

ACKNOWLEDGEMENT

Any administration backed by the use of *ad-hoc* measures and whimsical orders from the lack of knowledge of Rules, Regulations and Instructions as also from improper skill to interpret and to execute them is bound to leave the employees discontented. Himachal Pradesh Institute of Public Administration, Shimla (HIPA) has, therefore, always remained in hunt for employing various methods for updating the knowledge and sharpening the skill of the administering officers and assisting staff of the State of Himachal Pradesh.

Under the aegis of UNDP and the Government of India, Department of Personnel and Training, New Delhi, HIPA conducted Training Needs Analysis of various categories of the civil servants in the State of Himachal Pradesh. During the conduct of training needs of the employees, it revealed that personnel matters still find a lion's share. Therefore, it was considered necessary to equip the officers and staff deciding and dealing with the provisions of establishment Rules and instructions on the subjects besides inculcating in them the skill to apply these. However, large number of the civil servants have scarcity of time and means and vastness of the service matters did not allow us to venture into fulfilling whole of such requirements. Obviously, it was also not possible for us to prepare a package of class-room training for all. As a step ahead, HIPA, therefore, decided and prepared training modules in the following three most important aspects of service matters:-

- ⇒ *Pay Fixation,*
- ⇒ *Leave Rules and*
- ⇒ *Pension Rules*

These modules are the outcome of mammoth labour, wide-ranging research and significant care. These modules have been drafted with the belief that these will go a long way in finalizing personnel matters of the civil servants promptly, fairly and in their right perspective.

On the basis of long deliberations during the workshops and suggestions received from the experts and faculty members on Finance and Accounts at HIPA, a module after its validation by a panel of experts, finally prepared a module on "Pay Fixation" which is in your hands. The module has been prepared in self-instructional mode and with the belief that time and travel cost would be saved.

I would like to place on record the appreciation for the excellent work done by Shri B.M. Gupta, Assistant Controller (Finance and Accounts), HIPA who has taken a lot of pains in drafting this module by working day and night for months together in bringing this module out by his hard work. He also deserves my gratitude for the entire word-processing job employed in this task.

I would also like to place on record my appreciations for giving valuable suggestions provided by Sh. V.K. Sood, Retd., Controller, Finance and Accounts, Department of Personnel, HP Government, Shri H.R.Verma, Deputy Controller(Finance & Accounts), H.P.Tourism Development Corporation, Shimla, Shimla, and Shri R.P. Sharma, Deputy Controller (F&A), Treasury and Accounts Organisation, Himachal Pradesh and Shri M.L. Chauhan, Assistant Controller(Finance and Accounts), HIPA, Shimla, for validating this module by devoting and sparing their

valuable time. I also place on record my sincere thanks to Dr. Kailash Walia, Retd. Principal for giving his services for editing the module. I am also grateful to Shri A.D. Negi, Deputy Controller(F&A), Shri Moti Ram Verma and Shri K.K. Sharma, Assistant Controllers(F&A) of the Institute for scrutinizing the preliminary draft of the module.

My sincere thanks are also to the participants who attended the Pilot-Run workshops of this module for their hard work while on their job and also suggesting valuable rectifications, language use and filling the gaps in the presentation of the draft module. Names of these valuable contributors are given in the Annexure.

I would also like to place on record my appreciation for the untired efforts, support and contributions made by Shri S.S. Panwar, Programme Officer, UNDP, HIPA at various stages of drafting, editing, preparation, managing and timely presentation of this module. The work was done by him with great devotion to duty.

Last, but not the least, I am extremely grateful to the United Nations Development Programme(UNDP), New Delhi and the Training Division, Department of Personnel and Training, Govt. of India, New Delhi for financing this project as well as their continuous moral and academic support without which the Institute could not have even thought in this direction.

I believe this work of HIPA will prove to be a milestone in handling personnel matters efficiently and effectively in all State and Semi-Government Organisations at various levels of official hierarchy.

Shimla
18th October, 2002

Director,
Himachal Pradesh Institute of Public Administration,
Fairlawn, Shimla-171 012.

INTRODUCTION TO THE PACKAGE AND THE MODULE:

Dear Learner,

Efficiency in Administration is the need of the hour. Efficiency can be ensured through constant touch with the latest developments in the related area. We recently conducted a study on training needs of various categories in the government offices. This inter-alia included the ministerial categories of government servants as also the Heads of Offices. We found that their training needs mostly & commonly revolve around the service matters. Obviously, we cannot jump into the entire bulk in one go. We sorted out these needs further and found that not less than 75 to 80% of service matters in every office relate to three aspects – Pay fixations, Leave cases and Pensionary benefits.

Our study further revealed that the number of persons to be trained is quite large. It was not possible to prepare a package of face-to-face training for all, as that would have taken a long time. As an alternative to face-to-face classroom training, we therefore, decided to launch a training programme through Distance Learning.

And, therefore, we feel immense pleasure in bringing for you a package of three important aspects of Service Rules – Pay Fixation, Pension and Leave. The first in the chain of these - Module on Pay Fixation, is now in your hands

Needless to explain is the importance of the Module. Presently, the fixations of pay are not governed under Fundamental Rules alone. A series of executive instructions issued by the government also affect these. The present module aims at bringing those provisions under one cover so that you could easily understand their implications.

For your convenience, we have divided the module in two Units. Unit-I envisages wrapping up pay fixation cases of general importance that you face as a routine while processing or deciding various establishment matters. These include fixation of pay on appointment, promotions, placements and on-request reversions. The Unit also covers yet another

vitaly important aspect of pay fixation i.e. Assured Career Progression scheme.

The 2nd unit on Pay fixation is also equally important. Here we'll take care of some specific provisions governing pay fixations. In this Unit, we'll deliberate on regulation of pay on stoppage of increments, reversions to the lower post service or grade and also on reduction in stage of pay in the same pay scale. Combination of appointments, which is another pivot of the official happenings, also finds place in this Unit.

We believe that you will find all the three modules quite helpful in processing and deciding the cases of these areas. Since this compilation is purely for understanding purposes, we request you to keep a copy of the relevant rules and executive instructions with you while going through these. Whenever you feel it necessary, you may consult the same. This compilation is not and should not be quoted as an authority anywhere.

Last but not the least, we have taken utmost care in preparing the modules. Nevertheless, you may note some deviations/mistakes that might have crept in. We look forward not only for your suggestions for better presentation of the modules but request also to let's know these deviations/mistakes so as to be rectified in our future training programmes.

Dated 10th October, 2002

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UNIT-I

GENERAL PROVISIONS

STRUCTURE

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1.1 INTRODUCTION:

Dear Learner, the term 'pay fixation' is not new to you. There are various events in the service life of government servants when we need to fix or re-fix the pay drawn by them from time to time. Fundamental Rules 22 and 23 are the main rules that cover the determination of pay on different events. Therefore, It is the appropriate time for you to jot down the events that require such fixation or re-fixation. Please try to re-call as many circumstances as you can when the pay of a government servant needs fixation or re-fixation. After having done so, compare the list prepared by you with the one provided by us at Appendix-I at the end of this Unit.

Does your list match with Appendix-I? If yes, you have done a great job. If some of the events do not find place in your list, draw the variations and give a thought why those could not be included by you in your list. You should not feel discouraged. Your list must be containing most of the events, which do frequently occur. The missed out ones must be the events that are rare.

The present Unit on Pay Fixation is an attempt to bring all the common events of pay fixation at one platform. This embraces the regulations enforced through various Rules and executive instructions in the matters of pay-fixations. Let's work through the same in this Unit.

1.2 OBJECTIVES:

At the end of this Unit, the learner will be able to:

- describe how to fix or re-fix the pay on:
 - First appointment
 - Promotions
 - Placements and
 - Reversions.
- enlist the provisions of Assured Career Progression scheme
- describe fixation of pay on revision of pay scale of a post.

1.3 COMMON SERVICE EVENTS AND FIXATION OF PAY

The service events included in this Section are not new to you. These events happen almost in every government servant's service life on one or the other occasions. You generally process or decide cases of fixation of pay when government servants are appointed for the first time. With the passage of time, they get promoted to higher posts or are placed in some higher pay scales. Sometimes administrative circumstances may warrant their reversions. On some occasions, the government servants may themselves intend to seek reversions compelled by their circumstances. You have been doing the job of fixing or re-fixing their pay on the happening of such events. Let's discuss the provisions regulating the fixation of pay under each of these one by one:

1.3.1 ON FIRST APPOINTMENT:

Dear learner, you will agree that this is the occasion that comes in the official life of every government servant. In fact, one becomes a government servant only after he/she is appointed to a government job. The regular appointment of any government servant is made on a post that carries a definite pay scale. We generally do not feel any need to fix the pay of a government servant on first appointment. Do you know why?

Our general presumption is that the government servants on first appointment will always get the initial of the pay scale of the post to which they are appointed. Actually our presumption is not wrong to a major extent. But can you think of a situation when

this presumption may not hold good? Definitely, there is one. Before proceeding further, try to think over that.

Have you found the answer? Does it match with the one given by us in our following discussion?

You are aware that appointments to a number of posts in the government are made through H.P. Public Service Commission. The Commission is competent to recommend the grant of a higher stage of pay than the initial of the pay scale, to a person to whom it recommends to be appointed. Generally, the Commission recommends the grant of higher stage keeping in view the educational qualification and experience of a person. Situation may arise when a particular post may need appointment of a person of stature and standing in that field e.g. a Specialist in the Surgical Department of a State Hospital or a Director of a Technical Department. Do you think that a person fit to be appointed against such posts, will be ready to accept the appointment at the minimum of pay scale of the post? Under such circumstances, the Commission may not think it proper to lose the services of such a person and offer a stage of pay that is higher than the minimum of the pay scale. Therefore, while recommending the appointment of such persons, it recommends also the grant of a higher stage of pay. The appointing authority* is bound to fix the pay of such persons at the stage of pay recommended by the Commission. Let's take an example:

EXAMPLE:

H.P.Public Service Commission recommends the appointment of Mr.A to a post carrying the pay scale of Rs. 14300-400-15900-450-18600-500-20100. As Mr. A is well qualified to hold that post by virtue of his educational qualifications, research work in the job-requirements and experience in that line, the Commission recommends that his pay may be fixed 5 stages higher than the minimum of the pay scale.

The pay of Mr. A will be fixed at Rs.16350. i.e. five stages higher than the minimum of the pay scale.

You must keep in mind that the pay of only those persons is to be fixed at higher stages where the Commission has specifically recommended the grant of a higher stage. If it recommends that the pay should be fixed under the normal rules, the pay will be fixed under normal rules of pay fixation. However, where the communication by the Commission does not contain any specific recommendation, the pay is to be fixed at the minimum of the pay scale of the post to which appointed.

* H.P.Public Service Commission is a body that recommends the appointments. It does not make appointments. Appointing authorities are those authorities that issue the appointment orders. The recruitment and promotion rules of different categories of posts contain the name of the authorities who are competent to make appointments to that category of posts.

EXAMPLE:

Miss X was holding a post in the government as a Trained Graduate Teacher in the pay scale of Rs. 5800-200-7000-220-8100-275-9200 . She applies through proper channel for the post of a school Lecturer in the pay scale of 6400-200-7000-220-8100-275-10300-340-10640. The Commission recommends her appointment to the post of school Lecturer. It does not say anything about the pay to be drawn by her.

Since Miss X was already holding a post in the Government and has been appointed to a higher post now, her fixation of pay will be done under normal provisions of the rules. The case will be covered under the ‘Pay fixation on Transfer to a Higher Post’. She will not get the minimum of the pay scale.

DO YOURSELF (1):

Find how the pay of Miss X would have been fixed as a school Lecturer in the above example had she been appointed for the first time in the government service.

Ans: _____

_____.

DO YOURSELF (2):

How would you have fixed the pay of Miss X had she been holding a post in an identical pay scale prior to her appointment as school Lecturer.

Ans: _____

_____.

1.3.2 ON TRANSFER TO A HIGHER POST

Dear learner, do you agree with us that this pay fixation, popularly known as pay fixation on promotion, is the most occurring event in the service careers of government servants? If we sort out the pay fixation cases, the fixation of pay to higher posts takes a lion’s share. You should, however, keep in mind that the rules governing the pay fixation on promotions do not apply only to the promotional cases . When a government servant is appointed from a lower post to a higher post, these rules are equally applicable. . That is why we are using the term ‘transfer’ instead of ‘promotion’. Our example in Section 1.3.1 is a befitting case here too. But all provisions

are not equally applicable to the cases of promotions and appointments. Therefore, you should not deem these terms as inter-changeable. We have also used the term 'higher post'. Before we venture into the laid down provisions of pay fixations on transfer to a higher post, let's first understand what we mean by a 'higher post'.

You have many a time used the term 'promotion'. You know that this obviously is used for a higher post. The term 'higher' is used in relation to the post held before 'promotion'. For example, if an Assistant is promoted to the post of Superintendent Gr.II, the post of Assistant becomes a lower post and that of Superintendent Gr.II becomes a higher post. Are you aware that before we treat a post as higher one, it should fulfill two conditions? These conditions are:

- The new post must involve assumption of duties and responsibilities of greater importance. The comparison of duties is to be made with the duties and responsibilities attached to the post held prior to promotion/appointment. In cases of promotion the test is quite simple. You may go through the Recruitment and Promotion Rules of the category of post to which promotion is to be made. These rules contain a clause 'mode/method of filling up of posts'. If this clause contains the name of category from which promotion is to be made, the new post automatically becomes a higher post. Let's continue our example of Assistant and Superintendent Gr.II, We will go through the clause stated above incorporated in the Recruitment and Promotion Rules of Superintendent Gr.II. That contains '100% by promotion from amongst Assistants with 5 years service as Assistant. In this case, the category of Assistants is to be termed as a feeder category. Naturally, it is to be presumed that the post of Superintendent Gr.II carries duties and responsibilities of greater importance compared to that of Assistant.
- In the first condition for 'higher post', we discussed that the new post must involve assumption of duties and responsibilities of greater importance. Fulfillment of this condition alone, does not mean that we will treat the new post as a 'higher post'. To pass our test of 'higher post', the new post must also carry a higher pay scale as compared to the lower post.

