sub-section (8) of section 88;

(e) "medical authority" means the medical authority as referred to in clause (p) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 or such other medical authority as may, by notification, be specified by the Central Government for certifying "autism", "cerebral palsy", "multiple disabilities", "person with disability" and "severe disability" referred to in clauses (a), (c), (h), (j) and (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999;

(f) "person with disability" means a person as referred to in clause (t) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 or clause (j) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999;

(g) "person with severe disability" means—

(i) a person with eighty per cent or more of one or more disabilities, as referred to in sub-section (4) of section 56 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;

or

(ii) a person with severe disability referred to in clause (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999;

(h) "specified company" means a company as referred to in clause (h) of section 2 of the Unit Trust of India (Transfer of Undertaking and Repeal) Act, 2002.

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5.5.7. Deduction in respect of medical treatment, etc. (Section 80DDB):

Section 80DDB allows a deduction in case of employee, who is resident in India, during the previous year, of any amount actually paid for the medical treatment of such disease or ailment as may be specified in the rules 11DD (1) for himself or a dependant. The deduction allowed is equal to the amount actually paid is in respect of the employee or his dependant or Rs. 40,000 whichever is less.

Now the deduction can be allowed on the basis of a prescription from an oncologist, a urologist, nephrologist, a haematologist, an immunologist or such other specialist, as mentioned in Rule 11DD. However, the amount of the claim shall be reduced by the amount if any received from the insurer or reimbursed by the employer. Further in case of the person against whom such claim is made is a senior citizen (60 age years or more) then the deduction up to one lakh rupees is allowed

For the purpose of this section, in the case of an employee, "dependant" means individual, the spouse, children, parents, brothers and sisters of the employee or any of them, dependant wholly or mainly on the employee for his support and maintenance.

Vide Notification SO No. 2791(E) dated 12.10.2015, Rules 11DD has been amended to do away with the requirement of furnishing a certificate in Form 10-I. A prescription from a specialist as specified in the Rules containing the name and age the patient, name of the disease/ailment along with the name, address, registration number & qualification of the specialist issuing the prescription would now be required.

5.5.8 Deduction in respect of interest on loan taken for higher education (Section 80E):

Section 80E allows deduction in respect of payment of interest on loan taken from any financial institution or any approved charitable institution for higher education for the purpose of pursuing his higher education or for the purpose of higher education of his spouse or his children or the student for whom he is the legal guardian.

The deduction shall be allowed in computing the total income for the Financial year in which the employee starts paying the interest on the loan taken and immediately succeeding seven Financial years or until the Financial year in which the interest is paid in full by the employee, whichever is earlier.

For the purpose of this section -

(a) "approved charitable institution" means an institution established for charitable purposes and approved by the prescribed authority section 10(23C), or an institution referred to in section 80G(2)(a);

(b) "financial institution" means a banking company to which the Banking Regulation Act, 1949 applies (including any bank or banking institution referred to in section 51 of that Act); or any other financial institution which the Central Government may, by notification in the Official Gazette, specify in this behalf;

(c) "higher education" means any course of study pursued after passing the Senior Secondary Examination or its equivalent from any school, board or university recognized by the Central Government or State Government or local authority or by any other authority authorized by the Central Government or State Government or local authority to do so;

5.5.9 Deductions on respect of donations to certain funds, charitable institutions, etc. (Section 80G):

Section 80G provides for deductions on account of donation made to various funds , charitable organizations etc. In cases where employees make donations to the Prime Minister’s National Relief Fund, the Chief Minister’s Relief Fund or the Lieutenant Governor’s Relief Fund through their respective employers, it is not possible for such funds to issue separate certificate to every such employee in respect of donations made to such funds as contributions made to these funds are in the form of a consolidated cheque. An employee who makes donations towards these funds is eligible to claim deduction under section 80G. It is, hereby, clarified that the claim in respect of such donations as indicated above will be admissible under section 80G on the basis of the certificate issued by the Drawing and Disbursing Officer (DDO)/Employer in this behalf - Circular No. 2/2005, dated 12-1-2005.

No deduction under this section is allowable in case the amount of donation exceeds Rs 2000/- unless the amount is paid by any mode other than cash.

5.5.10 Deductions is respect of rents paid (Section 80GG):

Section 80GG allows the employee to a deduction in respect of **house rent paid by him for his own residence**. Such deduction is permissible subject to the following conditions :-

- (a) the employee has not been in receipt of any House Rent Allowance specifically granted to him which qualifies for exemption under section 10(13A) of the Act;
- (b) the employee files the declaration in Form No.10BA. (**Annexure X**)
- (c) The employee does not own:
 - (i) any residential accommodation himself or by his spouse or minor child or where such employee is a member of a Hindu Undivided Family, by such family, at the place where he ordinarily resides or performs duties of his office or carries on his business or profession; or
 - (ii) at any other place, any residential accommodation which is in the occupation of the employee, the value of which is to be determined under section 23(2)(a) or section 23(4)(a), as the case may be.
- (d) He will be entitled to a deduction in respect of house rent paid by him in excess of 10% of his total income. The deduction shall be equal to 25% of total income or Rs. 5,000/- per month, whichever is less. The total income for working out these percentages will be computed before making any deduction under section 80GG.

The Drawing and Disbursing Authorities should satisfy themselves that all the conditions mentioned above are satisfied before such deduction is allowed by them to the employee. They should also satisfy themselves in this regard by insisting on production of evidence of actual payment of rent.

5.5.11 Deductions in respect of certain donations for scientific research or rural development (Section 80 GGA):

Section 80GGA allows deduction from total income of employee in respect of donations of any sum as given in the Table below:

Sl No	Donations made to persons	Approval / Notification	Authority granting approval/
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		under Section	Notification
1	A research association which has as its object the undertaking of scientific research or to a University, college or other institution to be used for scientific research	u/s 35(1)(i)	Central Government
2	A research association which has as its object the undertaking of research in social science or statistical research or to a University, college or other institution to be used for research in social science or statistical research	u/s 35(1)(iii)	Central Government
3	an association or institution, which has as its object the undertaking of any programme of rural development, to be used for carrying out any programme of rural development approved for the purposes of section 35CCA	furnishes the certificate u/s 35CCA (2)	Prescribed Authority under Rule 6AAA
4	an association or institution which has as its object the training of persons for implementing programmes of rural development.	furnishes the certificate u/s 35CCA (2A)	Prescribed Authority under Rule 6AAA
5	a public sector company or a local authority or to an association or institution approved by the National Committee, for carrying out any eligible project or scheme.	furnishes the certificate u/s 35AC(2)(a)	National Committee for Promotion of Social & Economic Welfare
7	a rural development fund	notified u/s 35CCA (1)(c)	set up and notified by the Central Government
8	National Urban Poverty Eradication Fund	notified u/s 35CCA (1)(d)	set up and notified by the Central Government

No deduction under this section is allowable in case:

- i) The employee has gross total income which includes income which is chargeable under the head "Profits and gains of business or profession".
- ii) The amount of donation exceeds Rs 10000 and is paid in cash.

The Drawing and Disbursing Authorities should satisfy themselves that all the conditions mentioned above are satisfied before such deduction is allowed by them to the employee. They should also satisfy themselves in this regard by insisting on production of evidence of actual payment of donation and a receipt from the person to whom donation has been made and ensure that the approval/notification has been issued by the right authority. DDO must ensure a self-declaration from the employee that he has no income from "Profits and gains of business or profession".

5.5.12 Deduction in respect of interest on deposits in savings account (Section 80TTA):

Section 80TTA introduced from the Financial Year 2012-13 allows to an employee, not being a senior citizen employee, from his gross total income if it includes any income by way of interest on deposits (not being time deposits) in a savings account, a deduction amounting to:

- (i) in a case where the amount of such income does not exceed in the aggregate ten thousand rupees, the whole of such amount; and

(ii) in any other case, ten thousand rupees.

The deduction is available if such savings account is maintained in a

- (a) banking company to which the Banking Regulation Act, 1949, applies (including any bank or banking institution referred to in section 51 of that Act);
- (b) co-operative society engaged in carrying on the business of banking (including a co-operative land mortgage bank or a co-operative land development bank); or
- (c) Post Office as defined in clause (k) of section 2 of the Indian Post Office Act, 1898.

For this section, "time deposits" means the deposits repayable on expiry of fixed periods.

Section 80TTB introduced from Financial Year 2018-19 allows a deduction up to Rs. 50,000 in respect of interest income from deposits held by senior citizens from his gross total income if it includes any income by way of interest on deposits (not being time deposits) in a savings account, a deduction amounting to:

- (i) in a case where the amount of such income does not exceed in the aggregate fifty thousand rupees, the whole of such amount; and
- (ii) in any other case, fifty thousand rupees.

