

No.Fin (C) B(7)13/2009
Government of Himachal Pradesh
Finance (Regulations) Department

Dated, Shimla-171002, the 25th March, 2011

From:

Principal Secretary (Finance) to the
Government of Himachal Pradesh.

To

1. All the Administrative Secretaries to the
Government of Himachal Pradesh.
2. All the Heads of the Department
Of the Government of HP.
3. All the Deputy Commissioners
In Himachal Pradesh.

Subject:

Regarding fixation of pay of ex-servicemen on their
appointment in the departments.

Sir,

I am directed to refer to the subject cited above and to say that it has come to the notice of the Government that the pay of the ex-servicemen who have been appointed after 1.1.2006 and before 26th August, 2009 i.e. the date of notification of the revised pay scales introduced w.e.f. 1.1.2006, has been fixed by applying the fitment table which is in violation of the provisions of the HP Civil Services (Revised) Pay Rules, 2009 Initially when they were appointed in the Departments before introduction of revised pay scales, their pay has been fixed in the pre-revised pay scale on the date of their appointment by granting the benefit of military service for fixation of pay. Thereafter, as a result of revision of pay scales w.e.f. 1.1.2006, the pay has been fixed by the Departments by applying the fitment table and consequently their pay has been fixed at a higher stage and while fixing the pay as such, the provisions of HP Civil Services (Revised Pay) Rules, 2009 have been violated and in gross violation of these rules, such ex-servicemen were granted an abnormal increase in the pay. The fitment table was to be applied in those cases where the appointment was of pre-2006 period and in the cases where the official has been appointed after 1.1.2006, his pay was to be fixed at minimum of the pay band and grade pay of the post as per the spirit of the provisions of HP Civil services (Revised) Pay rules, 2009. . The gross error was committed by the Departments when the pay fixed with the benefit of approved military service in the pre-revised pay scales was counted for fixation



of pay in the revised pay scales by applying the fitment table in those cases where the appointment was made after 1.1.2006. There were no orders of the Government to fix the pay of those officials who were appointed after 1.1.2006 by applying the fitment table. After the issuance of the orders of the pay fixation as per the instructions of FD issued vide No. Fin©B(7)13/2009 dated 3.12.2010, the pay was to be fixed by granting the benefit of approved military service in the manner provided in these instructions. For example, an ex-serviceman who was appointed in the civil department after 1.1.2006 in the pay scale of 7000-10980 and his pay was fixed in the pre-revised pay scale at Rs.10980 by granting the benefit of military service in the pre-revised pay scales. As a result of revision of pay scales notified on 26th August, 2009 and introduced w.e.f. 1.1.2006, his pay was to be fixed with reference to the minimum of the corresponding pay band plus grade pay of the post after the orders were issued by FD relating to grant of benefit of military service for the purpose of the fixation of pay. Such benefit of military service was to be granted in the manner prescribed in the OM dated 3.12.2009 but in this case the pay was fixed at Rs. 27230/- in the context of 10980/- by applying the fitment table which was not applicable in the cases of appointment after 1.1.2006 as per HP Civil Services (Revised) Pay Rules, 2009 and accordingly the pay was wrongly fixed.

It has come to the notice of the Government that due to wrong fixation of pay as a result of revision of pay scales by applying the fitment table, an abnormal increase in the pay has been given, and such officials are resorting to the litigation and the State Government has been dragged into litigation due to misinterpretation of the HP Civil Services (Revised) Pay rules, 2009 as notified on 26th August, 2009 by the authorities who were responsible for fixation of pay in the revised pay scales.


This position has been viewed seriously by the Government and it has been observed that now, the issue involved in such cases is that the pay of the officials whose pay has been wrongly fixed, is required to be re-fixed at a right stage after the revision of pay scale w.r.t. the minimum of the pay band of the post plus grade pay and not in the context of the pay which was fixed earlier by the Department by granting the benefit of approved military service as the fitment table is not to be applied in such cases while fixing the pay. The pay



fixed is in violation of the Revised Pay Rules, 2009 and FD's OM No.Fin©B(7)13/2009 dated 3rd December, 2010 and also that the benefit of military service was not admissible in the revised pay scale till the orders were issued by FD in this behalf and thereafter the orders of FD were to be rightly applied. The fitment table is not applicable to the persons appointed after 1.1.2006. It is required that in the first instance, the Departments may rectify the orders of fixation of pay and such officials may be given the opportunity of being heard before the orders of correction of fixation of pay are issued and it may also be inquired into by the Administrative Department as to in how many such cases the pay has been wrongly fixed and how has a huge financial irregularity been committed and how has the pay been wrongly fixed which has resulted into loss to the public exchequer and further the Government has been dragged into the litigation due to wrong implementation of the Pay Revision Rules, 2009 and FD's OM No.Fin©B(7)13/2009 dated 3.12.2010 by the Departments.

It is requested that the Departments may look into the matter and deal with such issues in right perspective in the light of the provisions of HP Civil Services Revised Pay rules, 2009 and the orders issued vide No. Fin©B(7)13/2009 dated 3rd December, 2010 and if there are any court cases of this nature, they may be defended on the basis of the factual position. In such cases reply may also be filed on behalf of the Finance Department if it is impleaded as a respondent in any Court case.

Yours faithfully,


Deputy Secretary (Finance) to the
Government of Himachal Pradesh