You know that both the posts - the feeder and the promotional, carry independent pay scales. Both the pay scales will have their respective minimums, maximums and the spans of the pay scales. You are aware that the 'minimum' is that stage of pay from which the pay scale starts. Similarly, both the scales end on a certain stage of pay. That stage is to be treated as the 'maximum'. The span of the pay scale is the number of stages counting from minimum and reaching the maximum

EXAMPLE:

In the pay scale of Rs.7220-220-8100-275-10300-340-11660, determine the minimum, the maximum and the span of the pay scale.

Minimum: Rs.7220

Maximum: Rs.11660

Span of pay Scale: 7220-7440-7660-7880-8100-8375-8650-8925-9200-9475-9750-10025-10300-10640-10980-11320-11660 = 17 years.

For comparison of the pay scales, you are to see if the minimum of a post is less than the other, the post with higher start is a higher post. If minimum is same, you should see the maximum of both the pay scales. The post ending with higher stage of pay is the higher one. Where both these criteria fail, count the span of the pay scales. The post with a higher span is a higher post.

You are now familiar with the two tests. The new post must qualify both these tests before it could be termed as a 'higher post'. If either of the two conditions is not fulfilled, the new post is not to be treated as a higher post and consequently our discussions in this sub-section will not apply to those cases. These provisions are also to be applied with certain changes, where a government servant is promoted to a higher post after having received the benefit of Assured Career Progression Scheme. We will take up that later in a separate section.

EXERCISE-1

State if the 2nd post is a higher post or not. Use the space provided to give your answer:

	Pay Scale of the Ist Post	Pay Scale of the 2nd Post	Duties and responsibilities of 2 nd post compared to Ist post	Answer – 'Yes', if 2 nd post is a higher post. Say 'No', if it is not
1.	7220-220-8100-275-10300-340-11660	7880-220-8100-275-10300-340-11660	Of greater importance	
2.	7880-220-8100-275-10300-340-11660	10025-275-10300-340-12000	Same	
3.	7880-220-8100-275-10300-340-11660	7880-220-8100-275-10300-340-11660	Of greater importance	

Having determined that the new post is a higher post, we now take up the provisions for fixation on transfer to that post.

FIXATION OF PAY ON PROMOTION/APPOINTMENT TO A HIGHER POST

Government servants on **promotion** to a higher post on regular basis, get two options. These are:

- to get their pay fixed on the higher post directly from the date of promotion; and
- to get their pay fixed temporarily from the date of promotion and to get it re-fixed on a date when they would have earned next annual increment in the feeder post*.

The appointing authorities are required to incorporate the facts about the availability of this right of option in the promotion orders. The government servants should exercise their options within one month from the date of promotion.

The benefit of option is not applicable in cases of direct appointments and ex-cadre appointments[♦]. In their case the first alternative i.e. direct fixation from the date of transfer/appointment automatically comes into operation.

The option is also not applicable in case of ad-hoc promotions. The pay of the government servants who are promoted on ad hoc basis is directly fixed under the first alternative. However, if their ad hoc promotion is regularized without reversion to lower post, they get the right of option retrospectively as if promoted on regular basis from the date of ad hoc promotion. They have to exercise this option within one month from the date of regularization.

There is yet another case, where the right to option is not available. If the existing pay of the government servants is **less** by two stages (or more) than the minimum of the pay scale of the post to which promoted, this option is not available. In their case, the pay fixation will be done directly under the first alternative.

EXAMPLE:

A government servant who is drawing basic pay of Rs.9450 w.e.f. 1-4-2001 in the pay scale of Rs.7880-220-8100-275-10300-340-11660, is promoted to a post carrying pay scale of Rs.10025-275-10300-340-12000-375-13500-400-15100 w.e.f. 1-3-2002.

* the post from which promoted

♦ The Himachal Pradesh government has withdrawn the benefits available to H.P. government servants which they earlier enjoyed on transfer to ex-cadre posts. Now neither Deputation allowance nor benefit through pay fixation on ex-cadre posts is available. The pay fixation on ex-cadre appointments has, therefore, become redundant.

The pay of the government servant will directly be fixed under the first alternative i.e. from 1-3-2002 as option is not available in this case.

EXERCISE-2

State whether the following statements are ‘true’ or ‘false’. Use the space provided to write your answer:

1)	On promotion, the government servants at their discretion can get their pay fixed in any of the two specified ways subject to the condition that their pay on old post is not below by two or more than two increments of the minimum of promotional post.	
2)	Option given as at question 1, has to be exercised within one month from the date of promotion.	
3)	The benefit of option is available in all cases of transfers to higher posts.	
4)	In cases of ad hoc promotions, followed by regularization without reversion, the right to exercise option is available retrospectively from the date of ad hoc promotion	
5)	Appointing authorities are required to incorporate the fact about the exercise of option in the orders of promotion.	

Till now you have determined the two facts:

- That the post on which transfer is effected, is a higher post; and
- Whether the right of option is available or not.

We will now discuss the method of pay fixation under each of the alternatives provided by the option:

(I)FIXATION OF PAY UNDER THE FIRST ALTERNATIVE:

Now you are familiar with the fact that this alternative covers the pay fixation cases of following categories:

- Government servants opting to get their pay fixed directly from the date of their promotion;
- Government servants directly appointed by transfer from other posts.
- Initial pay fixation of government servants promoted on ad-hoc basis.
- Government servants appointed to ex-cadre posts. ♥
- Government servants whose pay is less by two or more stages of the minimum of new pay scale.

At this stage you should first determine the

♥ See footnote on the previous page.

- (i) Basic pay of the government servant that he was drawing immediately before promotion. Naturally this relates to the post from which promoted.
- (ii) Rate of Increment at that basic pay that the government servant would have drawn had he not been promoted. You are aware that the government servants continue to draw increments in the master scale even if they complete the pay scale. Therefore, If the government servant is drawing basic pay at the maximum of the pay scale, we will take the rate of increment of the master scale, which comes next to the maximum of the pay scale. Thirdly, if the rate of this increment is less than Rs.100/- we will presume the increment to be consisting of Rs.100/-

ILLUSTRATION:

(i) Let's presume that the government servant was holding before promotion, a post in the pay scale of Rs. 7220-220-8100-275-10300-340-11660. He was drawing a basic pay of Rs. 8925 w.e.f. 1-4-2001 on this post. The basic pay for our purpose is Rs.8925/- and the rate of increment at the stage of pay of Rs.8925/- is Rs.275/-.

(ii) Had the employee been drawing Rs.11660/- other facts remaining the same, the rate of increment for our purpose would have been Rs.340/- (This rate of increment is available in the master scale – Appendix-I)

After having determined these two elements, we will add the both. The resultant figure is termed as Notional Pay. In the above illustration (i) our notional pay comes to Rs.9200/-.

DO YOURSELF-(3):

Determine the notional pay in the illustration (ii) above.
Ans:

Please note that we have so far taken basic pay and the rate of increment of the lower post. We have not touched the pay scale of the higher post till this stage. Now after we have determined the notional pay with the help of these elements, we sever our links with the lower post and come over the post to which promoted.

Look at the pay scale of the new post. Determine its all stages.

ILLUSTRATION:

Let us presume that the pay scale of the new post is 7880-220-8100-275-10300-340-12000.

Stages of pay in this scale are : 7880-8100-8375-8650-8925-9200-9475-9750-10025-10300-10640-10980-11320-11660-12000.

From these stages, you are now to find out the stage of pay that is next to the notional pay determined by you. Notional pay in our case was determined at Rs.9200/-. In the new pay scale, the stage next above this notional pay is Rs.9475. The pay of the government servant on the new post will be fixed at Rs.9475/- from the date of promotion. The government servant will draw increment next year from the first day of the month in which promoted. However, here is one exception. The increment will be drawn from the 1st of the next month if the government servant joins the new post on the last day of any month in the afternoon.

ILLUSTRATION:

Mr.X, serving in the pay scale of 6400-200-7000-220-8100-275-9200 is promoted to a post carrying the pay scale of Rs. 7220-220-8100-275-10300-340-11660 w.e.f. 11-4-2002. He was drawing his pay at Rs.8375/- in the lower post w.e.f. 1-4-2002. He opts to get his pay fixed directly from the date of promotion. The pay of Mr. will be determined as under:

1. Basic pay in the lower post	Rs.8375/-
2. Rate of Increment at basic pay in the lower post	Rs.275/-
3. Notional Pay	Rs.8375+275= 8650
4. Pay in the higher post w.e.f. 11-4-2002	Rs.8925/-.
5. Date of next increment in the higher post	1-4-2003

DO YOURSELF-(4):

Fix the pay in the above case had the pay drawn in respect of the lower post been Rs.9200.

ANS:

Restrictions to abnormal increases in Pay:

The fixation of pay discussed by us above, is subject to the following conditions:

- The government servant should have been promoted after he fulfilled the eligibility conditions prescribed in the Recruitment and Promotion Rules.
- Where the promotee did not fulfill the eligibility conditions, the pay is to be fixed in the same way. However, the increase in the pay should not be abnormal in this case. Rules restrict the maximum benefit in pay as under:

Basic Pay on lower post	Amount of maximum increase in basic pay (maximum Rs.1000)
Up to Rs.8000	15% of basic pay
Exceeding Rs.8000/-	12 ½% of basic pay

- While applying the above ceiling of maximum benefit, if by adding the benefit of above percentage, the pay comes to be minimum or more than minimum, the pay is to be fixed at the minimum.
- The pay of lower post held on regular basis is to be taken into account while fixing pay on a higher post.

Protection of pay drawn on previous occasions:

Prior regular service rendered, if any, on a post in the same time scale[♥] or in an identical time scale of the new post^{*}, also qualifies for determining the initial pay on the new post subject to laid down conditions. The intention of this provision is that if a government servant has earlier held a post but was reverted thereafter and is now again promoted, should not get less pay than he drew on such higher post earlier. However, this provision does not apply to cases of re-appointment/re-promotions after resignation, removal or dismissals from service. Further, in some cases some government servants are required to tender resignation before taking up new assignment with proper permission. This type of resignation is treated as a 'technical resignation'. These provisions are applicable to the cases of technical resignations with certain additional conditions. We will have a talk on them later.

[♥] 'Same time scale' means when the pay scale of two posts is identical and both the posts fall in a cadre or a class of cadre. Cadre means the strength of a service or a part of a service sanctioned as a separate Unit.

^{*} 'Identical Time Scale' posts are those posts, where the minimum, the maximum, the rate of increment and the period of increment of both the posts are same.

This provision of protection of pay drawn earlier and counting of incremental periods, is applicable under the following circumstances:

- (i) When the government servants have held in permanent or temporary capacity either the same post or a permanent or temporary post on the same time scale.
- (ii) The benefit of protection is also admissible subject to certain additional conditions if such previously held permanent or temporary post was in identical time scale. Whether such identical time scale post was in the government or in a body that is wholly or substantially owned or controlled by the government, does not matter. The benefit is admissible in both cases. We will also discuss the additional conditions soon.
- (iii) The benefit of a tenure post[⊕] held on earlier occasion is admissible only if the new appointment is also to a tenure post. This benefit is subject to the following conditions:
 - Appointment to the new tenure post should have been made only subject to eligibility of recruitment and promotion rules of that post; and
 - The pay scale of the new tenure post must be identical with the post held on earlier occasion.

In the above cases, the initial basic pay to be fixed on promotion/appointment **cannot be less than the basic pay** last drawn by the government servant on the previous occasion. Further the broken incremental periods of service **at that stage of pay** also count while determining the date of next increment on fresh promotion/appointment.

If the previous post was a temporary post and some pre-mature increments were granted to the government servant on that post, the pay to be protected will normally be the pay drawn as if these pre-mature increments were not granted.

Let's take an illustration:

ILLUSTRATION:

A government servant who was drawing a basic pay of Rs.10300/- in the pay scale of Rs.7220-220-8100-275-10300-340-11660 is promoted to a higher post in the pay scale of Rs.7880-220-8100-275-10300-340-12000 on regular basis from 1-4-2000. Due to non-availability of post, he was reverted to his lower post w.e.f. 1-10-2001 but was re-promoted to the same post w.e.f.1-12-2001. The pay of the government servant on re-promotion from 1-12-2001, will be fixed as follows:

[⊕] This is a permanent post which an individual cannot hold for more than a limited period e.g. Chairman of H.P. Public Service Commission

<u>Period</u>	<u>Lower post (7220-11660)</u>	<u>Higher post (7880-12000)</u>
1-4-2000 to 31-3-2001	[10300]	10980 Date of next increment =1-4-2001
1-4-2001 to 30-9-2001	[10640]	11320
1-10-2001 to 30-11-2001	10640	----
1-12-2001	[10640]	11320 DNI 1-6-2002

Have you observed the change in the date of increment on re-promotion? On re-promotion we fixed the pay of the government servant at Rs.11320/- which is the same stage at which he drew pay on that post when he held it on the previous occasion. Therefore, no protection as to the basic pay was necessitated. However, at this stage of pay, he had already worked for 6 months at that time. Therefore, these six months will count towards determining his increment being at the same stage of pay. Since the total incremental period is 1 year (12 months), he will have to render another service for 6 months at this stage to earn the next increment. That is why his date of next increment has been determined as 1-6-2002.

DO YOURSELF-(5):

(I) You are given the following data. Determine the pay and the dates of next increments of the incumbent from time to time. The government servants opts for the Ist alternative.