The deduction is available if such savings account is maintained in a

- (a) banking company to which the Banking Regulation Act, 1949, applies (including any bank or banking institution referred to in section 51 of that Act);
- (b) co-operative society engaged in carrying on the business of banking (including a co-operative land mortgage bank or a co-operative land development bank); or
- (c) a Post Office as defined in clause (k) of section 2 of the Indian Post Office Act, 1898.

For this section, "senior citizen" means an individual resident in India who is of the age of sixty years or more at any time during the relevant previous year".

6. REBATE OF Rs. 2500 FOR INDIVIDUALS HAVING TOTAL INCOME UPTO Rs 3.5 LAKH [SECTION 87A]

Finance Act 2017 provided relief in the form of rebate to individual taxpayers, resident in India, who are in lower income bracket, i. e. having total income not exceeding Rs 3,50,000/-. The amount of rebate available under section 87A is Rs 2,500/- or the amount of tax payable, whichever is less from AY 2018-19.

7 TDS ON PAYMENT OF ACCUMULATED BALANCE UNDER RECOGNISED PROVIDENT FUND AND CONTRIBUTION FROM APPROVED SUPERANNUATION FUND:

7.1 The trustees of a Recognized Provident Fund, or any person authorized by the regulations of the Fund to make payment of accumulated balances due to employees, shall in cases where sub-rule (1) of Rule 9 of Part A of the Fourth Schedule to the Act

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applies, at the time when the accumulated balance due to an employee is paid, make therefrom the deduction specified in Rule 10 of Part A of the Fourth Schedule to the Act.

The accumulated balance is treated as income chargeable under the head "Salaries".

7.2 Where any contribution made by an employer, including interest on such contributions, if any, in an approved Superannuation Fund is paid to the employee, tax on the amount so paid shall be deducted by the trustees of the Fund to the extent provided in Rule 6 of Part B of the Fourth Schedule to the Act. TDS should be at the average rate of tax at which, the employee was liable to be taxed during the preceding three years or during the period, if that period is less than three years, when he was member of the fund.

The deductor shall remain liable to deduct tax on any sum paid on account of returned contributions (including interest, if any) even if a fund or part of a fund ceases to be an approved Superannuation fund.

7.3 As per section 192A of the Act, w. e. f. 01.06.2015 the trustees of the EPF Scheme 1952 framed under section 5 of the EPF & Misc. Provisions Act, 1952 or any person authorized under the scheme to make payment of accumulated balance due to employees, shall, in a case where the accumulated balance due to an employee participating in a recognized provident fund is includible in his total income owing to the provisions of Rule 8 of Part A of Fourth Schedule not being applicable at the time of payment of accumulated balance due to the employee, deduct income tax thereon @ 10% if the amount of such payment or aggregate of such payment exceeds Rs 50,000/-. In case the employee does not provide his/her PAN or provides an invalid PAN then the deduction will have to be made at maximum marginal rate.

The Rule-8 of Part-A of fourth schedule excludes the following accumulated balance due and becoming payable to the employee from the total income;

- (i) If, he has rendered continuous service with his employer for a period of five years or more, or
- (ii) If, though he has not rendered such continuous service, the service has been terminated by reason of -
 - the employees ill health, or
 - by the contraction or discontinuance of the employer's business or
 - other cause beyond the control of employee, or
- (iii) if, on cessation of his employment, the employee obtains employment with any other employer, to the extent amount of such accumulated balance is transferred to his individual account in any recognized provident fund maintained by such other employer, or
- (iv) if the entire balance standing to the credit of employee is transferred to his account under a pension scheme referred to in section 80 CCD and notified by the central Government.

When the accumulated balance due and becoming payable to an employee includes any amount transferred from his individual account in any other recognized provident fund(s) maintained by his former employer(s), then in computing the period of continuous service the period or periods of continuous services rendered under former employer(s) shall be counted for the purposes of (i) and (ii) above.

Under the above four situations at (i) to (iv), the accumulated balance due and payable to the employee is not liable for TDS under section 192 A.

8. DDOS TO OBTAIN EVIDENCE/PROOF OF CLAIMS:

For the purpose of estimating income of the assessee or computing tax deductions, section 192(2D) provides that person responsible for paying (DDOs) shall obtain from the assessee evidence or proof or particular of claims such as House rent Allowance (where aggregate annual rent exceeds one lakh rupees); Deduction of interest under the head "Income from house property" and deduction under Chapter VI-A as per the prescribed form 12BB laid down by Rule 26C of the Rules.

Further, as per section 192 (2D) read with the rule 26C, it is mandatory for the DDOs to obtain details/evidence in respect of claim of exemption for leave travel concession or assistance before allowing the said exemption. The relevant form for furnishing details by employee is Form 12BB.

9. CALCULATION OF INCOME-TAX TO BE DEDUCTED:

9.1 Salary income for the purpose of section 192 shall be computed as follow:-

- (a) First compute the gross salary as mentioned in para 5.1 including all the incomes mentioned in para 5.2 and excluding the income mentioned in para 5.3.
- (b) Allow deductions mentioned in para 5.4 from the figure arrived at (a) above and compute the amount to arrive at Net salary of the employee
- (c) Add income from all other heads- 'House property', 'Profits & gains of Business or Profession', Capital gains and Income from other Sources to arrive at the Gross Total Income as shown in the form of simple statement mentioned para 3.5. However it may be remembered that no loss under any such head is allowable by DDO other than loss under the Head "Income from House property" to the extent of Rs. 2.00 lakh.
- (d) Allow deductions mentioned in para 5.5 from the figure arrived at (c) above ensuring that the relevant conditions are satisfied. The aggregate of the deductions subject to the threshold limits mentioned in para 5.5 shall not exceed the amount at (b) above and if it exceeds, it should be restricted to that amount.

This will be the amount of total income of the employee on which income tax would be required to be deducted. This income should be rounded off to the nearest multiple of ten rupees.

9.2 Income-tax on such income shall be calculated at the rates given in para 2.1 of this Circular keeping in view the age of the employee and subject to the provisions of sec. 206AA, as discussed in para 4.8. Rebate as per Section 87A up to Rs 2500/- to eligible persons (see para 6) may be given. Surcharge shall be calculated in cases where applicable (see para 2.2).

9.3 The amount of tax as increased by the surcharge if applicable so arrived at shall be increased by Health and education Cess at the rate of 4% to arrive at the total tax payable.

9.4 The amount of total tax payable as arrived at para 9.3 should be deducted every month in equal installments. Any excess or deficit arising out of any previous deduction can be adjusted by increasing or decreasing the amount of subsequent deductions during the same financial year.

10. MISCELLANEOUS:

10.1 These instructions are not exhaustive and are issued only with a view to guide the employers to understand the various provisions relating to deduction of tax from salaries. Wherever there is any doubt, reference may be made to the provisions of the Income-tax Act, 1961, the Income-tax Rules, 1962, the Finance Act 2018, the relevant circulars / notifications, etc.

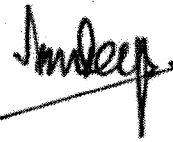
10.2 In case any assistance is required, the Assessing Officer/the Local Public Relation Officer of the Income-tax Department may be contacted.

10.3 These instructions may be brought to the notice of all Disbursing Officers and Undertakings including those under the control of the Central/ State Governments.

10.4 Copies of this Circular are available at the following websites:

www.finmin.nic.in & www.incometaxindia.gov.in

Hindi version will follow.



(Sandeep Singh)

Under Secretary to the Govt. of India

Copy to

1. All State Governments/Union Territories.
2. All Ministries/Departments of Government of India etc.
3. President's Secretariat
4. Vice-President's Secretariat
5. Prime Minister's Office
6. Lok Sabha Secretariat
7. Rajya Sabha Secretariat
8. Cabinet Secretariat
9. Secretary, U.P.S.C., Dholpur House, New Delhi
10. Secretary, Staff Selection Commission, Lodhi Complex, New Delhi
11. Supreme Court of India, New Delhi
12. Election Commission, New Delhi
13. Planning Commission, New Delhi
14. Secretariat of Governors/Lt. Governors of all States/Union Territories
15. All Integrated Financial Advisors to Ministries/Departments of Government of India
16. All Heads of Departments & Offices subordinate to the Department of Revenue CBDT, CBEC
17. Army Headquarters, New Delhi
18. Air Headquarters, New Delhi
19. Naval Headquarters, New Delhi

