Circular No. 06 –Staff(Wing)/2021
No. 86 /Staff(Entt.I)/90-2014

भारत के नियंत्रक एवं महालेखापरीक्षक का कार्यालय
9, दीन दयाल उपाध्याय मार्ग,
नई दिल्ली-110 124

सत्यमेव जयते

OFFICE OF THE COMPTROLLER &
AUDITOR GENERAL OF INDIA
9, DEEN DAYAL UPADHYAYA MARG,
NEW DELHI - 110 124

दिनांक / DATE 04 FEB 2021

To,

All the Heads of Offices in IA&AD
Principal Director(Commercial), O/o the C&AG of India- Local and Director(P)-Local.

Sub: Protection of pay to Central Government servants consequent to joining a lower post/Grade Pay in IA&AD after tendering resignation from a higher post/Grade Pay in the 6th CPC scenario.

Sir/Madam,

Attention is invited to Headquarters circular dated 31.12.2014 vide which clarifications regarding admissibility of Joining Time Pay, Transfer Travelling Allowance and Protection of Pay drawn in previous organization in case of appointment of an incumbent to a post on direct recruitment basis in IA&AD were issued.

2. As per Para 3(iv) and (v) of the aforesaid circular, protection of the pay drawn in the Pay Band against the post held in the previous organization shall be admissible *only* to such direct recruits who had applied through proper channel for appointment to the post in this department after tendering technical resignation and were holding a post in the previous organization either with *same or lower Grade Pay*. No joining Time, Joining Time Pay, Transfer Travelling Allowance and protection of pay shall be admissible to such direct recruits who were holding a post with higher Grade Pay in their previous organization and have joined the lower post in IA&AD on their own volition. Pay of such direct recruits shall be fixed at the entry pay prescribed in 6th CPC.

3. Consequently references/representations were being received from various incumbents who had joined in IA&AD on a lower Post/Grade Pay from a higher Post/Grade Pay held in previous organization, for grant of protection of pay in the 6th CPC scenario.

4. The matter was under examination in Headquarter in consultation with DoPT. It has now been decided by the DoPT to allow Protection of pay to Central Government servants on joining a lower post/Grade Pay in IA&AD, after tendering technical resignation from a higher post/Grade Pay in the Central Government, in the 6th CPC scenario as well.

5. A copy of DoPT's I.D Note No.1251507/17-Estt.(Pay-I) dated 12th January 2021 is enclosed herewith for ready reference.The decision of DoPT shall supercede para 3 (iv) & (v) of Hedquarter circular dated 31.12.2014

6. The cases regarding protection of pay to such incumbents may be regulated accordingly while adhering to the conditions mentioned in the I.D. dated ibid of the DoPT.

This decision may be brought to the notice of all concerned.

Encl: As above

Yours faithfully,

4/2/2021

(V.S.Venkatanathan)
Asst.Comptroller & Auditor General(N)

Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training
Establishment (Pay - I) Section

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The proposal received from O/o Comptroller and Auditor General of India vide their U.O.No. 58-Staff(Entt.-I)/90-2014 dated 26.09.2016, and U.O. No. 853-Staff(Entt.-I) dated 14.06.2017 regarding protection of pay in case of technical resignation to accept a new assignment carrying a lower pay scale/Grade Pay, has been examined in this Department in consultation with Department of Expenditure.

2. In this regard, it is stated that in the instant case and the cases in which a Central Government servant who after tendering technical resignation from a post is appointed as a Direct Recruit on another post in Central Government where higher duties and responsibilities are **not** involved, the following mechanism of fixation of pay under FR22-B(1) can be adopted:-

A Central Government Employee on his appointment to a post in different service or cadre in Central Government in a lower Grade pay or Lower Pay Band or both and which does **not** carry duties and responsibilities of greater importance than those attached to the post held earlier by him on regular basis before such appointment and having a provision of probation period in new post, may during probation draw the presumptive pay of the post held earlier by him on regular basis if it is higher than the pay admissible under Rule 8 of CCS (RP) Rules, 2008 in new post. He would draw annual increments on such presumptive pay. However, it is to be ensured that during probation presumptive pay should always be greater than the pay of the new post after drawl of increment(s). Subsequently, on successful completion of his probation, his pay will be fixed under FR 22(I)(a)(2).

Protection of Pay in the above manner should not, at any of these stages, exceed the maximum of the scale of the new post i.e. maximum of the pay in pay band plus Grade Pay of the new post.

Illustration

An officer was drawing pay of Rs.23570 (Pay in Pay Band-16970+6600GP) in PB-3 with DNI 01.07.2008 before his appointment to a post in PB-2 (Rs. 9300-34800 with Grade Pay 4800) on 01.04.2008, which does **not** carry duties and responsibilities of greater importance than those attached to the post held earlier by him before

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such appointment. There is a provision of 2 years probation period in new post.

Since the entry pay for Grade Pay of Rs.4800/- for direct recruit specified in Section II Part A of First Schedule of CCS (RP) Rules, 2008 is Rs. 18150 which is less than the Last Basic Pay i.e. Rs. 23570/-. Hence during probation, he will draw the presumptive pay i.e. Rs.23570/- in Grade Pay Rs. 6600 and would also draw annual increments according to pay drawn in his previous post.

On 01.04.2008- Rs. 23570 (PB-3, GP Rs. 6600/-)
On 01.07.2008- Rs. 24280 (PB-3, GP Rs. 6600/-)
On 01.07.2009- Rs. 25010 (PB-3, GP Rs. 6600/-)

On successful completion of his probation period and on confirmation w.e.f. 01.04.2010, the pay of the officer would be fixed under FR 22(I)(a)(2) and accordingly his basic pay in PB-2 GP-4800 may be fixed as Pay in Pay Band Rs. 20210/- and Grade Pay Rs.4800/- (Total Rs. 25010/-) with next date of increment 01.07.2011.

4. It may also be noted that the above mentioned mechanism of fixation of pay is applicable only in cases where a Central Government employee joins as a Direct Recruit in another service or cadre in Central Government after tendering technical resignation. These provisions are **not** applicable in cases of Direct Recruit appointment of an employee from a Public Sector Undertaking, autonomous Institution, statutory body, State Government etc. to Central Government.

5. Further, the referring Department is advised to kindly take note that no stepping up of pay of senior Government servant shall be allowed on the basis of the pay protection granted under FR 22-B(1) to junior Government servants of that particular service/cadre.

6. This has the approval of Additional Secretary (Estt.), DoPT.

(Shukdeo Sah)
Under Secretary (Pay)
☎ 011-23040 489

Principal Director (Staff), O/o C&AG, Pocket -9, Deen Dayal Upadhyaya Marg, New Delhi- 110 124.

DoPT ID Note No. 1251507/17-Estt.(Pay-I) dated 12th January, 2021