- Basic Pay in Substantive Capacity = Rs.8375 w.e.f 1-3-2000
- Scale of permanent post held substantively =Rs.6400-200- 7000- 220- 8100- 275-9200
- Promoted w.e.f.1-4-2000 to officiate
On a post in the pay scale of =Rs.7000-220-8100-275-10300
- Date of reversion to permanent post = 1-9-2001
- Date of regular promotion to the
post in the pay scale of
Rs.7000-220-8100-275-10300 =1-12-2001

Ans: _____

Benefit of protection of previously held identical time scale posts:

We had earlier talked about certain additional conditions for extending benefit of protection to persons who held on previous occasions, a post in identical time scale. Rules extend the benefit of protection of stage of pay drawn in an identical time scale post, as also the benefit of broken incremental periods at that stage of pay, in the following cases:

- Where initial pay is fixed on reversion to parent post from a post in a government body that is wholly or substantially owned or controlled by the government. Such body need not necessarily be incorporated; and
- Service rendered in the government on an identical time scale posts;

However, extension of this benefit will only be granted if the following conditions are fulfilled:

- (i) The government servant to whom this benefit is to be extended should have been approved for appointment to that grade in parent cadre;
- (ii) All seniors of the government servant should be serving either in posts carrying the scale of pay in which benefit is to be allowed or they must be holding some higher posts. This is not any pre-condition that all his seniors should be serving in the department itself. They may be serving anywhere either in the same scale of pay or on some higher post. To simplify, this implies that all the seniors of the government servant should already have been promoted at least to the post in which benefit to the government servant is to be allowed;
- (iii) At least one junior should have been promoted in the department to the post that carries the same pay scale in which benefit is to be allowed.. Additionally, he should also be holding a post in the department. If such junior was the last person holding this post and he is not serving in the Department, the senior cannot get the benefit of protection.
- (iv) The service on such higher post will count from the date of promotion of the junior. The total benefit will not exceed the period for which the government servant would have held that higher post but for holding the identical time scale post.

Let's take an illustration to understand the implications of what we have discussed on protection of pay drawn in an identical time scale post:

ILLUSTRATION:

Mr.A, Ms B, Ms C and Mr.D hold posts of Assistant Controllers and their names are consecutively in the seniority list. Mr.A is senior-most and Mr.D is junior-most. All of them are in the pay scale of Rs. Rs.7220-220-8100-275-10300-340-11660 drawing basic pay of Rs.9200/- from 1-6-99. Subsequently, Mr.A and Ms B were promoted as Deputy Controllers in the pay scale of Rs. .7880-220-8100-275-10300-340-11660 w.e.f. 1-4-2000. From 1-6-2000, Ms C was deputed on a post carrying pay scale of Rs. .7880-220-8100-275-10300-340-11660 outside the Department. Mr.D was also promoted w.e.f. 1-8-2001 in the department, to a post carrying this pay scale. Ms C reverts to the department and joins the post of Deputy Controller w.e.f. 1-4-2002.

Pay of Ms. C, on reversion to parent cadre post, will be fixed as under:

	7220-11660 Cadre	7880-11660 Ex-cadre
(i) 1-6-99 to 31-5-2000	9200	-
(ii) 1-6-2000 to 31-5-2001	(9475)	10025
(iii)1-6-2001 to 31-3-2002	(9750)	10300
(iv)1-4-2002	10300 DNI 1-8-2002	-

Ms.C was holding an identical time scale post drawing basic pay of Rs.10300/-. She will get the benefit of protection of pay on an identical time scale only from the date her junior is promoted in the department. Here the date of promotion of the junior is 1-8-2001. Since Ms C has worked for 8 months after this date and drew pay at the same stage in an identical time scale, her increment in the department will be pre-poned by 8 months. Therefore, her date of increment has been determined to be 1-8-2002 instead of 1-4-2003.

Application of provisions on ‘technical resignations:

The above provisions are applicable to ‘technical resignations’ if the following additional conditions are also fulfilled:

- The application for new post should have been sent either through proper channel or after proper permission.
- If the government servant had applied for certain other posts before joining and is now selected against any of the such posts, the benefit of protection can be extended if the government servant:
 - has intimated immediately after his/her joining the details of such application;
 - specifically requests on selection to other post to treat the resignation as ‘technical resignation’ and gives complete details; and
 - The authority competent to accept the resignation is of the firm opinion that the application for the new post would have been forwarded had the government servant applied for that, after joining.

FIXATION OF PAY UNDER THE SECOND ALTERNATIVE:

Dear Learner, so far we have discussed how the pay of government servants is fixed when they opt to get their pay fixed directly from the date of their promotion to a higher post. You are also now familiar with the circumstances under which pay has necessarily to be fixed under this alternative and no option is available.

You will recall our discussions on availability of option for fixation of pay on regular promotions. The government servants on promotion are entitled to get their pay fixed under the first alternative, which we have discussed in detail.

You also know that as a second alternative, they can get their pay fixed temporarily from the date of promotion and then get it re-fixed from the date of accrual of next increment in the lower post. You also know that in cases of ad-hoc promotion, this option is not admissible. However, option becomes retrospectively available to them if such ad-hoc appointment is regularized without reversion. The benefit of option is also not admissible if the government servants on the lower post was drawing a pay two stages or below than the minimum of the new pay scale. Benefit of option on promotion is, therefore, admissible only if the following conditions are fulfilled:

- (i) The promotion to a higher post is on regular basis;
- (ii) The basic pay of the government servant is not more than one stage below than the minimum of the new pay scale;

EXAMPLE:

Mr. A holding a post in the pay scale of 5800-200-7000-220-8100-275-9200 is promoted to a post carrying pay scale of Rs.7220-220-8100-275-10300-340-11660 w.e.f. 1-9-2001. He was drawing basic pay of Rs.6800/- on his lower post w.e.f. 1-10-2000. He requests that his pay on promotion be fixed temporarily from 1-9-2001 and thereafter, it be re-fixed from the date of accrual of next increment in the lower post that he would have drawn but for his promotion. Since the pay of Mr. A on lower post on the date of promotion is less by 2 stages than the minimum of pay scale of the higher post, the benefit of option is not extendable to him. His pay is to be fixed under the first alternative i.e. directly from the date of promotion.

- (iii) If Ad-hoc promotion is followed by regularization without reversion.

EXAMPLE:

Mr.X holding a post in the pay scale of 5800-200-7000-220-8100-275-9200 is promoted on ad hoc basis to a post carrying pay scale of Rs.7220-220-8100-275-10300-340-11660 w.e.f. 1-9-2001. He continued to work on the higher post till 1-11-2002 from which date his services on that post were regularized.

Mr.X becomes entitled to avail the option with retrospective effect i.e. w.e.f.1-9-2001 – the date of his ad hoc promotion.

DO YOURSELF(6):

How would you have processed/decided the case of option by Mr.X had he been reverted to the lower post from 1-4-2002 and again promoted from 5-4-2002?

Ans: _____

Let us now discuss as to how the pay of a government servant who fulfills the above conditions and opts for the second alternative, is to be fixed and re-fixed.

Here also, you are to take as base the basic pay that the government servant so promoted, was drawing immediately before promotion. That is, we are to consider the last pay drawn on the lower post. After having determined this pay, you are immediately to switch over to the new pay scale. As we have done under the first alternative, you are to determine the stages of the new pay scale. At this stage you are having with you two elements – (i) last basic pay drawn on the lower post and (ii) stages of pay of the new pay-scale. In these stages of pay, you are to find out the stage that is next above the basic pay determined by you. The government servant will draw that basic pay as a temporary measure, from the date of promotion. You have completed the first stage – temporary fixation of pay on promotion. Our job ends here till the government servant would have drawn annual increment in the lower scale of pay but for promotion.

The temporary fixation of pay comes to an end on the date when the government servant would have drawn increment in the lower scale, but for promotion. We will re-determine the pay of the government servant on this date on the lower post.

Do you agree that the government servant would have drawn an increment here on this date? Let's add that to the basic pay he/she last drew on this lower post. Now this is the basic pay that would have been drawn by the government servant had he/she not been promoted? This basic pay becomes our basis for re-fixation of pay from this date.

Once you have determined the above basic pay of the lower post, there is no difference between the pay fixation under the first alternative and that under the second alternative. You are to repeat the same steps. Add one increment to the basic pay so arrived at to find the notional pay. Now determine the stages of the new pay scale and then find out the stage that is immediately next above this notional pay. This is the pay determined on re-fixation. The government servant will draw this pay now. He/She will draw next increment after one year from this date. Is it not so simple?

Let's take an illustration on the 2nd alternative.

ILLUSTRATION:

Mr. M is holding a post in the pay scale of Rs.5800-200-7000-220-8100-275-8925. He is drawing a basic pay of Rs.8650 from 1-7-2001 in this pay scale. He is promoted w.e.f. 1-12-2001 to a higher post that carries the pay scale of Rs.6400-200-7000-220-8100-275-9200. Mr. M opts to get his pay fixed on promotion, under the 2nd alternative.

The pay of Mr. will be fixed as follows:

Step-I. Temporary fixation on the date of promotion(1-12-2001):	
(i) Pay in the lower post on 1-12-2001	Rs.8650/-
(ii) Stage in the new pay scale next above this pay	Rs.8925/- *

Step-II: Re-fixation of pay from the date of accrual of next increment in the lower post i.e. 1-7-2002:

	Presumptive Pay drawn on the lower post	Rs.8925/- *
2.	Rate of increment at this stage on the lower post	Rs.275/-
3.	Notional Pay	Rs.9200/-
4.	Pay re-fixed w.e.f. 1-7-2002 in the new pay scale at the stage next above the notional pay	Rs.9475/-
5.	Date of Next increment	1-7-2003

Protection of Pay drawn on previous occasion:

You are familiar with the provisions of protection of pay drawn on previous occasions by the government servants on the same post and posts in the same or identical time scales of pay. We had detailed discussions on them while talking about pay fixation under the first alternative. Those provisions are applicable in their totality for the pay fixations made under 2nd alternative. We believe that you are fully capable of applying those and , therefore, will not require us to repeat those here.

* This pay will be drawn on the new post till 30-6-2002, the date on which the government servant would have drawn increment in the lower post but for his promotion. On that date he will cease to draw this pay.

^ This is the basic pay last drawn on the lower post plus increment that would have become due on 1-7-2002 but for promotion. Please see carefully that although amount determined on fixation of pay in first step and the pay of lower post determined now are the same, yet their constituents are different.

With this we have come to an end on our deliberations concerning pay fixations on higher posts. We do hope that you have worked through these provisions and will not find any difficulty in processing and deciding the cases of pay fixation while government servants are promoted to higher posts. Let's now ponder over to another step to our pay fixation in a different aspect – placements.

1.3.3. PAY FIXATION IN CASES OF PLACEMENTS:

In sub-section 1.3.2, you have discussed in detail the laid down provisions relating to the fixation of pay on higher posts. You know how we are to determine the fact that the new post is a 'higher post'. Do you remember that to be a 'higher post', we had applied two tests – (i) test of duties and responsibilities and (ii) test of pay scale. If the post cleared both of these two tests, we termed the post as a 'higher post'. Accordingly, we deliberated on the method of pay fixation on promotion/appointment to that post. We are now left with the pay fixation of those posts that could not qualify these tests because of the following reasons:

- the new post did not involve assumption of duties and responsibilities of greater importance as compared to the old post; or
- the pay scale of the new post was not a higher one in relation to pay scale of the old post;

When a government servant is appointed to any of such posts that does not fulfill both these tests, we term the appointment as placement. Let's have a couple of illustrations on such posts first:

ILLUSTRATIONS:

(1) In the four tier system of pay scales, the incumbent are allowed higher time scale of pay after definite years of service in the cadre. On the grant of such higher pay scale, the designation of the incumbent is also changed in some cases. However, all posts starting from entry scale to the fourth tier have been declared as not involving duties and responsibilities of greater importance. Therefore, when a government servant under this system of pay scales is granted a higher scale/higher status, the pay fixation is not done as on higher post. Officers of H.A..S. Cadre, H.P.S.Cadre, Medical Officers and Engineers are some of the examples of such placement. Horticulture/Agriculture Development Officers are also examples of similar nature. Although officers of all the above and many more other cadres are given higher scales of pay after certain years of service, yet the new post is not treated to be carrying duties and responsibilities of greater importance for the purpose of pay fixation.

(2) Our second test was to compare the pay scales of old and new post. The new post to be a 'higher post' must carry a higher pay scale. The recruitment and promotion rules of the post of Deputy Director (Education) provide that the post will be filled up by promotion from amongst the District Education Officers. Thus the post of District Education Officer becomes a feeder post for promotion to the post of Deputy Director. However, the pay scale of both these posts is same. Therefore, when any District Education Officer is promoted to the post of Deputy

Director, he/she is not deemed to have been promoted. Instead, we are to treat him as 'placed'. This is because of that provision of the rules which says that posts in the same time scale or an identical time scales are not to be deemed to carry duties and responsibilities of greater importance. This is a case where the post of Deputy Director is higher, the post of District Education Officer being a feeder post. However, because it does not carry a higher pay scale, we cannot treat it as a 'higher post' for the purpose of fixation of pay.

Fixation of pay:

Let's now discuss the method of fixation of pay when the new post either does not involve duties and responsibilities of greater importance or it does not carry a higher pay scale. We may face two types of cases here:

- (i) Where pay drawn by a government servant on old post is less than minimum of pay scale of the new post; and
- (ii) Where same stage of pay **is available** in the pay scale of the new post as the government servant was drawing in the old post immediately before placement.
- (iii) Where same stage of pay is **not available** in the new pay scale as the government servant was drawing in the old post immediately before placement

The method of fixation of pay is quite simple in the first case. If the minimum of the new post is higher than the pay being drawn by the government servant on old post, the pay is to be fixed at the minimum of the pay scale of the new post. In such a case, the government servant will draw next increment after one year of fixation of pay on new post.