20. Director-General of Posts & Telegraphs, New Delhi
21. Comptroller & Auditor General of India
22. Accountant Generals of all State Governments
23. Director of Audit (Central) Kolkata, New Delhi, Mumbai.
24. All Banks (Public Sector, Nationalized including State Bank of India)
25. Secretary, Reserve Bank of India Central Office P.B.No.406, Mumbai-400001 (25 copies for distribution to its Branches).
26. Accounts Officer, Inspector General of Assam Rifles, (Hqrs), Shillong
27. All Chambers of Commerce & Industry
28. Lok Sabha /Rajya Sabha Secretariat Libraries(15 copies each)
29. All Officers and Sections in Technical Wing of CBDT
30. Asstt. Chief Inspector, RBI Inspection Deptt. Regional Cell Mumbai/Kolkata/ Chennai/New Delhi/and Kanpur.
31. Controller of Accounts, Deptt. Of Economic Affairs, New Delhi
32. Manager, Reserve Bank of India, Public Debt Office, Ahmedabad/Bengaluru/ Bhubaneswar/ Mumbai/Kolkata/Hyderabad/Kanpur/Jaipur/Chennai/Nagpur/New Delhi/ Patna/ Guwahati/Trivandrum.
33. Controller General of Defence Accounts, New Delhi.
34. Directorate of Audit, Defence Services, New Delhi.
35. National Saving Organisation, Nagpur.
36. Deputy Accountant General, Post & Telegraph, Kolkata.
37. The Legal Adviser, Export-Import Bank of India, P.B.No.19969, Mumbai.4000021.
38. Chief Controller of Accounts, CBDT, Lok Nayak Bhawan, Khan Market, New Delhi
39. N. S. Branch, Department of Economic Affairs, New Delhi
40. The Min. of Law (Deptt. of Legal Affairs), Shastri Bhawan New Delhi.
41. All Foreign Banks operating in India
42. Air India, New Delhi
43. University Grants Commission, Bahadur Shah Jafar Marg, New Delhi



(Sandeep Singh)
Under Secretary to the Govt. of India

ANNEXURE-ISOME ILLUSTRATIONSExample 1

For Assessment Year 2018-19

(A) Calculation of Income tax in the case of an employee (Male or Female) below the age of sixty years and having gross salary income of:

- i) Rs.2,50,000/- ,
- ii) Rs.5,00,000/- ,
- iii) Rs.10,00,000/-
- iv) Rs.55,00,000/- and
- v) Rs. 1,10,00,000/-

(B) What will be the amount of TDS in case of above employees, if PAN is not submitted by them to their DDOs/Offices:

Particulars	Rupees (i)	Rupees (ii)	Rupees (iii)	Rupees (iv)	Rupees (v)
Gross Salary Income (including allowances)	2,50,000	4,00,000	10,00,000	55,00,000	1,10,00,000
Contribution of G.P.F.	45,000	50,000	1,00,000	1,00,000	1,00,000

Computation of Total Income and tax payable thereon

Particulars	Rupees (i)	Rupees (ii)	Rupees (iii)	Rupees (iv)	Rupees (v)
Gross Salary	2,50,000	4,00,000	10,00,000	55,00,000	1,10,00,000
Less: Deduction U/s 80C	45,000	50,000	1,00,000	1,00,000	1,00,000
Taxable Income	2,05,000	3,50,000	9,00,000	54,00,000	1,09,00,000
(A) Tax thereon	Nil	2,500*	92,500	14,32,500	30,82,500
Surcharge				1,43,250	4,62,375
Add: Health & Education Cess @ 4%.	Nil	100	3700	63,030	1,41,795
Total tax payable	Nil	2600	96,200	16,38,780	36,86,670

* After rebate of Rs 2500 u/s 87A

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Example 2

For Assessment Year 2018-19

Calculation of Income Tax in the case of an employee below the age of sixty years having a handicapped dependent (With valid PAN furnished to employer).

S.No.	Particulars	Rupees
1	Gross Salary	4,20,000
2	Amount spent on treatment of a dependant, being person with disability (but not severe disability)	7000
3	Amount paid to LIC with regard to annuity for the maintenance of a dependant, being person with disability (but not severe disability)	60,000
4	GPF Contribution	25,000
5	LIP Paid	10,000
6	Interest Income on Savings Account	12,000

Computation of Tax

S.No.	Particulars	Rupees
1	Gross Salary	4,20,000
2	Add: Income from Other Sources Interest Income on Savings Account	Rs 12,000
3	Gross Total Income	4,32,000
4	Less: Deduction U/s 80DD (Restricted to Rs.75,000/- only)	60,000
5	Less: Deduction U/s 80C (i) GPF Rs.25,000/- (ii) LIP Rs.10,000/- = Rs.35,000/-	35,000
6	Less: Deduction u/s 80TTA on Interest Income on savings account (restricted to Rs 10000/-)	10000
7	Total Income	2,97,000
8	Income Tax thereon/payable (includes Rebate of Rs 2500 as per Section 87A)	Nil
9	Add: Health & Education Cess @ 4%.	Nil
10	Total Income Tax payable	Nil
11	Rounded off to	Nil

Example 3

For Assessment Year 2018-19

Calculation of Income Tax in the case of an employee below age of sixty years where medical treatment expenditure was borne by the employer. (With valid PAN furnished to employer).

S.No.	Particulars	Rupees
1	Gross Salary	5,20,000
2	Medical Reimbursement by employer on the treatment of self and dependent family member	35,000
3	Contribution of GPF	20,000
4	LIC Premium	20,000
5	Repayment of House Building Advance	25,000
6	Tuition fees for two children	60,000
7	Investment in Unit-Linked Insurance Plan	30,000
8	Interest Income on Savings Account	8,000
9	Interest Income on Time Deposit	15,000

Computation of Tax

S.No.	Particulars	Rupees
1	Gross Salary	5,20,000
2	Add: Perquisite in respect of reimbursement of Medical Expenses In excess of Rs.15,000/- in view of Section 17(2)(v)	20,000
3	Income from Other Sources i) Interest Income on Savings Account Rs 8,000 ii) Interest Income on Time Deposit Rs 15,000	23,000
4	Gross Total Income	5,63,000
5	a. Less: Deduction U/s 80C (i) GPF Rs.20,000/- (ii) LIC Rs.20,000/- (iii) Repayment of House Building Advance Rs.25,000/- (iv) Tuition fees for two children Rs.60,000/- (v) Investment in Unit-Linked Insurance Plan Rs.30,000/- Total =Rs.1,55,000/- Restricted to Rs. 1,50,000/- b. Less: Deduction u/s 80TTA on Interest Income on savings account (restricted to Rs 10,000/- - available only on Savings account interest) Rs 8000 Total deduction available Rs 1,58,000/-	1,58,000
6	Total Income	4,05,000
7	Income Tax thereon/payable	7,750
8	Add: Health & Education Cess @ 4%.	310
9	Total Income Tax payable	8060

Example 4

For Assessment Year 2018-19

Illustrative calculation of House Rent Allowance U/s 10 (13A) in respect of residential accommodation situated in Delhi in case of an employee below the age of sixty years (With valid PAN furnished to employer).

S.No.	Particulars	Rupees
1	Salary	3,50,000
2	Dearness Allowance	2,00,000
3	House Rent Allowance	1,40,000
4	House rent paid	1,44,000
5	General Provident Fund	36,000
6	Life Insurance Premium	4,000
7	Subscription to Unit-Linked Insurance Plan	50,000

Computation of total income and tax payable thereon

S.No.	Particulars	Rupees
1	Salary + Dearness Allowance + House Rent Allowance 3,50,000+2,00,000+1,40,000 = 6,90,000	6,90,000
2	Total Salary Income	6,90,000
3	Less: House Rent allowance exempt U/s 10(13A): Least of: (a). Actual amount of HRA received= 1,40,000 (b). Expenditure of rent in excess of 10% of salary (including D.A. presuming that D.A. is taken for retirement benefit) (1,44,000-55,000) = 89,000 (c). 50% of Salary(Basic+ DA) = 2,75,000 [Bombay/Kolkata/Delhi/Chennai] or 40% of salary (Basic + DA) in case of other cities	89,000
	Gross Total Income	6,01,000
	Less: Deduction U/s 80C (i) GPF Rs.36,000/- (ii) LIC Rs. 4,000 (iii) Investment in Unit-Linked Insurance Plan Rs.50,000/- Total =Rs.90,000/-	90,000
3	Total Income	5,11,000
	Tax payable	14700
	Add: Health & Education Cess @ 4%.	588
	Total Income Tax payable	15288
	Rounded off to	15290

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Example 5

For Assessment Year 2018-19

Illustrating valuation of perquisite and calculation of tax in the case of an employee below age of sixty years of a private company in Mumbai who was provided accommodation in a flat at concessional rate for ten months and in a hotel for two months (With valid PAN furnished to employer).

