

No.7(84)-E.III/95
Government of India
Ministry of Finance
Department of Expenditure

New Delhi,
the 12th June, 1996

OFFICE MEMORANDUM

Subject: Central Civil Services (Revised Pay) Rules, 1986
- clarification regarding.

The undersigned is directed to invite a reference to this Ministry's O.M.No.1(2)-E.III/95 dated 23rd March 1995 which provided that Govt. servants whose increment fell on 1.1.86 shall have an option to get their pay refixed in the revised scale as on 1.1.86 without taking into account the increment due on 1.1.86. It further provided that after the pay in the revised scale is so fixed, the increment may be allowed on 1.1.86 in the revised scale.

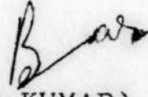
2. It has come to the notice of this Ministry that certain Ministries/Departments have refixed the pay wrongly in cases where the Govt. servants are allowed the benefit of bunching in terms of Note 3 below Rule 7 of CCS(RP) Rules, 1986. It may be clarified that no benefit in refixation of pay in terms of the orders dated 23.3.95 arises in such cases. The reason being - the benefit in terms of Note 3 below Rule 7 ibid is allowed by stepping up of the pay. By virtue of first proviso to Rule 8 ibid, where pay is stepped up, next increment becomes due on completion of qualifying service of 12 months from the date of stepping up of the pay in the revised scale. It means that after allowing the benefit of bunching by stepping up of the pay as on 1.1.86, the next increment will fall due on 1.1.87 if the entire intervening period qualifies for service. There is no scope for allowing the increment due on 1.1.86 after the pay has been stepped up.

3. Alternately, if the pay is fixed as on 1.1.86 without taking into account the increment due on 1.1.86 and thereafter the increment due is allowed on 1.1.86 in the revised scale, in that event, there will be no bunching and the benefit of stepping up of pay in terms of Note 3 below Rule 7 may not arise. This is so because bunching can take place only when the pay is fixed in the revised scale under Rule 7 and not after the increment due is released in the revised scale under Rule 8 ibid.

contd.....

From prepage.....

4. Accordingly, Ministry of Home Affairs etc. are advised to bring these provisions to the notice of all concerned and wherever the pay has been refixed wrongly in terms of this Ministry's OM dated 23.3.95, it should be rectified in consultation with the Deptt. of Personnel & Training. With a view to avoiding any legal complications, it is advisable that wherever the pay is to be brought down as a result of rectification of wrong fixation of pay, an opportunity may be allowed to the Government servant to represent against the proposed order, if he so desires. Thereafter, taking into account the points raised in the representation, a final decision may be taken in consultation with the Deptt. of Personnel & Training.



(B.KUMAR)

Under Secretary to the Government of India

To,

All Ministries/Departments of Govt. of India.
(As per standard distribution list)

\$\$\$\$\$\$\$\$\$\$