If the pay scale of the new post does have the same stage of pay as he/she is drawing in the old post on the date of placement, the pay will be fixed at the same stage in the new pay scale. Government servant will draw increment in the new pay scale on the date it was due in respect of the old post. Did you find here that no financial benefit accrues to a government servant in such a situation? Neither his/her basic pay changes nor there comes any change in the date of increment.

If the same stage of pay in the new pay scale is not available, the pay in the new scale is fixed at the stage next above his/her pay of the old post. In such a case, the government servant will draw the next increment after completion of one year from the date of such fixation. Of course, the increment is to be allowed from first of the month in which it falls due.

You have seen that the rules afford two alternatives to government servants who are promoted to higher posts. Somewhat similar alternatives are available here also. These are:

- The government servants can get their pay fixed directly from the date of their placement; or
- They can continue to draw the pay of the old post and get it fixed in the pay scale of the new post from the date they would have earned their next increment in the old post.

The benefit of option is available for appointments only within the cadre not available for ex-cadre appointments.

Dear learner, you are aware that the government of Himachal Pradesh has allowed its employees the pay scales under a master pay scale. The master pay scale is Rs.2520-100-3220-110-3660-120-4260-140-4400-150-5000-160-5800-200-7000-220-8100-275-10300-340-12000-375-13500-400-15900-450-18600-500-23600. All the scales granted to the State government employees under the H.P.C.S.(Revised Pay)Rules, 1998 are a part of this pay scale. The main inference that comes from the master pay scale is that irrespective of the pay scale of the post, all employees will get the same rate of increment at a particular stage e.g. If a Superintendent Gr. I draws basic pay of Rs.8650 in the pay scale of Rs. 7220-220-8100-275-10300-340-11660 as also an Assistant draws Rs.8650 in the pay scale of Rs.5800-200-7000-220-8100-275-9200, both will draw the same rate of increment.

Another implication of the master scale is that some of the stages of two adjacent pay scales are bound to overlap in maximum number of cases. You can find that in our example of the pay scales of Superintendent Gr.I and that of an Assistant, all stages of pay from Rs.7220 to Rs. 9220 are available in both the scales. This being the position, you will hardly face any case where on placement same stage of pay is not available in the new pay scale unless it is less than the minimum. In view of this, the pay on placement will either be fixed at the minimum of the new pay scale or at the stage of pay that was being drawn in the pay scale of the old post. The concept of option also, therefore, does not come into operation.

Let's now take some illustrations on the methods of pay fixation when placement takes place.

ILLUSTRATIONS:

(i) Mr. Z is holder of a post in the pay scale of Rs.7800-275-10300-340-12000. He is drawing Rs.9200 w.e.f. 1-5-2001 in this post. On 1-9-2001, he is transferred to another post carrying the pay scale of Rs.10025-275-10300-340-12000-375-13500.

The pay of Mr. Z is less than minimum of the pay scale of new post. Therefore, his pay will be fixed at Rs.10025 on 1-9-2001, with date of next increment from 1-9-2002.

(ii) In the above illustration, what would have been the position had the basic pay been Rs.10640/- instead of Rs.9200?

Since same stage of pay is available, the pay of Mr.Z, would have been fixed at the same stage with date of increment in the new pay scale as 1-5-2002.

Protection of Pay drawn on previous occasion:

You are familiar with the provisions of protection of pay drawn on previous occasions by the government servants on the same post and posts in the same or identical time scales of pay. We had detailed discussions on them while talking about pay fixation under the first alternative. Those provisions are also applicable in their totality here. We are not repeating those and leave those to be applied by you.

1.3.4 ON REQUEST REVERSIONS v/s PAY FIXATION:

Dear Learner, you must be aware of the provisions of rules relating to reversions to the lower posts. Reversions can be on two grounds – (i) Reversions as a disciplinary measure on account of inefficiency or misbehavior and (ii) Reversions on request of the government servant. We will separately devote our time for covering the cases of reversions as a disciplinary measure. Here we are taking up the fixation of pay of a government servant who seeks an on-request reversion.

We had ample discussions on the method of pay fixation in cases of placement. In the context of H.P. government servants, the pay on placement in a new pay scale is generally fixed either at the minimum of the new pay scale or at the same stage that the government servant was drawing immediately before placement. You are well aware of the provisions as to when it is to be fixed at the minimum and when at the same stage.

Identical provisions are applicable when we fix the pay of a government servant who seeks reversion on request to a lower post. Here, however, minimum of new pay scale cannot be less than the pay drawn by the government servant on old post. Find out yourself, why? It (basic pay on higher post) can be more than the maximum of the new pay scale. Therefore, if the pay drawn by such a government servant in the old post is higher than the maximum of the new pay scale, the pay on transfer to a lower post will be fixed at the maximum of the new pay scale. The other provision remains the same. If the new pay scale does have the same stage of pay that the government servant is drawing in the old post, the pay is to be fixed at the same stage

The provisions with regard to the protection of pay drawn on same or identical post that we discussed in the first alternative under ‘pay fixation on appointment to higher posts’ are fully applicable here also.

ILLUSTRATION:

Mr. S is drawing basic pay of Rs.9200 in the pay scale of Rs.5800--9200. Owing to some domestic compulsions, he seeks reversion to a post carrying the pay scale of Rs.5480-8925.

Since the pay drawn by Mr. S exceeds the maximum of the new pay scale, his pay on reversion will be fixed at Rs.8925/- i.e. at the maximum of the new pay scale.

DO YOURSELF (7):

Fix the pay of Mr. S if in the above illustration if he would have been drawing basic pay of Rs.7880/- in stead of Rs.9200. Before that, completely write the pay scales of both the posts from master scale of pay.

Ans:-

(i) Pay scales:-

5480-8925 _____

5800-9200 _____

(ii) Pay fixed at: Rs. _____

1.4 ASSURED CAREER PROGRESSION SCHEME

Dear Learner, you know that the Government of Himachal Pradesh has implemented a scheme popularly known as ACP i.e. Assured Career Progression Scheme. Have you gone through the provisions of the same? If you have, you must be aware of the objective behind implementation of the scheme. In many of the Departments a number of government servants remain stagnated in the same pay scale. You will appreciate the human psychology. Stagnation is bound to breed in to them the most dangerous thing – inefficiency in administration. Government servants are human beings and need appreciation for their job-performance. The best way to appreciate their work is to provide them a dynamic career. That is why in the government, you observe that most of the higher posts are filled up by promotion from amongst the serving government servants. Despite this, a number of government servants remain stagnant in the same pay scale for years together. The government has fully appreciated their grievance. The assured career progression scheme is an effort to inculcate dynamism in the career of the government servants. The main objective behind the implementation of the scheme is to ensure that no government servant retires in the same pay scale in which he/she was recruited. You will see in our discussions to follow that under the scheme if a person serves the government for 32 years in the same post, he/she is bound to get at the minimum 4 increments (including 2 higher pay scales) in his/her service career. We'll deliberate on this aspect later.

This scheme is not applicable to those government servants who are to be allowed pay scales under 4 or 3 tier systems of pay scales. You already know about some of those categories e.g. Officers of H.A.S. and H.P.S. cadres, Medical Officers, Engineers, H.D.O.s, A.D.Os. etc. The scheme also does not apply to government servant to whom U.G.C. pay structure is applicable. It also does not apply to those categories of government servants for whom benefit of career progression is already available. However, since the work-charged employees are governed under the same structure as other employees of the State government, these provisions are applicable to them.

The benefits of the scheme are to be allowed w.e.f.1-1-1996 or from the date the government servants switches over to the pay scale under HPCS(Revised Pay)Rules, 1998, whichever is later. This is equally applicable even if government servants become entitled to the benefits prior to 1-1-96.

Before venturing into the benefits granted by the scheme, let us once again go back to recapitulate some aspects of the master pay scale. You are familiar with the master scale. You also know that pay scales granted to H.P. government employees under the C.C.S. (Revised Pay) Rules, 1998 are a part of the master pay scale. This master-pay scale has many divisions –each called a pay scale. We are providing you with a list of these divisions at Appendix-I.

ACTIVITY:

Please go through Appendix-I. Tick the pay scale of your post. Then observe the scale of pay, which comes next to it in this list. Encircle it.

Let us now come over to the benefits of this scheme. The structure of the scheme is such that if a government servant does not get any addition to basic pay except on account of

- i) Annual Increment including advance/pre-mature increments for acquiring higher qualifications and sports activities; and
- ii) Revision of pay scales

Then after 8 years, 16 years, 24 years and 32 years of service, he/she will be granted benefit under the scheme on these occasions. The benefit is to be allowed only if he/she has received no addition to pay barring the above two elements. Let's discuss the benefits of the scheme:

1.4.1 BENEFIT OF THE SCHEME:

You are now aware that the scheme provides additional benefit to a government servant after 8, 16, 24 and 32 years of service on fulfillment of certain conditions. Let's discuss the bonanza that is available to a government servant:

(i) BENEFITS AFTER 8 YEARS SERVICE:

When government servants remain working continuously for 8 years on a post :

- Without promotion to a higher post; and
- Without getting any additions to basic pay barring exceptions that we have discussed,

they become entitled to two benefits simultaneously as follows:

- (i) They will be placed in the **next** scale of pay. 'Next' here does not mean the next scale in the line of promotion. It means the scale next in the list at appendix –I. You are to find out the existing scale of the government servant. Then you are to find out the scale next higher to it in this list. The government servant is to be placed in this scale. Don't worry even if the scale does not exist in your department.
- (ii) After having determined the pay scale to be granted, you are to fix the pay of the government servant in this scale. The basic pay of the government servant is already with you. Determine the stages of the new pay scale. Now find a stage that is next above the basic pay of the government servant. This is the stage at which pay of the government servant is to be fixed. If the minimum of the new pay scale is higher than the stage that was being drawn in the old scale, the pay will be fixed at that minimum. You are to take care of one important point here. If the government servants had drawn any benefit under the then scheme of Proficiency Step-up on completion of 8 years, the next stage of pay is not to be granted. They will draw pay at the same stage without any change in the date of increment.

Did you see the difference in fixation? In normal cases of placement we fix the pay of the government servants at the same stage. Under this scheme it is fixed at the stage next above. Isn't it?

Have you given two benefits to the government servant – the next higher scale and the next stage of pay?. You need not to determine the date of next increment in the higher scale.

The government servant will draw annual increment on the date it would have fallen due but for the grant of higher scale. In other words, the old date of increment remains unchanged. However, if the pay is fixed at the minimum, the next increment will be granted after full incremental period.

ILLUSTRATION:

Mr. 'A' a Section Officer is appointed to this post on 10-6-92. On revision of pay scales, his pay in the revised scale of Rs.7000-220-8100-275-10300-340-10640 was fixed at Rs.8100 w.e.f. 1-1-96 with date of next increment on 1-6-96. He fulfills all the eligibility conditions for the grant of benefit under ACP.

Mr. A becomes entitled to the grant of 1st benefit under the ACP scheme w.e.f. 10-6-2000. His placement and pay will be regulated as under:

PLACEMENT:

Existing Scale: 7000-220-8100-275-10300-340-10640

Next scale as per Appendix –I 7220-220-8100-275-10300-340-11660

Therefore, Mr. A will be placed in the pay scale of Rs. 7220-220-8100-275-10300-340-11660 w.e.f. 10-6-2000.

REGULATION OF PAY

1.	Pay fixed on 1-1-996	8100
2.	Annual Increment 1-6-96	8375
3.	Annual Increment 1-6-97	8650
4.	Annual Increment 1-6-98	8925
5.	Annual Increment 1-6-99	9200
6.	Annual Increment 1-6-2000	9475
7.	Pay on 10-6-2000	9475

Stages of Pay Scale: 7220-7440.....8100-8375....9200-9475-9750-10025-10300-10340.....11660

Stage next above the existing pay: Rs. 9750

Mr. A is entitled to the basic pay of Rs.9750 w.e.f. 10-6-2000 in the pay scale of Rs. 7220-220-8100-275-10300-340-11660. He will earn his annual increment w.e.f. 1-6-2001.

Now comes another question. How will you fix the pay if such government servants are promoted to higher posts on any date after the grant of this scale but before completing 16 years service? Here one important point is to be considered by you. You are to see as to from which date the first benefit (next higher scale + next higher stage) of this scheme has been given. If the date of grant of this benefit is pre 1-1-1996, the fixation is to be done in normal way as discussed in Section 1.3. If this dual benefit has been granted on or after 1-1-1996, the fixation is to be done as per discussion that follows.

The instructions provide that they are to be granted one increment instead of two normally available, on such promotion. You are now familiar with the provisions of the rules determining pay on promotions. That does not speak of any concept of 'two' increments. Therefore, we are waiting for the amplification from the government on this issue. Till then, let's honour the directive. We have already talked on master scale. If you go deeply into the fixation of pay on higher post, you will find that government servants virtually get benefit of two increments on promotion in the master scale. Let's pay him one increment only. Therefore, now our pay fixation structure for those who get promotion after receiving benefit under ACPS, becomes as under:

(i) If the government servants opt the Ist alternative:

Pay in such cases is to be fixed at the stage next above the pay they are drawing. The instructions are silent over the grant of next increment on regular promotion. This implies that the same is to be determined under the Fundamental Rules. Fundamental Rules say that the increment is to be granted after one year service in such cases. Therefore, the government servant gets next increment after one year from the date of regular promotion.

ILLUSTRATIONS:

(I) Mr. X, Superintendent Gr.II was appointed on promotion to this post from 1-7-87. Under the then instructions of Proficiency Step-up, he was granted a proficiency step up w.e.f. 1-7-95. While he was drawing Rs.8650 as basic pay with DNI on 1-11-99, he is promoted to the post of Superintendent Gr.I. w.e.f. 1-7-1999. He opts to get his pay fixed under Ist alternative. The pay scale of Superintendent Gr.II is 6400-200-7000-220-8100-275-10300-340-10640 and of Superintendent Gr.I is 7220-220-8100-275-10300-340-11660.

