



दिनांक / DATE 16-11-2020

To,

1. All Heads of Department in IA&AD;
2. Principal Director (Commercial). O/o the CAG of India and
3. Director (P) - Local

Subject:- Clarifications related to pay fixation.

- Ref:-
- (1) Circular No. 22-Staff(Entt.-I)/2011 No.480-Entt.-I/133-2011 dated 13.06.2011.
 - (2) Circular No. 32-Staff(Entt.-I)/2011 No.793-Entt.-I/133-2011 dated 22.09.2011.
 - (3) Ministry of Finance O.M. No. F-2-1/2015-E.III(A) dated 16.10.2015.
 - (4) Circular No. 26-Staff Wing/2013 No. 947-Staff(Entt.-I)/124-2013 dated 06.09.2013.
 - (5) MoF OM 8-23/2017-E.IIIA dated 28.09.2018.
 - (6) Rule 5 of CCS (RP) Rules 2008.
 - (7) Rule 5 of CCS (RP) Rules 2016.

Reference is invited to above mentioned circulars issued by Headquarters and the OMs/CCS (RP) Rules, issued by Ministry of Finance.

2. Instances have come to the notice of Headquarters wherein pay fixation in light of references (1) to (7) above have not been implemented appropriately for regulation of pay.

3. Accordingly, the following is clarified:-

(a) The benefit of fixation of pay at the minimum of Rs. 13950/-, in the pre-revised upgraded pay scale of Rs. 7500-250-12000/-, in terms of Headquarters circular (1) and (2) cited above, is admissible only to the officials who were promoted as erstwhile SO/AAO between the period from 01.01.2006 to 29.08.2008 and who have opted to switch over to the 6th CPC from the date of their promotion as erstwhile SO/AAO. Therefore, they shall continue to draw pay in the 5th CPC till their respective dates of promotion and no arrear shall be paid for the concerned period. Further, the officials who were holding the post of erstwhile SO/AAO on 01.01.2006 are not eligible for the

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benefit of said fixation at Rs. 13950/- in light of Headquarters circular ibid dated 13.06.2011 & 22.09.2011 and their pay is to be fixed with reference to the fitment table of the pre-revised scale of Rs.6500-10500/7450-11500/-

It is also to be noted that while allowing the said benefit of Rs. 13950/- to the officials who were promoted as SO/AAO between 01.01.2006 and 29.08.2008, the provisions elucidated in Explanation 1 below Rule 5 of CCS(RP) Rules, 2008 are to be strictly adhered to, as per which the option to retain the existing scale under the provisos to this rule shall be admissible only in respect of one existing scale.

Therefore, an official shall be allowed to continue to retain only one pay scale till the date of promotion as erstwhile SO/AAO i.e. the one he was holding on 01.01.2006 and subsequently be granted the benefit of Rs. 13950/- on the date of promotion.

(b) Further, the officials who have availed the benefit of fixation at Rs. 13950/- in light of Headquarters circular dated 13.06.2011 & 22.09.2011 shall not be eligible for increment in light of Ministry of Finance, Department of Expenditure O.M. dated 16.10.2015, since the said benefit was admissible only in cases of promotions taking place in the pre-revised pay structure between 01.01.2006 and the date of notification of CCS(RP) Rules, 2008 i.e. 29.08.2008 and whose promotions to the post of erstwhile AAO was treated as null and void. Since the officials who have been granted benefit of at Rs. 13950/- were already allowed the promotional benefit to the post of erstwhile SO/AAO while availing the benefit, they shall not be entitled for the benefit of fixation on account of promotion again under O.M dated 16.10.2015, as the same shall lead to undue benefit.

(c) Further, the officials who have availed the benefit of stepping up to the stage of Rs. 13950/-, with reference to their juniors who have availed the benefit of fixation at the minimum of Rs. 13950/- on the date of their promotion as SO/AAO, shall also not be eligible for the benefit of increment under O.M cited at (3) above since the said anomaly was rectified by stepping up their pay at par with the juniors at the stage of Rs. 13950/- on basis of the stage arrived at the pre-revised upgraded scale of Rs. 7500-250-12000/- i.e. the pre-revised upgraded scale of the erstwhile SO and the AAO. Hence, in such cases, additional benefit in the same pre-revised upgraded scale i.e. 7500-250-12000/- again would lead to undue benefit.

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(d) Further, the benefit of fixation @ Rs. 13950/- and grant of entry pay @ Rs.13350/- in terms of O.M cited at (5) above is only applicable for the officials who were promoted as regular SO/AAO between 01.01.2006 and 29.08.2008 and not for Adhoc SO/AAO.

(e) Similarly, the benefit of fixation of pay at the minimum of Rs. 13860/-, in the revised upgraded pay scale of Rs. 7450-225-11500/-, in terms of Headquarters circular (4) cited above, is admissible only to the officials who were promoted as Divisional Accounts Officer Grade II and Private Secretary between the period from 01.01.2006 to 29.08.2008 and who have opted to switch over to the 6th CPC from the date of their promotion as Divisional Accounts Officer Grade II and Private Secretary. Therefore, they shall continue to draw pay in the 5th CPC till their respective dates of promotion and no arrear shall be paid for the concerned period.

(f) Further, proviso to Rule 5 of CCS(RP) Rules, 2008 and 2016 states that a Government servant may elect to continue to draw pay in existing scale until the date on which he earns his next or any subsequent increment in the existing scale, or until he vacates his post, or ceases to draw pay in that scale. Government servant who gets placed in a higher pay scale between 01.01.2006/01.01.2016 and the date of notification of these Rules on account of promotion, upgradation of pay scale, etc. may elect to switch over to the revised pay structure from the date of such promotion, upgradations etc. However, Explanation 1 under Rule 5 of the aforesaid CCS RP (Rule), further clarifies that the option to retain the existing scale under the provisos to this rule shall be admissible only in respect of one existing scale. Hence, the official shall not be entitled to retain two pay scales/Grade pays while switching over to the 6th/ 7th CPC i.e. he/she shall be allowed to hold only one pay scale/grade pay which he/she holds on 01.01.2006/01.01.2016, as the case may be, before switching over to 6th/ 7th CPC.

(g) Also, consequent to issue of O.M cited at (5) above, representations are being received from the officials who have availed the benefit of fixation/stepping up at Rs. 13950/- to allow them to withdraw the said benefit and grant them the entry pay of Rs. 13350/- on the dates of their promotion as AAO, since it is more beneficial to them.

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The matter has been examined and it is clarified that in such cases, the officials may be allowed to withdraw from the benefit of fixation/stepping up to the stage of Rs. 13950/-, as the case may be, if the implementation of O.M cited at (5) above proves more beneficial to them.

4. The pay of all the concerned officials of IA&AD may be regulated in the manner as per clarifications provided above at the level of the field offices only. Approval of Headquarters is not required for the same and, therefore, copies of office orders, regarding such re-fixation of pay may not be forwarded to Headquarters to avoid unnecessary correspondences.

5. It may be ensured that instructions contained in this circular have been duly implemented in all cases.

Yours faithfully


16/11/2022

(V S Venkatanathan)
Asstt. Comptroller and Auditor General(N)