S.No.	Particulars	Rupees
1	Salary	7,00,000
2	Bonus	1,40,000
3	Free gas, electricity, water etc. (Actual bills paid by company)	40,000
4(a)	Flat at concessional rate (for ten month). @ Rs.36000/month	3,60,000
4(b)	Hotel rent paid by employer (for two month)	1,00,000
4(c)	Rent recovered from employee.	60,000
4(d)	Cost of furniture.	2,00,000
5	Subscription to Unit Linked Insurance Plan	50,000
6	Life Insurance Premium	10,000
7	Contribution to recognized P.F.	42,000

COMPUTATION OF TOTAL INCOME AND TAX PAID THEREON:

S.No.	Particulars	Rupees
1	Salary	7,00,000
2	Bonus	1,40,000
3	Total Salary(1+2) for Valuation of Perquisites	8,40,000
Valuation of perquisites		
4(a)	Perquisite for flat(Cities having population >25 lakh as per 2000 census) Lower of (15% of salary for 10 months=Rs.1,05,000/-) and (actual rent paid= Rs 3,60,000) i.e. Rs. 1,05,000	
4(b)	Perquisite for hotel : Lower of (24% of salary of 2 months=Rs 33,600) and (actual payment= Rs 1,00,000) i.e. Rs 33,600	
4(c)	Perquisites for furniture @ 10% of cost (10% of Rs. 2,00,000) Rs. 20,000	
4(c)(i)	Total of [4(a)+(b)+(c)] (1,05,000+ 33,600+ 20,000)Rs.158,600 Less: rent recovered (-)Rs. 60,000 = Rs. 98,600	1,38,600
4(d)	Add Perquisite for free gas, electricity, water etc. Rs.40,000 (+) Rs 98,600 [4(c)(i)] = Rs1,38,600 Total perquisites	
5	Gross Total Income (Rs.8,40,000+ 1,38,600)	9,78,600
6	Gross Total Income	9,78,600
7	Less: Deduction U/s 80C: (i). Provident Fund (80C)	

	:42,000 (ii). LIC (80C) :10,000 (iii). Subscription to Unit Linked Insurance Plan(80C) :50,000/- Total = 1,02,000 Restricted to Rs 1,02,000 u/s 80C	1,02,000
8	Total Income	8,76,600
9	Tax Payable	87,820
10	Add: Health & Education Cess @ 4%.	3513
11	Total Income Tax payable	91,333
12	Rounded off to	91,330

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Example 6

For Assessment Year 2018-19

Illustrating Valuation of perquisite and calculation of tax in the case of an employee below the age of 60 years of a Private Company posted at Delhi and repaying House Building Loan (With valid PAN furnished to employer).

S.No.	Particulars	Rupees
1	Salary	4,00,000
2	Dearness Allowance	1,00,000
3	House Rent Allowance	1,80,000
4	Special Duties Allowance	12,000
5	Provident Fund	60,000
6	LIP	10,000
7	Deposit in NSC VIII issue	30,000
8	Rent Paid for house hired by employee	1,20,000
9	Repayment of House Building Loan (Principal)	60,000
10	Tuition Fees for three children (Rs.10,000 per child)	30,000

Computation of total income and tax payable thereon

S.No.	Particulars	Rupees
1	Gross Salary (Basic+DA+HRA+SDA)	6,92,000
	Less: House rent allowance exempt U/s 10 (13A)	
	Least of:	
	(a). Actual amount of HRA received. :Rs.1,80,000	
	(b). Expenditure on rent in excess of 10% of salary (Including D.A.)assuming D.A. is included for retirement benefits (1,20,000- 50,000) :Rs.	70,000
	70,000	
	(c). 50% of salary (including D.A) : Rs.	-
	2,50,000	
2	Gross Total Taxable Income	6,22,000
	Less: Deduction U/s 80C	
	(i). Provident Fund : 60,000	
	(ii). LIP : 10,000	
	(iii). NSC VIII Issue : 30,000	
	(iv). Repayment of HBA : 60,000	
	(v). Tuition Fees (Restricted to two children) : 20,000	
	Total : 1,80,000	
	Restricted to 1,50,000	1,50,000
	Total Income	4,72,000
	Income Tax thereon/payable	11,100
	Add:	
	Health & Education Cess @ 4%.	444
	Total Income Tax payable	11,544
	Rounded off to	11,540

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Example 7

For Assessment Year 2018-19

A. Calculation of Income tax in the case of a retired employee above the age of sixty years but below the age of 80 years and having gross pension of:

- iv) Rs.4,50,000/-,
- v) Rs.8,00,000/-,
- vi) Rs. 12,50,000/-.

B What will be the amount of TDS in case of above employees, if PAN is not submitted by them to their DDOs/Offices:

Particulars	Rupees (i)	Rupees (ii)	Rupees (iii)
Gross Pension	4,50,000	8,00,000	12,50,000
Contribution of P.P.F.	70,000	1,00,000	1,50,000

Computation of Total Income and tax payable thereon

Particulars	Rupees (i)	Rupees (ii)	Rupees (iii)
Gross Pension	4,50,000	8,00,000	12,50,000
Less: Deduction U/s 80C	70,000	1,00,000	1,50,000
Taxable Income	3,80,000	7,00,000	11,00,000
Tax thereon	4,000	50,000	1,40,000
Add: Health & Education Cess @ 4%.	160	2,000	5,600
Total tax payable	4,160	52,000	1,45,600

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Example 8

For Assessment Year 2018-19

A. Calculation of Income tax in the case of a retired employee above the age of 80 years and having gross pension of:

- i) Rs.5,00,000/-,
- ii) Rs.8,00,000/-,
- iii) Rs. 12,50,000/-.

B What will be the amount of TDS in case of above employees, if PAN is not submitted by them to their DDOs/Offices:

Particulars	Rupees (i)	Rupees (ii)	Rupees (iii)
Gross Pension	5,00,000	8,00,000	12,50,000
Contribution of P.P.F.	80,000	1,20,000	1,50,000

Computation of Total Income and tax payable thereon

Particulars	Rupees (i)	Rupees (ii)	Rupees (iii)
Gross Pension	5,00,000	8,00,000	12,50,000
Less: Deduction U/s 80C	80,000	1,20,000	1,50,000
Taxable Income	4,20,000	6,80,000	11,00,000
Tax thereon	Nil	36,000	1,30,000
Add: Health & Education Cess @ 4%.	Nil	1,440	5,200
Total tax payable	Nil	37,440	1,35,200

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Example 9

Exemption u/s 10 (13A)

1. Mr. A, employed with XYZ Ltd. Up to 31.10.2016, received following emoluments :

S.No.	Particulars	Rupees
1.	Basic pay p.m.	13,000
2.	Bonus for the year received in July, 2015	7,200
3.	Club facility (for private use only) Expenditure by employer p.m.	700
4.	House Rent Allowance p.m.	2,800
5.	Employer's contribution to URPF p.m. (Mr. A also made equal contribution)	1,000
W.e.f. 01.11.2015, Mr. A joined PQR Ltd., with following pay package :		
1.	Basic pay p.m.	18,000
2.	House Rent Allowance p.m.	1,600
3.	Club Facility (for private use only) Expenditure by employer p.m.	1,100
4.	Use of car for journey between office and residence – Employer's expenditure p.m.	600
5.	Employer's contribution to RPF p.m. (Mr. A also made equal contribution)	2,000
Other particulars of Mr. A are as under :		
1.	Mr. A resides at Amritsar paying a monthly rent of	3,500
2.	Mr. A's income from other sources	95,000
3.	Mr. A contributed to LIC/PPR/NSC etc.	20,000
Compute Mr. A's taxable income and tax liability for A.Y. 2017-18.		

Computation of Tax

S.No.	Particulars	Rupees
1.	Income from Salary	
	(a) From XYZ Ltd.	
	Basic pay (Rs.13,000 x 7)	91,000
	Bonus	7,200
	Club facility (Rs.700 x 7)	4,900
	H.R.A. (Rs.2,800 x 7)	19,600
	Less : Exempt u/s 10(13A)	15,400
	Employer's Contribution to U.R.P.F.	1,07,300
	(b) From PQR Ltd.	
	Basic pay (Rs.18,000 x 5)	90,000
	H.R.A. (Rs.1,600 x 5)	8,000
	Less : Exempt u/s 10(13A)	8,000
	Club Facility (Rs.1,100 x 5)	5,500
	Facility of Car (not taxable as perquisite)	15,400
	Employer's Contribution to R.P.F.	95,500
	Gross Salary	2,02,800
	Less: Deduction	-----
	Net Salary	2,02,800
2.	Income from Others Sources	95,000

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Gross Total Income		2,97,800
Less : Deduction u/s 80C		
: Contribution to LIC/PPF/NSC	Rs. 20,000	
: Contribution to RPF (Rs.2000 x 5)	Rs. 10,000	30,000
	Total Income	2,67,800
Computation of Tax Liability		
Tax payable on Rs.2,67,800		8,90
Less : Rebate u/s 87A		8,90
Net Income-tax payable		Nil
Add : Surcharge		Nil
Add : Health & Education Cess @ 4%.		---
Total Tax Payable		Nil

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Example 10

2. One Computation of Taxable Salary and allowances, Deduction for Interest on Housing Loan and Deduction u/s 80C.

Mr. X, a Central Govt. Officers in Delhi, is receiving Basic Pay Rs.40,000, DA at prescribed rates, transport allowances @ Rs.3600+DA thereon, and HRA (existing- from 1st July 2017 @24% of basic pay (though living in his own house). His date of increment is 1st July. The following are other particulars of his income. Compute his taxable income and tax payable, for A.Y.2018-19.