Since Mr. X has been granted Proficiency step up prior to 1-1-1996 that will not affect the pay fixation on regular promotion.

Therefore, pay of Mr. X on regular promotion will be fixed under normal rules and not under the provisions of ACP.

(II) In illustration (I) above, had it made any difference in our fixation on regular promotion if the date of appointment of Mr. X as Superintendent Grade-II would have been 1-7-90 and his pay w.e.f. 1-11-96 at Rs. 8100, other facts remaining the same.

Yes, the pay fixation would have entirely been different in the 2nd case. This is because of the reason that in illustration(I), proficiency increment granted before 1-1-96 does not affect the fixation on regular promotion. In the 2nd case, Mr.X would have been granted higher pay scale + stage next above. This benefit is to be adjusted on regular promotion. In the 2nd case, the fixation would have been done as follows:

	Rs.	Scale of pay
1. Pay on 1-11-96 as Supdt.Gr.II	8100	6400-10640
2. Annual Increment 1-11-97	8375	-do-
3. First Benefit under ACP scheme 1- 7-98	8650	7000-10640*
4. Annual increment 1-11-98 [♥]	8925	-do
5. Pay fixed on 1-7-99 as Supdt. Gr.I	9200	7220-1160
6. Date of next increment 1-7-2000		

* next scale in hierarchy of pay scales as per appendix-I

♥ Grant of next stage under ACP does not affect old date of increment.

DO YOURSELF(8):

Fix the pay of Mr. X on 1-7-1999 and then re-fix it on 1-11-1999 in illustration (I) above.

Ans:

(ii) If the government servants opt the 2nd alternative:

The instructions are silent over the issue of first fixation from the date of promotion. Let's combine, pending clarification by the government, instructions of the government and the provisions of Fundamental Rules. Usually, from the date of promotion, the government servants are to be allowed stage next above the pay as a temporary measure. This stage already stands granted to them under the scheme. Therefore, at this stage they will only be granted the new pay scale and not the stage. No change in basic pay will result. Then comes the re-fixation. On the date of accrual of next increment in the old post, the position becomes clear. We'll grant annual increment over and above the pay being drawn by the government servant on that date. We will give yet another one increment of new pay scale on account of re-fixation. He will draw next increment after one year from the date of such re-fixation.

ILLUSTRATION:

In illustration II in our previous case, the pay of Mr.X would have been fixed as under if he had given the option for the 2nd alternative:

1. Pay on 1-11-96 as Supdt. Gr.II	8100	6400-10640
2. Annual Increment 1-11-97	8375	-do-
3. First Benefit under ACP scheme 1-7-98	8650	7000-10980*
4. Annual increment 1-11-98 [▼]	8925	-do-
5. Pay fixed on 1-7-99 as Supdt. Gr.I	8925*	7220-11660
6. Pay re-fixed on 1-11-99	9475*	7220-11660
7. Date of next increment 1-11-2000		

Did you observe from the above discussion that the first benefit is a temporary benefit? It is at least temporary to those who are subsequently promoted to higher posts. On regular promotion, the government servants will draw the same pay that would have been drawn by them but for this benefit. The intention behind this is clearly the objective of the scheme. When a government servant is promoted on regular basis, the stagnation ends. The benefit is, therefore, definitely to be treated as a stopgap arrangement to end stagnation.

(ii) **BENEFITS AFTER 16 YEARS SERVICE:**

We had detailed deliberations on the benefit to be granted after 8 years service. Examples are not lacking where the government servants neither get regular promotions nor any increase in their basic pay(barring exceptions) even after 8 years. It may happen that such government servants remain on the same post or alike and complete 16 years of service without any increase in pay barring exceptions. At this stage the increase in their basic pay granted to them as a first benefit under the scheme is also to be ignored i.e. it also becomes our exception. Such government servants are to be granted one increment as a proficiency step up. Here, no further scale is to be granted. They will earn their next increment from the date it was due to them prior to the grant of proficiency step up. In other words, their date of increment again remains unchanged.

Another important adjustment awaits you here. Under the then scheme of proficiency step-ups, government servants were eligible for one proficiency step-up each, after completion of 8 years of service and 18 years of service.

* next scale in hierarchy of pay scales as per appendix-I

▼ Grant of next stage under ACP does not affect old date of increment.

* These need yet to be amplified by the govt.

At this juncture, therefore, you have to segregate the cases where government servants completed 18 years service prior to 1-1-1996. Since in such cases, the proficiency step-up under the then scheme has been allowed to them, this 2nd benefit under the new scheme does not become available to them. However, the 2nd proficiency step up under the old scheme(18 years) will be deemed to be the first proficiency step under the new scheme paid after completion of 16 year.

ILLUSTRATION:

Ms P is appointed as an Assistant w.e.f. 1-4-84. She is continuing as such. Her pay before the grant of benefit under the scheme is fixed at Rs.7660 w.e.f.1-1-96 in the pay scale of Rs.5800-200-7000-220-8100-275-9200 with DNI on 1-1-97.

On completion of 8 years service, Ms P becomes entitled to the first benefit w.e.f.1-4-92. However, she is to be granted the first benefit w.e.f.1-1-96 i.e. the date she switched over the new pay scale. On 1-1-96, she will be allowed the 'next higher' scale of Rs.6400-200-7000-220-8100-275-9200. However, she must have drawn the proficiency step up under the then scheme. Therefore, she will continue to draw pay at Rs.7660/-.

She draws annual increments on 1-1-97, 1-1-98, 1-1-99 and 1-1-2000 raising her pay to Rs.7880, 8100, 8375 and 8650 respectively. She becomes entitled to the 2nd benefit of this scheme w.e.f.1-4-2000. Please see carefully. We have calculated this date from her initial appointment as an Assistant. On 1-4-2000, she is to be allowed the Proficiency Step-up. Therefore, she draws Rs.8925 from this date with date of next increment on 1-1-2001(original date).

Promotion after the grant of 2nd benefit:

The benefit granted on this occasion is of permanent nature and is not to be adjusted on regular promotions. However, this does not mean that the first benefit is also not to be adjusted. On regular promotion after 16 years of service, the fixation is to be done in the same way as we have discussed in the 1st benefit of the scheme – 'benefit after 8 years service.

(iii) BENEFIT AFTER 24 YEARS SERVICE:

It may happen that some government servants may remain on the same post or alike and complete 24 years of service without any increase in pay barring exceptions. At this stage the increase in their basic pay granted to them as a first benefit under the scheme as also the proficiency increment granted to them after 16 years service is also to be ignored i.e. these also become our exceptions. Such government servants are to be granted another one increment as proficiency step-up. Here also, no further scale is to be granted. They will earn their next increment from the date it was due to them prior to the grant of proficiency step up. In other words, their date of increment again remains unchanged.

ILLUSTRATION:

If in our example under the 2nd benefit, Ms.P continues to hold the post till 1-4-2008, she becomes entitled to third benefit. She gets one Proficiency Step-up on that date. You need not worry that she has reached the end of her pay scale. Under the master pay scale, the employees continue to get annual increments till they reach a maximum of Rs.23600/-.

Promotion after the grant of 3rd benefit:

The benefit granted on this occasion too, is of permanent nature and is not to be adjusted on regular promotions. However, the first benefit is to be set-aside on regular promotions. If regular promotion takes place after 24years of service, the fixation is to be done in the same way as we have discussed in the 1st benefit of the scheme – ‘benefit after 8 years service

(iii) BENEFIT AFTER 32 YEARS OF SERVICE:

You may find a case in which a government servant continues to remain serving for 32 year on the same post or on a Identical time scale post without getting any increase in basic pay but for the exceptions. The first three benefits under the scheme also become exceptions and will be ignored while counting the period of service. Such a government servant will be granted yet another higher scale in the hierarchy of pay scales of the list already gone through by you. You are well aware as to how to find out the next scale from this list. Here again, this scale may not necessarily be the scale of his/her promotional post.

After having determined the higher scale to be granted, the pay fixation in this scale is to be done at the **stage next above** the pay that is being drawn by the government servant. You are now capable of working out the next stage yourself.

If a government servant is promoted after the grant of this benefit, the method of pay fixation is similar to that we have discussed along with the grant of benefit after 8 years of service. However, at this stage the government servant would have drawn two next stages along with two higher scales and two proficiency step-ups. But this does not make any difference. On promotion only one increment is to be adjusted in the way discussed under the first benefit.

DO YOURSELF(9):

Presume the date of appointment of Ms.P in the illustration under the 2nd benefit, to be 1-4-76 instead of 1-4-84. Fix her pay on this post presuming she continues to hold the same till 1-4-2008.

Ans:

We hope you are now well aware of the benefits available under the scheme. We have time and again discussed about the length of service of – 8 years, 16 years, 24 years and 32 years. Let’s see how this length of service is to be calculated.

1.4.2 CALCULATION OF LENGTH OF SERVICE

Dear Learner, you are aware that the benefit under Assured Career Progression Scheme is to be granted after completion of 8, 16, 24, and 32 years of service in a post or a post in the same cadre. Let us first have a talk on the factors that are to be considered while counting the length of service. These are:

(1) Service in the Time Scale:

You are aware of the term ‘time scale of pay’. Entire service rendered in any one time scale(pre-revised and revised) in a cadre counts. The counting will start from the date of appointment in a particular time scale of pay. Service in different cadres in identical time scales also counts. Tenure service on previous post does not count at all even if it may be in an identical time scale post.

Some categories of government servants may be granted senior scale also. You are familiar with the method of fixing pay in the senior scale. Do you remember that since appointment to the post in the senior time scale does not involve duties and responsibilities of greater importance, it is to be treated as a ‘placement’? Service rendered in the senior time scale is also to be counted as ‘service rendered on the same post’ if on placement:

- The pay of government servant was fixed at the same stage as he/ she drew in the old post; or
- The pay was fixed at the minimum of new post but the benefit accrued to the government servant was **less than** one increment.

If as a result of pay fixation on placement, the pay of the government servant was fixed at the minimum and the government servant derived benefit of **one or more than one** increment, the service in the senior scale is not to be clubbed.

Let us take some illustrations on this aspect:

ILLUSTRATIONS:

(1) Ms X, an Assistant is in the pay scale of 5800-9200(revised). She was promoted to this post w.e.f. 1-4-93 and continues as such. The entire service rendered in the post of Assistant counts and she becomes entitled to the first benefit under ACP w.e.f. 1-4-2001.

(2) Mr. A, a clerk joins PW Department w.e.f. 15-8-88. He is placed in the senior scale from 4-10-93. His basic pay on placement in senior scale was 3 stages less than the minimum of senior scale. Mr. A is not entitled to club his service in the senior scale with that to his service in the post of Clerk. Counting of his service starts afresh from 4-10-93 and he becomes entitled to the first benefit under ACP from 4-10-2001.

(3) Ms. Y, a Steno-typist joins government service on 15-5-90. She gets placed in the senior scale on 19-4-97 and her pay is fixed at the same stage at which she was drawing in the old post. She is eligible to club service of both the posts. Therefore, she is entitled to first benefit under ACP from 15-5-1998.

(2) Service in Ex-cadre appointments:

Previously government servants appointed to ex-cadre posts, were enjoying two options as under:

- To continue to get pay of their parent post + Deputation Allowance; or
- To draw pay scale of the ex-cadre posts.

If on ex-cadre appointments the government servant had opted the first alternative, the entire service on ex-cadre appointment is to be counted. If the ex-cadre appointment carries a higher scale of pay as compared to the cadre post and the government servant opts to draw pay scale of the ex-cadre post, service rendered on ex-cadre appointment does not count.

(3) Service Rendered on merger of two time scales:

It happens sometimes that the pay scales of two cadres are merged in to a one scale. If one of such cadres was a feeder cadre and other was a promotional cadre before such merger, service rendered on feeder cadre (repeat feeder cadre) qualifies along with service in the merged scale of pay.

(4) Service on re-promotion:

You may also face a case where a government servant is reverted to a lower post and after some time re-promoted to the same post. In such a case, the past service rendered on that post will qualify to be counted along with service rendered after re-promotion to that post. Do you observe here that the period spent under reversion will qualify to be counted along with past service rendered in the lower post. Let's make it more clear through the following illustration:

ILLUSTRATION:

Following are the particulars of a govt servant:

(i) Date of appointment as Superintendent Gr.II	1-08-87
(ii) Promotion to the post of Superintendent Gr.I	1-12-94
(iii) Date of reversion as Superintendent Gr.II	1-4-98
(iv) Date of re-promotion as Superintendent Gr.I	1-5-99

The counting of service will be done as under:

Superintendent Gr.II (first spell) = 1-8-87 to 30-11-94 = 7 years 4 months

Superintendent Gr.II (2nd spell)* = 1-4-98 to 30-11-98 = 8 months

The officer becomes entitled to first benefit as Superintendent Gr.II w.e.f. 1-12-98

Superintendent Gr.I (1st Spell) = 1-12-94 to 31-3-98 = 3 years 4 months

Superintendent Gr.I (2nd spell)* = 1-5-99 to 31-12-03 = 4 years 8 months

The government servant has to serve as Superintendent Grade-I only up to 31-12-03. Then he/she becomes eligible to get first benefit from 1-1-2004 after 8 years service in the cadre of Superintendent Gr.I.

(5) Drawl of Presumptive pay:

Period of service for which presumptive pay[^] is drawn under Fundamental Rule 49 does not count and is to be excluded while counting length of service.

(6) On Up-gradation of a post: We have discussed the provisions about the counting of service when a government servant is placed in a senior scale. Similar provisions are applicable here also. If the government servant gets any financial benefit (even less than one increment) in fixation of pay on up-gradation of the post, counting of service will re-start from the date of up-gradation. However, if his/her pay remains the same, you should count the previous service with the service rendered after up-gradation.

(7) Military Service:

Dear learner, you know that ex-servicemen are frequently re-employed into civil service after their discharge from military service. They are given the benefit of approved

* Clubbing of service to make 8 years

[^] pay granted under certain circumstances when a government servant holds the charge of more than one posts.

military service in the fixation of pay on civil employment. However, the counting of service for the purpose of this scheme in their case commences from the date of re-employment. Military service does not qualify here. Can you spell out the reason? Is it not that the grant of benefit under the scheme is admissible only for working on the same or on an identical time scale post?

(8) Ad hoc service:

Ad hoc service does not count at all as a general rule. If a government servant was recruited on regular basis and thereafter appointed to some other post on ad hoc basis, the government has allowed specifically such service to be counted for the purpose of promotion and confirmation. Since the objective of ACPS is also not different from promotion, such ad-hoc service will also count for this purpose.

ILLUSTRATION:

Mr. A, an Assistant was promoted on ad hoc basis as Superintendent Gr.II w.e.f. 5-4-93. His services were regularized on this higher post w.e.f. 4-4-96.

Mr. A becomes entitled to the first benefit under the scheme w.e.f. 5-4-2001. This is because of the reason that ad hoc service rendered by him qualifies for counting as per specific orders of the government.

1.4.3 ELIGIBILITY CONDITIONS

In our preceding sub section we have seen as to how the length of service is to be worked out for the grant of benefits under this scheme. But this does not imply that by completing this length of service in a scale without getting any increase in basic pay, one automatically becomes entitled to the benefits. Do you subscribe to our view that inefficient government servants should at the minimum be debarred from receiving extra benefits? Your reply must be in affirmative. Is it?

The procedure laid down for the grant of benefits, therefore, provides for the certain eligibilities before government servants are allowed any of the benefits under this scheme. Let's take up those now. They are:

(i) Successful Completion of departmental test/ examination:

You are aware that Recruitment and Promotion Rules of certain categories of posts provide passing of certain departmental test/examination for promotions to higher levels. In that case, the benefits of scheme are admissible only and only on the fulfillment of such condition. Similarly, if some additional qualification is a pre-requisite for promotion to higher levels, the benefits of the scheme are admissible only on acquisition of such higher qualification. In simple words you can say that the benefit under this schemes are to be granted if the government servant is fully fit for promotion on these basis.

(ii) 'Good' Service Record:

Before the grant of benefits under the scheme, the entire service record is to be gone through. The government servants become eligible only if they are adjudged at least 'good' on the basis of overall service record. This means that at least 50% of the total number of A.C.Rs. of the government servants should at least be 'good' **and** at least 2 of the last 3 A.C.Rs. should be 'good' or above. Rest of the reports can be satisfactory/average.

(ii) No Increase in Basic Pay:

We have already discussed this eligibility condition. Only those government servants are entitled to the benefits under the scheme who have not gained any hike in their basic pay except on account of any or more of the following:

- i) Annual Increments.
- ii) Revision of Pay Scales. Any step up provided under the rules of such revisions is also not to be treated as a hike.

EXAMPLE:

HPCS (revised Pay) Rules, 1978 contained a provision that on fulfillment of certain conditions, the pay of some of the government servant will be stepped up. This stepping up resulted in enhancement of basic pay. This is not to be treated as a hike for the purpose of grant of benefits under ACP scheme.

You should be careful to see that this step up was as a result of provisions of the Revised Pay Rules and not as a result of Fundamental Rules or under instructions from the government. Any enhancement in basic pay by virtue of stepping up outside the Revised Pay Rules is always to be treated as a hike.

- iii) Advance/Premature Increments granted on account of acquiring higher qualifications; and
- iv) Advance/Pre-mature increments granted on account of sports activities.

If any government servant has received any hike in the basic pay other than the above, such government servant becomes eligible to the benefits of the scheme only after completion of requisite length of service from the date of such enhancement.

(iii) Basic Time scale and Personal Pay Scale:

You may be aware that some Revised Pay Rules, 1998 allow personal pay scales to some categories. These scales are purely personal to the existing incumbent of these posts. As and when they vacate such post, the next incumbent of the post is to be appointed in the basic time scale. You may have to process/decide a case where the government servant who has been granted a personal pay scale, becomes entitled to the grant of benefit under ACP. In such a case, while granting any of the four benefits, the basic time scale is to be considered. Such a person will be granted scale next above the

basic time scale if the first and still the next higher scale if the fourth benefit is to be granted.

1.4.4 PROCEDURE:

The government has prescribed the following procedure for the grant of benefits under this scheme:

(i) Authority:

Are you aware who is competent to grant benefits under this scheme? Same authority as is competent to grant promotion to the respective category of government servant, is also competent to grant the benefits under this scheme. Generally, these are appointing authorities.

ACTIVITY:

Prepare a list of different categories of government servants serving in your Office. Indicate before each of them the authority who is competent to grant promotions to the incumbents of that category.

(ii) Consideration of Cases:

You must have processed/decided the cases of grant of benefits under the scheme. How have you done that. Did you process/decide these after these have become due to the government servants? Or did you do this sufficiently before these became due. The intention of the government is to allow these benefits from the due dates. For that, the procedure laid down for the grant of these benefits says the consideration of such cases at least 3 months before the grant of benefit becomes due. You should, therefore, have with you a list of all such government servants who are due to become eligible for the grant of these benefits in the near future. You should process/decide their case at least three months before they actually become due for the grant of the benefit.

You are aware that the grant of these benefits is subject to the condition of 'good' service record. This necessarily speaks of consideration of Annual Confidential Reports. A.C.Rs. are based upon financial year(April-March). As per A.C.R. calendar, ACR for a financial year is finalized by 30th September next year. For example, ACR for 2001-2002 becomes final on 30th September 2002. The government has laid down the following guidelines for consideration of A.C.Rs.

Month of eligibility	ACRs to be considered
i) Cases of teaching staff of Education Department becoming eligible between January-December any year	ACRs that required finalization in previous financial year. For Example in cases becoming eligible between January-Dec.2002, ACR up to and including financial year 2000-2001 are to be considered.
(ii)Cases of other government servants becoming eligible between October previous year-September next year any year	ACRs that required finalization in previous financial year. For example in cases becoming eligible between September 2001-October 2002, ACRs up to and including financial year 2000–2001 are to be considered.

(iii)Retrospective grant of benefit:

How will you process/decide the cases where a government servant could not be considered on due dates? In such cases, the benefit can be granted with retrospective effect. In such cases presume that the government servant is being considered on the due date. Consider only those ACRs that are relevant. However, Vigilance Clearance Certificate, Integrity Certificate and disciplinary/judicial proceedings clearance certificate as on the date of DPC will be considered. If any of these certificates cannot be issued due to pendency of proceedings etc., his/her case for the grant of benefit will be considered only after decision on such proceedings is finalized.

If some government servants become ineligible, their cases will be reviewed on yearly basis. The benefit will be released from the date he/she becomes entitled to it on the basis of record.

1.4.5 FIXATION OF PAY UNDER FOUR TIER PAY SCALES:

Dear Learner, we have seen that Assured Career Progression Scheme is not applicable to the categories of government servants who have been granted structured pay scales. By structured pay scales, we mean that the incumbents of the posts are granted higher pay scale after they have rendered certain years of service on a particular post or a post in the cadre. In fact, this scheme is also termed as Assured Career Progression Scheme for the categories to be benefited by it. However, the benefits of the scheme are different from the one that we have discussed earlier.

Let's first see which are those categories that are covered under this scheme of the government. The incumbents of the following services get benefit of this scheme:

1. H.P. Administrative services
2. H.P. Police Services
3. H.P. Health Services Class-I(Generalist)
4. H.P. Health Services Class-I(Dental)
5. Animal Husbandry Veterinary Class-I services
6. Assistant Engineer
7. Assistant Architect
8. Assistant Town Planner.

Counting of Length of Service:

We have already seen that the benefit of this scheme is admissible if the government servant serves on the same post for certain years. The term same post means a post that is **in the same cadre with the same designation and in the same pay scale**. However, if some post carried different pay scales prior to 1-1-1996 but transfer from one pay scale to another was not treated as promotion, the service rendered in all such scales is to mean service on the same post. Therefore, service from entry scale (from the date of assignment of seniority) to the highest scale in the cadre will count as service on the same post provided the transfer from one scale to another is not treated as promotion. Secondly, the service that is not treated as qualifying for increment will also not qualify here. You are already aware as to what service does not qualify for increment. Thirdly, the service that is adjudged as less than 'satisfactory' will also not count for determining the benefit.

Placement in Higher Pay Scale:

The beneficiaries of the scheme are granted higher pay scales after 4 years, 9 years and 14 years of service. However, they are not to be granted the higher pay scale exactly on the date they complete these lengths of service. Instead, the placement is to be done from 1st January of the following year in which they complete the required service. For example, government servants completing service of 4 years, 9 years or 14 years on 2nd January, 2001 will become eligible for benefit under the scheme from 1st January, 2002 although they complete service on 1st January, 2001 and become entitled to the benefit from 2nd January, 2001.

Fixation of Pay:

We have seen that the benefit is always to be allowed from 1st January next from the date in which one completes the required qualifying service. On the date of grant of this benefit, the government servant is simply to be placed in the higher admissible pay scale. You are already aware of the principles of placement in another scale. Those are, however, not applicable here.

While allowing any of the pay scales under this scheme, benefit of at least one increment is to be allowed and date of next increment in every case here will be after 12 months from the date of grant of this benefit. Let's take an illustration:

ILLUSTRATION:

We presume that a particular cadre has been sanctioned the following pay scales under this scheme:

Entry Pay scale	7880-220-8100-275-10300-340-11660
Scale after 4 years	10025-275-10300-340-12000-375-13500-400-15100
Scale after 9 years	12000-375-13500-400-15900-450-16950
Scale after 14 years	14300-400-15900-450-18600

Let's further presume that the government servant is drawing basic pay of Rs.12375 in the pay scale of Rs.10025-15100 with DNI on 1-4-2002. The government servant completes 9 years service in this cadre on 5-7-2001 and is to be placed in the pay scale of Rs.12000-16950.

The government servant will be granted the scale of Rs.12000-16950 w.e.f. 1-1-2002 subject to fulfillment of other eligibility conditions. His pay from this date will be fixed at Rs.12750 with date of next increment from 1st January, 2003.

It may also happen that at the time of grant of higher pay scale, the government servant may be drawing a pay that is less than the minimum of the new pay scale. In such a case, one increment is to be added to the pay being drawn notionally. If the resultant figure still happens to be less than or equal to the minimum of the new pay scale, the pay of the government servant will be fixed at the minimum of the new pay scale. The next increment in this case too, will be granted after one year from this date.

ILLUSTRATION:

In the above illustration, let's presume that the pay of the government servant is Rs. 11660 other facts remaining the same. In that event, the pay of the government servant after adding one increment comes to Rs.12000 (i.e.11660+340) that is equal to the minimum of the new pay scale. The pay will, therefore, be fixed at the minimum.

ELIGIBILITY & OTHER CONDITIONS:

Work and Conduct: The same parameters as are applicable for promotion are applicable to the grant of next pay scale under the scheme. The employee should be adjudged as 'good' on the basis of overall service record as also should fulfill all other conditions for promotion.

The employees are adjudged as 'good; if at least 50% of their ACRs are at least good + 2 of the last 3 ACRs are also at least good.

Departmental Examination/other specific qualification etc.: If promotions in the cadre are granted only on certain qualifying condition e.g. passing of departmental examination or acquiring higher qualification, training etc., that condition automatically applies to the grant of higher pay scale under the scheme. If any

government servant does not fulfill such conditions, he/she is not to be considered for placement in higher pay scale.

Consideration of Cases: all cases falling due up to 31st December are to be considered by the end of October of the same year. ACRs up to immediately preceding 31st March will be the basis for assessing the overall performance. Unsuitability for the grant of higher pay scale does not mean any punishment under CCS(CCA)Rules, 1965.

Review of cases found unsuitable: If a government servant is found unsuitable, his/her name will be reconsidered on year-to-year basis and scale granted from the 1st January next when he/she is found eligible.

Competent Authority: The authority that is competent to grant promotion is the authority to grant the next pay scale. Representations against the orders are also to be dealt with in the same manner as in cases of promotions.

Promotion after the benefit of scheme:

If a government servant is promoted to a higher post after availing one or more benefits of this scheme, the pay on promotion is to be fixed by adding one increment and not under the normal provisions of the Rules. Do you observe that this provision is more or less identical to the main scheme of Assured Career Progression? Please venture to see the promotion after availing first benefit of that scheme and try application of those provisions here..

1.5 FIXATION OF PAY OF ‘PROBATIONERS’ AND ‘APPRENTICES’

You must have heard about the terms of ‘probationer’ and ‘apprentice’. Probationer is a person whose appointment is conditional. The condition must be fulfilled during the period of probation. Passing of departmental examination is an example of such a condition. It is a pre-requisite that ‘probationer’ is appointed only against a permanent vacancy. Their services are regularized only after they have fulfilled the condition said as afore during the period of probation after probationary periods, they may be appointed regularly or confirmed against such vacancies. You should not take the term ‘probationer’ as ‘on probation. ‘On probation’ means ‘on trial’. No other condition is attached to a person who is ‘on probation.

EXAMPLE:

Officers appointed to HAS, HPS etc. cadres are ‘probationers’. They are appointed with a definite condition of passing the departmental examination during probationary period. Persons appointed, as Horticultural Development Officer are the persons ‘on probation’. They are not appointed with a definite condition at the time of their appointment. They are required to successfully complete the period of probation through their performance of job.

How do you fix the pay of a ‘probationer’? Obviously it is to be fixed at the minimum of the pay scale of the post to which such person has been appointed. However, there is certainly some difference between the fixation of pay on first appointment in the case of a ‘probationer’ and in other cases. Generally, when a government servant is appointed, he/she gets annual increments even though he/she may be ‘on probation’. A ‘probationer’ draws only probationary stages during the period of probation. This is a simple case that relates to first appointment as a ‘probationer’.

Can you think of a case of pay fixation where a government servant already in service, is appointed as a ‘probationer’? How his/her pay is to be regulated on such appointment? Let’s see that.

First of all, you have to see whether the government servant is confirmed or not on the previous post. If he/she is a confirmed government servant, he/she will get during probation, either:

- Initial of the pay scale and other probationary stages as a ‘probationer’;
- or
- The presumptive pay of his/her permanent post;

whichever is higher.

The pay drawn during probation of such a person should not fall below the presumptive pay. Such a person continues to draw this pay till confirmation in the new post or service. You can say in other words that during probation the substantive pay of such a person in respect of the previous post is protected. On confirmation in new post or service, the pay of such government servant is to be fixed under the normal rules.

This benefit of fixation under rules is not available to the government servants who were temporary on the previous posts. Such temporary government servant on reversion will continue to draw pay in the time scale of the service or post.

ILLUSTRATION:

Mr. B, a permanent School lecturer in the pay scale of Rs.6400-200-7000-220-8100-275-10300-340-10640 is drawing pay at the stage of 8375/- w.e.f.1-4-98. is appointed in HAS cadre in the pay scale of Rs.7880-220-8100-275-10300-340-12000-375-13500 with initial start at Rs.8000/- w.e.f.1-6-1998. After successful completion of the probationary period of two years, the services of the officer are confirmed in this cadre. During probationary period and on confirmation in the HAS cadre, the pay of the government servant will be regulated as under:

	Substantive pay	Pay in HAS cadre
1-4-98 to 31-5-98	Rs. 8375	---
1-6-98 to 31-3-99	Rs. 8375	Rs.[8000]
1-4-99 to 31-3-2000	Rs. 8650	Rs.[8000]

1-4-2000 to 31-5-2000	Rs. 8925	Rs.[8000]
1-6-2000	---	Rs. 9475

Do you observe that the government servant will draw presumptive pay of his permanent post during the period of probation? On 1-6-2000, he will take the benefit of normal rules and his pay will be fixed as on higher post. We leave it to you to reach at the figure of Rs.9475/-.

We have so far concentrated our discussion on fixation of pay of a ‘probationer’. Similar provisions are applicable in the case of an ‘apprentice’. However, instead of initial scale of pay or probationary stages, an apprentice will draw stipend during the period of apprenticeship.

1.6 PAY FIXATION ON REVISION OF PAY SCALE

Dear learner, the term ‘revision of pay scale’ is quite popular. Have you ever enjoyed its benefits? The pay scale in which you are drawing your pay today is the result of the revision that came into effect from 1st Day of January, 1996. These types of revisions are known as general revisions as they tend to change the pay scales of all the categories in the government. These general revisions are normally accompanied by a separate set of rules. This set of rules is applicable for fixation of pay as a result of that revision. It has also been our experience so far that this set of rules has a over-riding effect on Fundamental Rules. An important aspect of such sets of rules is that they are applied only for a definite period of time – mostly for a day known as appointed day. ‘Appointed day’ means the day on which one elects to switch over to revised pay. This does not mean that they remain applicable only for one day. One day is to be related to individual government servants. Once pay under these rules is fixed on ‘appointed day and date of next increment decided, these rules generally become irrelevant to that individual. Fundamental rules again come into operation the next moment. There has been one exception to the generality of application for ‘one day’ in the last three revisions. The pay under HPCS (Revised Pay) Rules, 1979 was mainly fixed from 1-1-78 but under the provisions of that set of rules, pay of some government servants was stepped-up the next day also. The general revisions revise altogether the pay structure in government services.

Since CCS (Revised Pay) Rules, 1998 have become a past event, we do not intend to dig into that. Here we will take up the provisions of Fundamental Rules that govern the fixation of pay on revision of pay scale of a particular post or posts in a cadre. You would have observed that at times a post is sanctioned a higher scale of pay in the same structure of pay scale.

EXAMPLE

In a particular department the post of Deputy Director in the pay scale of Rs.7880-220-8100-275-10300-340-12000-375-13500 may be notified to carry pay scale of Rs.10025-275-10300-340-12000-375-13500.

In another case, the post of Research Officer in the government in the pay scale of Rs.7880-220-8100-275-10300-340-11660 may be ordered to carry the pay scale of Rs.7220-220-8100-275-10300-340-11660.

Above are the cases of revision of pay scale under Fundamental Rules. The first one is upward revision and the second one is downward revision. Do you see any change in the duties and responsibilities of the incumbents of the posts in either case? These remain the same.

When such type of revision takes place, the incumbent of the posts will be deemed to have come over to the revised pay scale on the new pay. However, existing incumbents of such posts are given an option to the following effects. They may: -

- Elect to come over to the new pay scale and new pay from the date of next or any subsequent increment/. The term subsequent increment includes the date of coming over to the next grade of pay in 3 or 4 tier system of pay scales; or
- Elect to draw pay in the pre-revised scale till they vacate the post or till they cease to draw pay in that time scale.

Government servants opting the 2nd alternatives continue to draw pay in the pre-revised pay. However, next incumbent of such a post is appointed in the revised pay scale.

You may face a case where the pay scale of post is revised and a person, who is under suspension, mans that post. The right to option of such a person is regulated as under:

- If revision of pay scale is effective from a date prior to the date on which such government servant was suspended, option can be exercised as if suspension has not taken place.
- The revision may take effect from a date on which the government servant was under suspension. In that event, you have to see whether the government servant holds a lien on the post of such a post. If yes, such a government servant can exercise the option. However, benefits will accrue to him/her only after re-instatement All the benefits of revision will be available to the government servant from due date, if suspension period is treated as duty. If the period of suspension is not treated as duty, the benefits will be granted only from the date of re-instatement.

- Revision of pay scale falling during the suspension period and the government servant not holding lien on that post carries away the availability of option. Such a government servant is allowed to opt only on re-instatement. If the time limit for exercising option is already over, that can be relaxed in such cases.

ILLUSTRATIONS:

(i) Mr. A holds a post substantively in the pay scale of Rs.6400-200-7000-220-8100-275-9200. Mr. A was placed under suspension from 1-2-2001 and continues as such. The pay scale of this post is revised to Rs.7000-220-8100-275-9200 w.e.f. 1-1-2001.

A is entitled to opt for the revised scale as he was not under suspension on the date on which revision comes into effect. This does not matter whether he is holding the post in substantive (permanent) or officiating (temporary) capacity.

(ii) If in example (i) above, the scale would have become effective from 1-5-2001, A, being a permanent holder of the post, would have been allowed to exercise option. However, whether during the period of suspension benefit of such revision is to be given to him or not, depends upon the period of suspension being treated as duty or non-duty. If it is treated as duty, he will get all benefits from due date. If it is treated as non-duty, he will get these benefits from the date of re-instatement only.

DO YOURSELF(10)

If in the example (i) above, Mr. A would have been holding the post in temporary capacity and would have been placed under suspension from 1-1-2001, how would you have processed or decided the case of option and allied benefits?

Answer: _____

In the cases of exercise of option, another important point is that one may choose the next or any subsequent date to come over to the revised scale. It may happen that the date of such next or subsequent increment is preponed e.g. due to stepping-up of pay. In such a case, if the government servant has already exercised the right of option, he does not need to file a fresh option. The option exercised earlier is sufficient. The government servant will be allowed to switch over to revised scale from such a preponed date of increment.

Fixation of Pay:

You are now familiar with the provisions relating to the exercise of option when pay scale of the same post is changed upwards or downwards. According to these, when pay scale of the post is revised upward or downward, the existing incumbent of the post exercises option either to:

- Come over to revised scale immediately or retain the old scale till next increment or till any subsequent increment; or
- elect to retain the old scale till he/holds that post or ceases to draw pay in that scale.

Let's now discuss how the pay of government servants is to be regulated if they come over to the revised scale immediately or from next or any subsequent date of increment. In such cases, you are to see whether the revision is upward or downward. If it is an upward revision, the pay of such person will be fixed under the normal rules treating as if the new post does not involve assumption of duties and responsibilities of greater importance.

When it is a downward revision, do you presume that the existing incumbent of the post will elect to come over to that? Therefore, we are leaving it here.

If the revision of the pay scale also results in the change of duties and responsibilities, then pay is to be fixed under normal rules of pay fixation that we have discussed in our Section 1.3.

1.7 POINTS TO REMEMBER

1.7.1 FIXATION OF PAY ON FIRST APPOINTMENT

- Pay generally fixed at the minimum of the pay scale of the post to which appointment is made.
- In cases of appointments made by the H.P.Public Service Commission, the pay is to be fixed at the stage recommended by Commission, if any. In other cases, the pay is to be fixed under the normal rules.

1.7.2 ON PROMOTIONS/APPOINTMENT TO HIGHER POSTS:

- To be a 'higher post' the post must qualify two conditions – It must carry higher pay scale and it must involve duties and responsibilities of greater importance.
- Posts in same or identical time scales are not higher posts.

- On promotion to higher posts, the government servants have to exercise option either (i) to get their pay fixed direct from the date of promotion or (ii) to get it fixed temporarily from the date of promotion and re-fixed from the date they would have earned their next increment in the old post. Option is not admissible in certain cases and the pay is to be fixed under the first alternative only.
- Option has to be exercised within one month from the date of promotion. Appointing authorities should incorporate about the availability of option in the promotion orders with last date for exercising option.
- On ad hoc promotions, option is not available. On regularization of ad hoc promotion without reversions, the government servant can exercise option with retrospective effect.
- Fixation of pay under first alternative is to be fixed at the stage next above the 'notional pay'. For arriving at Notional Pay you have to add one increment (which the government servant would have earned had he/she not been promoted) to the basic pay. Basic pay is the pay that the government servant was drawing in respect of old post. DNI in this case is after one year from the date of fixation.
- Under second alternative, the pay is fixed temporarily at the stage next above in the new pay scale, to the basic pay of old post. It is then re-fixed on the presumptive date of accrual of next increment in the old post. The re-fixation is done as if the government servant is promoted from this date. DNI falls after one year from the date of re-fixation.
- On the fulfillment of certain conditions, the benefit of past service rendered on the same post, posts in the same time scale or posts in an identical scale, is also admissible. Broken incremental periods of service also count at the same stage of pay.

1.7.3 ON TRANSFER TO AN EQUIVALENT POST/PLACEMENT:

- When duties and responsibilities of the new post do not involve duties and responsibilities of greater importance, the pay is to be fixed at the same stage as was being drawn in old post. DNI remains the same as was in the old post.
- It is fixed at the minimum of the new pay scale if it is higher than the pay being drawn. DNI falls after one year from the date of such transfer.

1.7.4 ON TRANSFER TO A LOWER POST ON REQUEST:

- The pay is to be fixed at the same stage as was being drawn in old post.
- If maximum of new pay scale is lower than the basic pay being drawn on old post, pay is fixed at such maximum.

1.7.5 ASSURED CAREER PROGRESSION SCHEME:

- Benefits of scheme admissible after completion of 8 years, 16, 24 years and 32 years of service.
- The counting of service in all cases commence from the date of appointment in a particular post or a post in the same time scale.
- The main condition for the grant of benefits under the scheme is that the government servant's pay should not have been increased barring a few exceptions.
- After 8 years service and 32 years service in the same post on a post in the same time scale, the government servants are to be granted a higher scale in the hierarchy of pay scales. This hierarchy is as per annexure-A of pay scales appended to the HPCS (Revised Pay) Rules, 1998. This may not necessarily be the next scale in the line of promotion. If a government servant has availed the benefit of proficiency step-ups prior to 1-1-96, next higher stage is to be allowed. This benefit does not bring any change in DNI.
- On completion of 16 and 24 years of service, the government servants are to be allowed one proficiency increment on each occasion. This also does not change the date of next increment.
- Pay of government servants promoted after availing any of the benefits of the scheme is to be increased by one increment instead of two increments. Proficiency step-ups granted before 1-1-96 are not to be considered as benefit for this purpose. Pay in such cases is to be fixed under normal rules.

1.7.6 FIXATION OF PAY OF PROBATIONERS AND APPRENTICES:

- Probationers and apprentices draw minimum of the pay scale/probationary stages and stipend respectively during probation.
- Government servants who were confirmed in previous posts and appointed now as 'probationers' draw either presumptive pay of such permanent post or the pay as at above, whichever is higher till they are 'probationers'. On regularization or confirmation after the period of probation, their pay is to be fixed under normal rules. These provisions are equally applicable *mutatis mutandis* to the government servants appointed as 'apprentice'.
- No benefit of temporary service is available either during the period of probation/ apprenticeship or on regularization/confirmation.

1.7.7 FIXATION ON REVISION OF PAY SCALE:

- General revision i.e. revision changing the pay structure in the government carries a separate set of rules and the pay is fixed under that set. Fundamental Rules do not apply in that case.
- Revision of the pay scale of the same post may be upward or downward as also with or without change in the nature of duty.
- If revision is on the higher side without changing duties, the existing incumbent can opt to draw pay in the revised scale with immediate effect, from the date of next increment or from any subsequent date of increment. Pay in such cases is to be fixed as transfer to a post not involving duties and responsibilities of greater importance.
- If revision carries change in duties and responsibilities also, the pay of existing incumbents is fixed under the normal rules.

1.8 SELF-TEST QUESTION:

Question No.1:

Match the following:

1.	Pay on First appointment in govt. service is fixed at:	(a)	Stipend
2.	Initial pay of a govt. servant on promotion to a higher post is fixed at	(b)	The stage equal to that in the present scale.
3.	An apprentice during the period of apprenticeship draws	(c)	Within one month
4.	The pay of the government servants re-appointed to same posts or posts in the same scale cannot be fixed	(d)	The scale of that post is revised.
5.	If minimum of a new post is lower than the stage of pay being drawn by government servants, their pay on transfer to such a post is fixed at	(e)	Minimum of the pay scale or at stage recommended by the HPSC
6.	'Probationers' are the persons appointed to permanent posts	(f)	At the same stage of pay on re-promotion.

7.	The option to get pay fixed on promotion has to be exercised	(g)	Reach the stage of Rs.23600/-
8.	The government servants are free to opt the existing scale if	(h)	With a definite condition.
9.	In master scale, government servants are allowed increments until they	(i)	Stage next above the notional pay
10.	Broken incremental periods of service on a previously held post count for increment	(j)	At a stage that is less than that drawn on previous occasion.

Answers

1	2	3	4	5	6	7	8	9	10

Question No.2:

Write whether true or false:

1.	Pay of government servants under ACP is fixed at the next stage of pay in the same pay scale after 8 years of service	
2.	Service on an ex-cadre post counts for ACP if a govt. servant drew deputation allowance on such post.	
3.	Benefit of past service rendered on same post is virtually not available if on re-promotion to that post, the pay of government servant is fixed at a higher stage to the one already drawn on previous occasion.	
4.	Benefit of option is available in all cases on promotion without linking it to the stage of pay being drawn.	
5.	Subject to fulfillment of certain conditions, ACP guarantees two higher scales of pay + 2 proficiency increments + 2 next stages of pay to govt. servants not	

	having avenues of promotion.	
6.	Pay of govt. servants on promotion is to be increased by one increment instead of two increments if they were granted proficiency step-ups prior to 1-1-1996.	
7.	On downward revision, the existing incumbents can opt for the existing pay scale.	
8.	Benefit of past service rendered in govt. is not available on regularization, to persons appointed as 'probationers'	
9.	Benefit of previous appointment is not available if re-appointment to another post is after technical resignation, from the previous post.	
10.	Pay under certain circumstances can be fixed at a stage less than the minimum of the pay scale.	

Question No.3:

Choose the right answer (link master scale where necessary):

1. A govt. servant is drawing basic pay of Rs.7220 w.e.f. 1-8-2000 in the pay scale of Rs.6400-10640. He is promoted to a post in the pay scale of Rs.7220-11660 on ad hoc basis w.e.f. 1-12-2000. His pay will be fixed at:

- (i) Rs.7220
- (ii) Rs.7440
- (iii) Rs.7660
- (iv) None of the above

2. The government servant will draw next increment in q.no. 3(1) above, from:

- (i) 1-8-2001
- (ii) 1-12-2001
- (iii) 1-1-2001
- (iv) None of the above

3. Ms B, draws Rs.7880/- w.e.f. 1-4-2001 in the pay scale of Rs.7220-11660. She is transferred to a post in the pay scale of Rs.7220-11660. It is certified that the new post involves assumptions of duties and responsibilities of greater importance. The pay Ms B will be fixed at

- (i) Rs.7880
- (ii) Rs.8100
- (iii) Rs.8375
- (iv) None of the above

4. A government servant drew benefit of one proficiency step on 1-12-95 in the pay scale of Rs.7220-11660. On 1-1-1996, his pay under the Revised Pay Rules was fixed at Rs.9475/- with DNI on 1-11-96. On 1-7-96, he is promoted to a higher post in the pay scale of Rs.10025-15100. He opts to get pay fixed in the new scale under first alternative. His pay will be fixed at Rs.

- (i) 10025/- from 1-7-96 DNI 1-7-1997
- (ii) 10025/- from 1-7-96 and 10300/- from 1-11-96 with DNI 1-11-97
- (iii) 9750 from 1-7-96 and 10025 from 1-11-96 DNI 1-11-97
- (iv) None of the above

5. A government servant in the pay scale of Rs. 5800-9200 is drawing basic pay of Rs. 9200 w.e.f. 1-4-2001. On promotion w.e.f. 1-12-2001, to the next higher post in the pay scale of Rs.6400-10640, he opts to get pay fixed under the second alternative. His pay will be fixed as under:

- (i) Rs.10025 on 1-4-2002
- (ii) Rs. 9475 on 1-12-2001 and 10025 on 1-4-2002
- (iii) Rs. 9750 on 1-12-2001
- (iv) None of the above

ANSWERS:

1	
2	
3	
4	
5	

1.9 SUM UP

Dear learner, you are now familiar with the provisions of the rules relating to the fixation of pay under common circumstances. We hope, the consolidation of instructions on the Assured Career Progression scheme will also solve many of the barricades you face in processing and deciding these cases. The unit is definitely to instill in you a confidence in providing you the speed in lightening your tables of the pending pay fixation cases. This is, however, not the end of the cases you might face in your offices. Some other peculiar ones may also come to you. The most important and common one of such cases is fixation on imposition and restoration of some of the penalties. Our Unit-II takes you in that direction where you may find many concepts of your interest. With the hope that you join us there, we take your leave now to meet again in our Unit-II.

1.10 ANSWERS TO SELF-ASSESSMENT AND IN-TEXT QUESTIONS:

1.10.1 SELF ASSESSMENT QUESTIONS:

Question No.1

1	2	3	4	5	6	7	8	9	10
(e)	(i)	(a)	(j)	(b)	(h)	(c)	(d)	(g)	(f)

Question No.2

1	2	3	4	5.	6	7	8	9	10.
False	True	True	False	True	False	True	False	False	True

Question No.3

1	2	3.	4.	5.
(iii)	(ii)	(i)	(i)(Benefit of option not available as pay in old post is less by two stages from minimum of new pay scale.	(i)

1.10.2 IN-TEXT QUESTIONS:

Do yourself (1)

Her pay would have been fixed at the initial of the pay scale of the post of lecturer.

Do yourself (2):

Her pay would have been fixed as on transfer to equivalent post.

Do yourself (3):

(i) Basic Pay on old post:	11660
(ii)Rate of increment	<u>00340</u>
(iii)Notional Pay	<u>12000</u>

Do yourself (4):

(i) Basic pay in old post	9200
(ii)Rate of increment	<u>0275</u>
(iii)Notional pay	9475
(iv)Stage next above in new pay scale	9750

Do yourself (5)

	Pay	Scale
1-3-2000 to 31-3-2000	8375	6400-9200
1-4-2000 to 31-3-2001	8925	7000-10300
1-4-2001 to 31-8-2001	9200	
1-9-2001 to 30-11-2001	8650	6400-9200
1-12-2001	9200	7000-10300
DNI 1-7-2002		

Do yourself (6)

Retrospective right of option is admissible only if ad hoc promotion is regularized without reversion.. Therefore, Mr. X is entitled for option only from the date of regular promotion.

Do yourself (7):

Pay scales: (i) 5800-200-7000-220-8100-275-9200

(ii) 5480-160-5800-200-7000-220-8925

Pay fixed at Rs.7880/-

Do Yourself (8):

1-11-98 8650

1-7-99 8925

1-11-99 8925+275=9200 Stage next above = 9475. Pay fixed at 9475 with

DNI 1-11-2000

Do yourself (9)

	Pay	Scale	Remarks
1-1-96	7660	5800-9200	
1-1-96	7660*	6400-10640	Ist benefit under ACP
1-1-96	7660*	6400-10640	2 nd benefit under ACP
1-1-97	7880		
1-1-98	8100		
1-1-99	8375		
1-1-2000	8650		
1-4-2000	8925		3 rd benefit under ACP
1-1-2001	9200		
1-1-2002	9475		
1-1-2003	9750		
1-1-2004	10025		
1-1-2005	10300		
1-1-2006	10640		

* Next stage is not to be granted if benefit of proficiency step-up(s)availed prior to 1-1-96

1-1-2007	10980		
1-1-2008	11320		
1-4-2008	11660	7000-10980	Next pay scale
			DNI 1-1-2009

Do yourself-10:

No option is available. The Government servant will avail the opportunity of option from the date of re-instatement. If the time period is over, that has to be relaxed.

Exercise – 1:

1	2	3
Yes	No	No

Exercise-2

1	2	3	4	5
True	True	False	True	True

1.10.3 Important circumstances requiring fixation or re-fixation of pay

1. Appointment
2. Transfer to a higher post
3. Transfer to an equivalent post
4. Transfer to a lower post on request
5. Transfer to an Ex-cadre post*
6. Reversion from an Ex-cadre post
7. Combination of appointments
8. Reduction to a lower stage, post, service or grade as a penalty
9. Restoration after penalty of stoppage of increments, reduction in rank/ stage
10. While granting benefits under ACP
11. Re-employment after retirement
12. Revision of Pay scales

* Now there is no need to fix the pay on transfer to an ex-cadre post. Such an appointment is always in own scale and own pay. The alternative of drawing deputation allowance is also not available.

1.10 APPENDIX-I: MASTER PAY SCALE AND ITS DIVISIONS.

1.11.1 MASTER PAY SCALE:

2520- 100- 3220 – 110 –3660 – 120 – 4260 – 140 – 4400 – 150 – 5000 – 160 – 5800 –200 –7000 –220 –
8100 - 275 – 10300 – 340 – 12000 – 375 – 13500 – 400 – 15900 – 450 – 18600 – 500 – 23600

1.11.2 DIVISIONS OF MASTER PAY SCALES

1. 2520-100-3220-110-3660-120-4140 (initial start Rs. 2620)
2. 2720-100-3220-110-3660-120-4260
3. 2820-100-3220-110-3660-120-4260-140-4400
4. 3120-100-3220 -110-3660-120-4260-140-4400-150-5000-160-5160
5. 3120-100-3220-110-3660-120-4260-140-4400-150-5000-160-5800-200-6200
6. 3330-110-3660-120-4260-140-4400-150-5000-160-5800-200-6200
7. 4020-120 -4260-140-4400-150-5000-160-5800-200-6200
8. 4400-150-5000-160-5800-200-7000
9. 4550-150-5000-160-5800-200-7000-220-7220
10. 5000-160-5800-200-7000-220-8100
11. 5480-160-5800-200-7000-220-8100-275-8925
12. 5800-200-7000-220-8100-275-9200
13. 6400-200-7000-220-8100-275-10300-340-10640
14. 7000-220-8100-275-10300-340-10980
15. 7220-220-8100-275-10300-340-11660
16. 7880-220-8100-275-10300-340-11660
17. 9200-275-10300-340-12000-375-13500-400-13900
18. 9750-275-10300-340-12000-375-13500-400-14700
19. 10025-275-10300-340-12000-375-13500-400-15100
20. 12000--375-13500-400-15500
21. 12000-375-13500-400-15900-450-16350
22. 13125-375-13500-400-15900-450-16350
23. 13500 -400-15900-450-16800
24. 14300--400-15900-450-18600
25. 14300--400-15900-450-18600-500-20100
26. 16350-450-18600-500-20100
27. 18600-500-22100

UNIT-II

PAY-FIXATION UNDER SPECIAL CIRCUMSTANCES

STRUCTURE

- 2.1 Introduction
- 2.2 Objectives
- 2.3 Fixation of pay as a result of penalty
- 2.4
 - Stoppage of increments
 - Reduction to a lower stage in the time scale
 - Reduction to a lower post, grade or service
 - Consequences of setting aside of penalties on appeal
- 2.5 Fixation of pay on combination of appointments
- 2.6 Points to remember
- 2.7 Self Assessment questions
- 2.8 Sum-up
- 2.9 Answers to self assessment questions

2.1 INTRODUCTION

Dear Learner, welcome over to our 2nd Unit of module on fixation of pay. Hope you have worked through the 1st one. In that we've already talked on various common provisions of fixation of pay – on transfers to different posts, on appointments as probationers and apprentices and on revision of pay scales. We also had an elaborate chat on the newly introduced policy of Assured Career Progression Scheme. But as we said there, these provisions do not complete our knowledge. There is still a gap between what we require to handle pay fixation cases and the knowledge acquired by you in Unit-I. The first Unit does not tell us about another frequently occurring event requiring fixation of pay when a government servant is inflicted penalty of reduction in rank/stage of pay or that of stoppage of increments envisaged in Rule 28 and 29 of Fundamental Rules. The present unit aims at abridging these gaps. Besides, here we'll also devote our time on another related aspect of pay fixation – combination of appointments i.e. pay fixation when government servants are required to hold charge of more than one post under Rule 49 of the Fundamental Rules. Let's, therefore, start sailing in these directions. We hope you will go on working through this unit too, alike our previous one.

2.2 OBJECTIVES

After going through this unit, you will be able to:

- describe how to fix pay of government servants on infliction of penalty of:
 - Stoppage of Increments
 - Reduction of stage in pay-scale; and
 - Reduction to a lower post, grade or service.
- explain regulation of pay on restoration after penalty;
- explain the consequences when an order of penalty of stoppage of increments, reduction to a lower stage or to a lower rank is set-aside on appeal.
- describe entitlement of additional remuneration on combination of appointments.

2.3 FIXATION OF PAY AS A RESULT OF PENALTY

Dear learner, you are aware that conduct and discipline are the backbone of civil services. The government has two separate sets of rules on these - C.C.S. (Conduct) Rules and C.C.S. (Classification, Control and Appeal) Rules, 1965. The former describes what government servants are expected to do and what not to do. If they do what they should not do or if they don't do what they should do, that tantamounts to violation of these rules. The government servants are then subjected to disciplinary actions. The later set of rules prescribes the procedure for the conduct of inquiries so initiated. If it is proved that the government servant is indeed guilty of misconduct, they are penalized.

CCS (CCA) Rules also prescribe various kinds of penalties that can be inflicted upon the government servants. These are divided under two categories – minor penalties and major penalties.

ACTIVITY

Prepare a list of the penalties that can be inflicted upon a government servant. Divide these into two categories – minor and major. Now compare your list with the one given in Rule 11 of C.C.S.(CCA) Rules, 1965.

Do you find that three of such penalties as envisaged in the CCA rules are:

- