

**JAIDEEP MAZUMDAR**  
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विदेश मंत्रालय, नई दिल्ली  
MINISTRY OF EXTERNAL AFFAIRS  
NEW DELHI

4962/COP/15  
18/11

BY REGISTERED POST

No. DIII/551/10/2015

Dated: 18th November 2015

**First Appeal of Mr. Gurpreet Singh Bal under the RTI Act 2005**

Mr. Gurpreet Singh Bal had sought information under RTI Act 2005 vide his application dated 17 September 2015 seeking information regarding employment of Indians in Foreign Diplomatic Missions.

2. The following information was sought by the appellant from CPIO:

(a) Does during annual leaves application, all interim weekend holidays and government holidays also become part of that 30 days annual leave. Example Someone apply for complete continuous 30 days leaves, in that period 8 weekend holidays also come. So its complete 30 days leave or 22 days leave.

(b) Are paid sick leaves and casual leaves are other than annual leaves of part of annual leaves.

3. It is noted that the CPIO had replied to the appellant that:

(1),(2)- The Model Contract circulated to foreign representatives which contains provision for leave is purely recommendatory. It is incumbent on the Foreign Mission as to how they regulate the leaves under general guidelines circulated by Ministry.


4. The following has been observed on the response of the CPIO:

(i) The Foreign Representations based in India are sovereign entities working as per their local rules and regulations as provided for under the Vienna Convention under diplomatic entities. The Ministry of External Affairs does circulate to them a model contract to be followed with respect to recruitment of local staff.

(ii) The Ministry's model contract is only as guidance to the Foreign Representations, so that the Indian laws governing such employment are not violated. Such guidance is purely recommendatory in nature and Foreign Representations are at liberty to deviate from it required to extend additional benefits if they so desire.

5. In view of the foregoing, the undersigned is in agreement with the response given by the CPIO to the appellant.

6. The appeal is being disposed off accordingly.

  
(Jaideep Mazumdar)  
Chief of Protocol/  
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**Copy to:**

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