S.No.	Particulars	Rupees
1.	Honorarium for valuation of answer books of a departmental examination	3,000
2.	Fee for work done for a private body (1/3 rd of fees has been retained by Govt.)	6,000
3.	Contributions to G.P.F. p.m.	4,700
4.	Postal Life Insurance Premium financed from G.P.F. p.m.	280
5.	Contribution to Central Govt. Employees Group Insurance Scheme p.m.	500
6.	Life Insurance Premium (being a Life Insurance Policy of Rs.1,00,000 taken in name of his wife before 1.04.2012)	10,500
7.	Contribution to Public Provident Fund	10,000
8.	Repayment of HDFC loan borrowed after 1.04.1999 EMI Rs.25,000 (Towards loan Rs.95,000, towards interest Rs.2,05,000)	3,00,000

Computation of Tax

S.No.	Particulars	Rupees
1.	Income from Salary	
	Basic Pay @ Rs 40,000 p.m	
	(March to June '18)	1,60,000
	@ Rs 41,200 p.m * (July 2017 to Feb 2018)	3,29,600
		4,89,600
	Dearness Allowance	
	1.3.2018 to 30.06.2018 @ 7% i.e., Rs 40,000 p.m	11,200
	1.7.2018 to 31.12.2018 @ 9% i.e. Rs 41,200 p.m	22,248
	1.1.2019 to 28.02.2019 @ 11% (assumed) i.e.,Rs. 41,200 p.m	9,064
		5,32,112
	House Rent Allowance	1,17,504
		6,49,616
	Transport Allowance	
	1.3.2018 to 30.6.2018 @ Rs 3200 p.m	12,800
	1.7.2018 to 31.12.2018 @ Rs 3780 p.m	22,680
	1.1.2019 to 28.2.2019 @ Rs 3852 p.m	7704
		43,184
	Less: Exempt u/s 10(14) @ 800 p.m	19200
		23984
	Honorarium	6,73,600
	Fees (2/3 retained by him)	3,000
	Total Salary	4000
		6,80,600

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	Less: Standard Deduction		-
	Net Salary		6,80,600
2.	Income from House Property		
	Self-occupied u/s 23(2)(a) where property is acquired/constructed with borrowed capital on or after 1.4.1999 and such acquisition/construction computed within five years from the end of FY in which capital was borrowed.		Nil
	Less: Interest on HDFC Loan (upto Rs. 2,00,000)	2,00,000 (-)	2,00,000
	Gross Total Income		4,80,600
	Less: Deduction u/s 80 C		
	- GPF @ Rs 4,700/-p.m	56,400	
	- CGEGIS @ Rs 500/- p.m	6,000	
	- Life Insurance Premium	10,500	
	- Repayment of HDFC Loan	95,000	
	- Deposit in Public Provident Fund	10,000	
		1,77,900	
			1,50,000
	Restricted to a maximum of Taxable Income		3,30,600
	Computation of Tax Liability		
	Tax payable		4,030
	Add: Surcharge		-
	Add: Health & Education Cess @4%		161
	Total Tax Liability		1691*

* After rebate of Rs 2500 u/s 87A

F.No. 275/192/2018-IT (B)
Government of India/ भारत सरकार
Ministry of Finance/ वित्त मंत्रालय
Department of Revenue/(राजस्व विभाग)
Central Board of Direct Taxes/(केन्द्रीय प्रत्यक्ष कर बोर्ड)

North Block, New Delhi
18th January, 2019

CORRIGENDUM

Subject: Income-Tax Deduction from Salaries during the Financial Year 2018-19 under Section 192 of the Income-tax Act, 1961-regarding.

The undersigned is directed to refer to Circular No. 1/2019 dated 1st January, 2019 bearing file of even number on the above mentioned subject and to state that in Annexure-I from Examples from 1 to 8 referred to in pages from 47 to 55, "For Assessment Year 2018-19" may be read as "For Assessment Year 2019-20".

In Annexure-I in Example 1 referred to in page 47, in Para A against serial No.(ii), "Rs. 5,00,000" may be read as "Rs. 4,00,000".

In Annexure-I from Examples 1 to 10, referred to in pages 47 to 59, a deduction of Rs. 40,000 is allowed as standard deduction u/s 16(ia) of the Income-tax Act, 1961. The computation of total income and tax payable thereon will be accordingly modified.



(Sandeep Singh)

Under Secretary to the Govt. of India

Tele/Fax: 23094182

Mail: sandeep.singh68@nic.in

G.I.,CGHS, O.M.No.F.No.25-2/2018/CGHS/JD Ayush,
dated 26-12-2018

Extension of empanelment of AYUSH Hospitals/Centres
under CGHS and CS(MA)Rules till 30-6-2019

With reference to the above-mentioned subject attention is drawn to the O.M.No.S-11011/90/2016-CGHS(HEC)AYUSH/Pt-1, dated 26-12-2017 vide which Non-NABH empanelled Ayush Hospitals/Centres were required to obtain NABH accreditation within a period of one year from date of issue of the said OM. However, some of the empanelled Non-NABH Ayush hospitals/Centres have not been able to obtain NABH accreditation within stipulated time period.

The matter has been reviewed and it has been decided to accord extension of validity of empanelment till 30-6-2019 to following Ayush Hospitals/Centres for obtaining NABH accreditation and in case of failure to do so, action as deemed fit would be initiated against these Ayush hospitals/Centres:

1. Kailash Institute of Naturopathy Ayurveda and Yoga, 26 KP-1, Greater Noida, 201308, Phones-0120-2327911 and 2327900 E-Mail:kinay@kailashnaturopathy.com
2. Vivekanand Prathishthan Parishad, Vivekanand Hospital Yogasharam, Patparganj Road, Khureji, Delhi-110051, Tel:22502142, 22424057. E-mail:healing@bol.net.in
3. Bapu Nature Cure Hospital and Yogashram, Gandhi Nidhi, Mayur Vihar Phase-I, Delhi-110091 Phone-+91 9911371757. Email:info@bnchy.org

This issues with the approval of AS & DG(CGHS).

No.18016/3/2018 -Estt.(L)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

New Delhi, the 8th January, 2019

OFFICE MEMORANDUM

Subject: Special concessions to Central Government employees working in Kashmir Valley in attached/subordinate offices or PSUs falling under the control of Central Government.

The undersigned is directed to refer to this Department's O.M. No. 18016/1/2016-Estt.(D) dated 11th December, 2016 on the subject mentioned above and to state that it has been decided by the competent authority to extend the package of concessions/incentives to Central Government employees working in Kashmir Valley for a further period of two years w.e.f. 01.01.2018. The package for two years is as per Annexure.

2. The package of incentives is uniformly applicable to all Ministries/Departments and PSUs under the Government of India and they should ensure strict adherence to the rates prescribed in the package. The concerned Ministry/Department may ensure implementation and monitoring of the package in conformity with the approved package, and therefore, all court cases in which verdicts are given contrary to the package would have to be contested by the Ministries/Departments concerned.



(Sandeep Saxena)
Under Secretary to the Government of India
011-26164316

Encl. As above

To

All Ministries/Departments of the Govt. of India. (as per mailing list)

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- 2 :-

No.18016/3/2018-Estt (L)

New Delhi, dated the 8th January, 2019

1. Addl. Secretary, Department of Jammu & Kashmir Affairs, Ministry of Home Affairs, North Block, New Delhi – w.r.t. OM No.12013/2/2017-K.VI dated 12th December, 2018.
2. Office of the Comptroller and Auditor General of India/ Controller General of Accounts, Ministry of Finance.
3. Secretaries to Union Public Service Commission/ Supreme Court of India/Election Commission of India/Lok Sabha Sectt./ Rajya Sabha Sectt./ Cabinet Sectt./ Central Vigilance Commission/ President's Sectt./ Vice President's Sectt./ Prime Minister's Office/ Niti Aayog / Central Information Commission.
4. All State Governments & Union Territories.
5. Governors of all States/ Lt. Governors/ Administrators of Union Territories.
6. Secretary, National Council (Staff Side), 13-C, Ferozshah Road, New Delhi.
7. All Members of Staff Side of the National Council of JCM/Departmental Council.
8. All Officers/ Sections of DoPT/DARPG/Deptt. of Pension & Pensioners' Welfare.
9. Ministry of Finance, Department of Expenditure (E-IV) Branch.
10. Railway Board, New Delhi
11. NIC, DoPT to upload the website.



(Sandeep Saxena)

Under Secretary to the Government of India

011-26164316

ANNEXURE

ANNEXURE to DOPT's O.M. No.18016/3/2018-Estt.(L) dated the 8th January, 2019.

DETAILS OF PACKAGE OF CONCESSIONS TO CENTRAL GOVERNMENT EMPLOYEES WORKING IN KASHMIR VALLEY IN ATTACHED/SUBORDINATE OFFICES OR PSUs FALLING UNDER THE CONTROL OF CENTRAL GOVERNMENT.

[Kashmir Valley comprises of ten districts namely, Anantnag, Baramulla, Budgam, Kupwara, Pulwama, Srinagar, Kulgam, Shopian, Ganderbal and Bandipora]

I. ADDITIONAL H.R.A. AND OTHER CONCESSIONS :

(A) Employees posted to Kashmir Valley:

(i) These employees have an option to move their families to a selected place of their choice in India at Government expense. T.A. for the families allowed as admissible in permanent transfer inclusive of the Composite Transfer Grant at the rate of 80% of the last month's basic pay.

(ii) Departmental arrangements for stay, security and transportation to the place of work for employees.

(iii) HRA as for Class 'Y' city (16% of basic pay) applicable for employees exercising option at (i). Such employees will be eligible for drawing the normal HRA as well at their place of posting provided Departmental arrangement is not made for his/her stay.

(iv) The period of temporary duty extended to six months. For period of temporary duty, an incentive to be known as Kashmir Valley Special Incentive will be paid at the following rates along with food charges (as per 7th Pay Commission norms), apart from departmental arrangements for stay, security and transportation

Pay Range	Rate Per month (on pro rata)
(i) Level 14 and above	Rs.9000
(ii) Level 12 and 13	Rs.8000
(iii) Level 9 to 11	Rs.7000
(iv) Level 6 to 8	Rs.6000
(v) Level 5 & below	Rs.4500

Cont...2/

(B) Employees posted to Kashmir Valley who do not wish to move their families to a selected place of residence:

A per diem allowance of Rs.113/- is to be paid for each day of attendance to compensate for any additional expense in transportation to and from office etc.

II. MESSING FACILITIES:

Messing allowance is to be paid to all the employees posted in J&K @Rs.97 85/- per day.

III. PAYMENT OF MONTHLY PENSION TO PENSIONERS OF KASHMIR VALLEY:

Pensioners of Kashmir Valley who are unable to draw their monthly pensions through either Public Sector Banks or PAO treasuries from which they were receiving their pensions, would be given pensions outside the Valley where they have settled, in relaxation of relevant provisions.

NOTE: 1. The package of concessions/facilities shall be admissible in Kashmir Valley comprising of ten districts namely, Anantnag, Baramulla, Budgam, Kupwara, Pulwama, Srinagar, Kulgam, Shopian, Ganderbal and Baniipora.

2. The package of concessions/facilities shall be admissible to Temporary Status Casual Labourers working in Kashmir Valley in terms of Para 5(i) of the Casual Labourers (Grant of Temporary Status and Regularization) Scheme of Government of India, 1993.
3. The benefit of additional HRA admissible under the Kashmir Valley package shall be admissible to all Central Government employees posted to Kashmir Valley irrespective of whether they are natives of Kashmir Valley, if they choose to move their families anywhere in India subject to the conditions governing the grant of these allowances.
4. The facilities of Messing Allowance and Per Diem Allowance shall also be allowed to natives of Kashmir Valley in terms of the Kashmir Valley package.

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No. 38/33/12-P&PW (A)
Government of India
Ministry of Personnel, PG & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan
Khan Market, New Delhi-110 003
Dated the 4th January, 2019

OFFICE MEMORANDUM

Sub :- Revision of pension w.e.f. 1.1.2006 of Pre-2006 pensioners who retired from the 5th CPC scale of Rs. 6500-10500/-.

The undersigned is directed to say that as per Para 4.2 of this Department's OM of even number dated 01.09.2008 relating to revision of pension of pre-2006 pensioners w.e.f. 1.1.2006, the revised pension w.e.f. 1.1.2006, in no case, shall be lower than 50% of the sum of the minimum of pay in the pay band and the grade pay thereon corresponding to the pre-revised pay scale from which the pensioner had retired.

2. Instructions were issued vide this Department's OM of even number dated 28.1.2013 for stepping up of pension of pre-2006 pensioners w.e.f. 24.9.2012 to 50% of the sum of the minimum of pay in the pay band and the grade pay thereon corresponding to the pre-revised pay scale from which the pensioner had retired, as arrived at with reference to the fitment tables annexed to Ministry of Finance, Department of Expenditure's OM No. 1/1/2008-IC dated 30th August, 2008. A concordance table indicating the revised pension/family pension of pre-2006 pensioners in terms of instructions contained in para 4.2 of OM dated 1.9.2008 read with the OM dated 28.1.2013 was also annexed to the OM dated 28.1.2013. Subsequently, orders were issued vide this Department's OM of even number dated 30.7.2015 that the pension/family pension of all pre-2006 pensioners/family pensioners may be revised in accordance with this Department's OM No. 38/37/08-P&PW(A) dated 28.1.2013 with effect from 1.1.2006 instead of 24.9.2012.

3. In the aforesaid OM dated 28.1.2013 of Department of Pension & Pensioners' Welfare, the grade pay corresponding to the pre-revised pay scale of Rs. 6500-10500 was shown as Rs. 4200/- and the minimum pension in terms of para 4.2 of the OM dated 1.9.2008 was shown as Rs. 8145/- (50% of minimum pay of Rs. 16,290/- as per fitment table for the pre-revised scale of pay of Rs. 6500-10500, annexed to Ministry of Finance, Department of Expenditure's OM No. 1/1/2008-IC dated 30th August, 2008).

4. Order were issued vide Ministry of Finance, Department of Expenditure's OM No. 1.1.2008-IC dated 13.11.2009 that the posts which were in the pre-revised scale of Rs. 6500-10500 as on 1.1.2006 and which were granted the normal replacement pay structure of grade pay of Rs. 4200/- in the pay band PB-2, will be granted grade pay of Rs. 4600/- in the pay band PB-2 corresponding to the pre-revised scale of Rs. 7450-11,500 w.e.f. 1.1.2006.

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5. Representations have been received in this Department for extending the benefit of grade pay of Rs. 4600/- for revision of pension/family pension, w.e.f. 1.1.2006, in respect of Pre-2006 pensioners who retired/died in the 5th CPC scale of Rs. 6500-10500/- or equivalent pay scale in the earlier Pay Commission periods. The matter regarding the amount of minimum pension/family pension in terms of para 4.2 of the O.M. dated 1.9.2008 in their case has been re-examined in the light of the orders issued by Ministry of Finance (Department of Expenditure) vide their OM No. 1/1/08-IC dated 13.11.2009 and decisions of courts in certain cases. It has been observed that pay of all serving employees in the pre-revised pay scale of Rs. 6500-10500/- has been fixed w.e.f. 1.1.2006 in the grade pay of Rs. 4600/-. Therefore, the grade pay of Rs. 4600/- can be considered as the grade pay corresponding to the pre-revised pay scale of Rs. 6500-10500/-.

6. Accordingly, it has been decided that, for the purpose of revision of pension/family pension w.e.f. 1.1.2006 under para 4.2 of the O.M. dated 1.9.2008, the Grade Pay of Rs. 4600/- may be considered as the corresponding Grade pay in the case of pre-2006 pensioners who retired/died in the 5th CPC scale of Rs. 6500-10500/- or equivalent pay scale in the earlier Pay Commission periods.

7. In accordance with the provisions of Rule 7 of the CCS (Revised Pay) Rules, 2008, the pay corresponding to the pay of Rs. 6500/- in the pre-revised pay scale of Rs. 6500-10500/- would be Rs. 12090/- in the PB-2. After adding the grade pay of Rs. 4600/-, the pay in the Pay Band + Grade Pay corresponding to the pay of Rs. 6500/- in the pre-revised pay scale of Rs. 6500-10500 would be Rs. 16690/- (12090+4600). Accordingly, the revised pension w.e.f. 1.1.2006 in terms of para 4.2 of OM dated 1.9.2008, for the pre-2006 pensioners who retired from the pay scale of Rs. 6500-10500/- in the 5th CPC or equivalent pay scales in the earlier Pay Commissions would be Rs. 8345/-. Accordingly the entries at serial number 13 in the annexure of this Department's OM No. 38/37/08-P&PW(A) dated 28.1.2013 may be substituted by the entries shown in the statement annexed to this O.M.

8. As provided in this Department's OM dated 28.1.2013, in case the consolidated pension/family pension calculated as per para 4.1 of this Department's OM No. 38/37/08-P&PW(A) dated 1.9.2008 is higher than the pension/family pension calculated in the manner indicated above, the same (higher consolidated pension/family pension) will continue to be treated as basic pension/family pension.

9. In their application to the persons belonging to the India Audit and Accounts Department, these orders are issued in consultation with the controller and Auditor General of India.

10. All the Ministries/Departments are requested to bring the contents of these orders to the notice of Controller of Accounts/Pay and Accounts Officers and Attached and subordinate Offices under them. They are also requested to revise the pension of the affected pre-2006 pensioners in accordance with the instructions contained in this O.M. on a top priority basis.

11. Hindi version will follow.


(Harjit Singh)
Director

To

All Ministries/Departments of Government of India as per mailing list.

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No. 19024/1/2009-E.IV
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 31st December, 2018.

OFFICE MEMORANDUM

Sub: Air travel on official tour where the cost of air passage is not borne by the Government of India – clarification reg.

The undersigned is directed to refer this Department's O.M. dated 07.06.2016 and 26.07.2016 regarding delegation of powers to Financial Advisors (FAs) of the Ministries/Departments to accord relaxation for travel by airlines other than Air India both domestic and international including individual cases of officials of Central Government and autonomous bodies. Several references have been received in this Department seeking clarification as to whether relaxation is required in case the cost of air passage is not borne by the Government of India

2. The matter has been examined in this Department and it is clarified that in case the cost of air passage is not borne by the Government of India, relaxation is not required to be obtained from the Financial Advisors of the concerned Ministry/ Department.
3. Further clarification, if any, in this regard may be handled by Financial Advisors of the concerned Ministry/Department.
4. This is issued with the approval of Finance Secretary.



(Nirmala Dev)

Deputy Secretary to the Government of India

To,

All Ministries and Departments of the Government of India as per standard distribution list.

Copy to:- C&AG and U.P.S.C. etc. as per standard endorsement list.

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No.1-6/2016-IC/E-IIIA
• Govt. of India
Ministry of Finance
Department of Expenditure

North Block, New Delhi
Dated the 07th February, 2019

Office Memorandum

Subject: Bunching of stages of pay in the pre-7th CPC pay scales consequent upon fixation of pay in the revised pay scales based on 7th CPC- Regarding

The undersigned is directed to invite attention to this Departments OM No. 1-6/2016-IC dated 3rd August, 2017, explaining in detail the methodology for applying the principle of "bunching" consequent upon pay fixation in the revised pay scales (applicable Levels of the Pay Matrix) effective from 1.1.2016 based on implementation of the recommendations of the 7th Pay Commission.

2. Notwithstanding the fact that the said OM dated 3.8.2017 has elaborately explained the issue of bunching in the context of the revised pay scales based on 7th Central Pay Commission, references are being received in this Ministry seeking clarification as to the methodology to carry out the principle of bunching. It is seen that some of the clarifications received seem to arise out of the position on bunching as obtaining during the pay structure in vogue based on 6th Pay Commission before 1.1.2016 vis-à-vis the position explained in terms of this Ministry's aforesaid OM dt. 3.8.2017 in the context of pay structure currently in vogue from 1.1.2016 based on the recommendations of the 7th Pay Commission.

3. Therefore, the matter has been considered keeping in view the clarifications sought and the issue is clarified heretofore. At the very outset, bunching as a sequel to pay fixation based on the formula for such pay fixation on the date of effect of revised pay scales based on the recommendations of the 7th Pay Commission, is to be considered strictly as per the recommendations of the 7th Pay Commission, as illustrated in para 5.1.37 of its report. The principle of bunching as recommended by the 7th Pay Commission, as accepted by the Government in terms of the erstwhile Implementation Cell's OM dt. 7.9.2016 and 3.8.2017, is different from the principle recommended by the 6th Pay Commission and as accepted by the Government based thereon. Therefore, the principle of bunching in the revised pay structure based on the recommendations of the 7th Pay Commission is independent of the principle followed earlier and has no link thereto.

4. The 6th Central Pay Commission in para 2.2.21 of its Report recommended - "To alleviate the problem of bunching in these cases, the Commission has allowed the benefit of one extra increment wherever two or more stages in any of the pre-



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revised pay scales were getting bunched together at one level in the revised pay bands.... The Commission has prepared a detailed fixation chart which gives the fitment in the revised running pay bands in every stage". However, in the fitment charts prepared by the 6th Pay Commission, the Commission illustrated the bunching meant by it. The examples from the fitment tables prepared by the 6th Pay Commission are given in **Annexure I**.

5. The same principle of bunching was adopted in terms of the fitment table prescribed by the Ministry of Finance, Department of Expenditure, as per the OM No.1-1/2008-IC dated 30.8.2008. The examples of which are given in **Annexure II**.

6. The 7th Pay Commission has dealt with the issue of bunching in paras 5.1.36 and 5.1.37, which are reproduced below.

"5.1.36 Although the rationalisation has been done with utmost care to ensure minimum bunching at most levels, however if situation does arise whenever more than two stages are bunched together, one additional increment equal to 3 percent may be given for every two stages bunched, and pay fixed in the subsequent cell in the pay matrix.

5.1.37 For instance, if two persons drawing pay of Rs. 53,000 and Rs. 54,590 in the GP 10000 are to be fitted in the new pay matrix, the person drawing pay of Rs. 53,000 on multiplication by a factor of 2.57 will expect a pay corresponding to Rs. 1,36,210 and the person drawing pay of Rs. 54,590 on multiplication by a factor of 2.57 will expect a pay corresponding to Rs. 1,40,296. Revised pay of both should ideally be fixed in the first cell of level 15 in the pay of Rs.1,44,200 but to avoid bunching the person drawing pay of Rs. 54,590 will get fixed in second cell of level 15 in the pay of Rs.1,48,500."

7. Accordingly, the essence of the recommendations of the 7th Pay Commission is contained in the above illustration given by the 7th Pay Commission. As per this illustration, the pay of Rs. 53,000 and Rs. 54,590 were the pay applicable in PB-4 plus Grade Pay of Rs. 10,000 as applicable prior to 1.1.2016, which corresponds to Level-14 of the Pay Matrix applicable from 1.1.2016. The pay of Rs. 54,590 was 3% more than the pay of Rs. 53,000. That is, these two Pays were separated by a difference of 3% of Rs. 53,000. Thus, the pay of Rs. 54,590 was the stage next to the pay of Rs. 53,000. Considering that the 7th Pay Commission allowed the benefit of bunching at the level of the pay of Rs. 54,590 itself, it materially departed from the principle followed at the time of 6th Pay Commission because in the 6th Pay Commission regime the benefit was allowed at the 3rd consecutive stage and not at the 2nd stage itself (next stage) for the purpose of bunching.

8. Furthermore, in the illustration given in para 5.1.37 of its report, the 7th Pay Commission has not mentioned about the pay in respect of pre-revised pay of Rs. 56,230, which is 3% more than the pay of Rs. 54,590. The revised pay fixed in the Level 14 with reference to the pre-revised pay of Rs. 56,230 will be Rs. 1,48,500.



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This will be the same as the pay to be given with reference to the pre-revised pay of Rs. 54,590 after allowing bunching. However, the 7th Pay Commission did not recommend any additional benefit in such cases, as it did not include in its illustration for any benefit in case of the further stages of pre-revised pay, consequent upon bunching at the lower stage.

9. In view of the above, the benefit of bunching consequent upon fixation of pay in the revised pay structure effective from 1.1.2016 based on the recommendation of the 7th Pay Commission is to be considered in the light of the above and the clarifications already issued in terms of the aforesaid letter dated 3.8.2017. Accordingly:

- (i) Where consequent upon fixation of pay in terms of Rule 7 (1) (A)(i) of the CCS (RP) Rules, 2016, two different pay drawn in the pay structure obtaining immediately before 1.1.2016, which were separated by one another by 3% of the previous stage, are fixed at the same cell of the applicable Level of the Pay Matrix effective from 1.1.2016, then the benefit of bunching by way of one additional increment as on 1.1.2016 shall be admissible in respect of the pay which is more than 3% of the previous pay, as per the illustration given by the 7th Pay Commission in para 5.1.37, as mentioned above. This is further illustrated as below:

6th CPC Pay scale : PB-4 (37,400-67,000) + Grade Pay Rs.8,700/- 7th CPC Pay Scale - Level-13 (1,23,100-2,15,900)

6 th CPC Pay Structure (PB-4 and GP of Rs. 8,700)	Pay fixation in 7 th CPC Pay Matrix (Level-13)		
	Pay	Consolidation based on 2.57 multiple	Pay fixed as on 1.1.2016
46,100	Rs.1,18,477	Rs.1,23,100/-	Rs.1,23,100/-
47,490 (46,100+3%)	Rs.1,22,049	Rs.1,23,100/-	Rs.1,26,800/-

- (ii) In view of the position explained in para 8 above and the specific recommendation of the 7th Pay Commission as per its illustration given in para 5.1.37 of its report, no further action is to be taken after the benefit of bunching as a result of application of Rule 7(1)(A)(i), as indicated above. This is as illustrated below:



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6 th CPC Pay Structure (PB-4 and GP of Rs. 8,700)	Pay fixation in 7 th CPC Pay Matrix (Level-13)			
Pay	Consolidation based on 2.57 multiple	Pay fixed as on 1.1.2016	Pay after bunching as on 1.1.2016	Remarks
46,100	Rs.1,18,477	Rs.1,23,100/-	Rs.1,23,100/-	
47,490 (46,100+3%)	Rs.1,22,049	Rs.1,23,100/-	Rs.1,26,800/-	Pay raised because of bunching.
48,920 (47,490+3%)	Rs. 1,25,724	Rs. 1,26,800	Rs. 1,26, 800	No change.

10. In the light of the above, the points of clarification as referred to this Ministry are explained in the Annexure III.

11. These orders are issued after consultation with the Comptroller and Auditor General of India in their application to the employees belonging to the Indian Audit and Accounts Department.

12. Hindi version of these orders is attached.



(Amar Nath Singh)
Director

To

1. All Ministries/Departments- As per standard list.
2. DoPT (Pay/AIS Divisions), North Block, New Delhi.
3. Comptroller and Auditor General of India, DDU Marg, New Delhi.
4. Union Public Service Commission, Dholpur House, New Delhi.
5. Controller General of Accounts, Mahalekha Bhawan, I.N.A, New Delhi.
6. NIC, D/o Expenditure, Ministry of Finance, North Block, New Delhi with a request to upload the OM on the website of the Department.

The examples taken from the Fitment Chart prepared by the 6th Pay Commission

Example 1:

Then existing scale = 8,000-275-13,500

6th CPC Scale PB-3 (15,600 - 39,100)

+ Grade Pay = Rs.5,400/-

Stages in pre-2006 scale		Pay fixation without bunching			Pay fixed as per fitment chart of 6 th CPC	Remarks
		Pay in Pay Band (1.74 factor)	Grade Pay			
1 st	8,000	15,600	5,400	21,000	21,000	This illustration in the fitment table given by the 6 th CPC brings out that if 3 consecutive stages of pay in the pay scale obtaining prior to 1.1.2006 are bunched based on the formula for fixation of pay, then the benefit of bunching was to be given at the 3 rd stage, i.e. at the pre-revised pay of Rs. 8,550.
2 nd	8,275	15,600	5,400	21,000	21,000	
3 rd	8,550	15,600	5,400	21,000	21,390	

Example 2:

Then existing scale = 14,300-450-22,400

6th CPC Scale PB-4 (39,200-67,000)

+ Grade Pay = Rs.9,000/-

Stages in pre-2006 scale		Pay fixation without bunching			Pay fixed as per fitment chart of 6 th CPC	Remarks
		Pay in Pay Band (1.74 factor)	Grade Pay			
1 st	14,300	39,200	9,000	48,200	48,200	Same as in above example.
2 nd	14,750	39,200	9,000	48,200	48,200	
3 rd	15,200	39,200	9,000	48,200	49,180	

The examples taken from the Fitment Table as per MoF, DoE OM dt.30.8.2008

Example 1:

Then existing scale = 8,000-275-13,500

6th CPC Scale PB-3 (15,600 - 39,100)

+ Grade Pay = Rs.5,400/-

Stages in pre-2006 scale		Pay fixation without bunching			Pay fixed as per fitment chart of 6 th CPC	Remarks
		Pay in Pay Band (1.86 factor))	Grade Pay			
1 st	8,000	15,600	5,400	21,000	21,000	No bunching has been allowed at the 2 nd stage, even though 1 st and 2 nd stage are fixed at the same pay.
2 nd	8,275	15,600	5,400	21,000	21,000	
3 rd	8,550	15,910	5,400	21,310	21,310	

Example 2:

Then existing scale = 14,300-18,300

6th CPC Scale PB-4 (37,400-67,000)

+ GP Rs. 8,700

Stages in pre-2006 scale		Pay fixation without bunching			Pay fixed as per fitment chart	Remarks
		Pay in Pay Band (1.86 factor))	Grade Pay			
1 st	14,300	37,400	8,700	46,100	46,100	It brings out that if 3 consecutive stages of pay in the pay scale obtaining prior to 1.1.2006 are bunched based on the formula for fixation of pay, then the benefit of bunching was to be given at the 3 rd stage, as per the recommendation of 6 th CPC.
2 nd	14,700	37,400	8,700	46,100	46,100	
3 rd	15,100	37,400	8,700	46,100	47,230	

Points of doubt raised and clarifications thereon

Sl. No	Point of doubt	Clarification
1.	Whether one increment of 3% constitute one stage or a difference of 3% among the pay of two officers constitute two stages.	As explained in this Ministry's earlier OM dated 3.8.2017, the stages of every pay scale were well defined in the pay structure under 5 th CPC regime and the stages were not well defined in the 6 th CPC structure. Since there were no defined stages in the 6 th CPC structure and as pay in the running Pay Band in the 6 th CPC structure could be of any amount in the multiple of Rs. 10, as specific to an employee, it has been very clearly brought out therein, drawing upon the illustration given by the 7 th Pay Commission in para 5.1.37 of its Report, that a difference of at least 3%, the rate of annual increment in the 6 th CPC structure, was essential for counting of two stages. Therefore, for the purpose of considering bunching, two Pays drawn in a Pay Band with a particular Grade Pay, which are separated by 3% of the lower pay, are to be taken into account, as explained in the illustration given in para 9(i) of this order.
2.	Whether the pay at Cell 1 of any Level may be taken as first stage.	Bunching is to be considered with reference to the consecutive stages of pay drawn in the pay structure obtaining prior to 1.1.2016, as explained in these orders, and as such a reference to Cell 1, which is in the revised pay structure, is not relevant.
3.	Whether all pay stages lower than the entry pay in the 6 th CPC pay structure are not to be taken into account for	This point has been amply clarified in the aforesaid OM dated 3.8.2017. As mentioned in para

	the purpose of bunching.	8(iv) thereof, all pay stages lower than the Entry Pay in the 6 th CPC pay structure as indicated in the Pay Matrix contained in 7 th CPC Report are not to be taken into account for determining the extent of bunching.
4.	Whether benefit of bunching should be given only where previous and current pay stages of the officers (specific to each employee) are getting bunched and placed at the same Level in the 7 th CPC matrix without any comparison to any other officer's pay as per para 5 and 8(iii) of this Department's OM dated 3.8.2017 which stipulates that a difference of 3% to be reckoned for determination of consecutive pay stages, specific to each employee	The position clarified in these orders covers this point. As explained in the illustration, the pre-revised pay of Rs.46,100 and Rs. 47,490 are considered two stages of pay, as these are separated by 3% and these could be drawn by any two officers.
5.	Whether benefit of bunching is to be given to a senior officer with reference to the pay of his junior officer who is drawing less pay with the difference of 3% to the senior officer and now his pay got fixed in the same Level as that of the senior officer.	The issue of bunching is not a matter of pay drawn by a Senior Officer vis-a-vis a Junior Officer. As explained in these orders, bunching happens as in the illustration given in these orders and as such this is not related to the issue of seniority.
6.	Whether the benefit of bunching is also required to be given to a senior officer where his junior's pay has got fixed in the same Cell as that of the senior due to the benefit of bunching of pay given to the junior.	
7.	Whether the benefit of bunching may be extended on account of bunching of two stages of pre-revised pay of a Government servant alone.	It is not clear how two stages drawn by a single Government servant are relevant for pay fixation on 1.1.2016, as only the pay drawn on 31.12.2015 is to be taken into account for pay fixation on 1.1.2016

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8.	Whether the benefit of bunching may be extended only on direct pay fixation where the pay of two officers in the pre-revised pay with a difference of 3% get fixed at the same stage in the revised pay structure (7 th CPC) or also on further bunching with next higher pay stage due to grant of additional increment to an officer for bunching on initial/direct pay fixation.	As explained in the illustration contained in para 9(ii) of these orders, no such benefit is admissible in such cases.
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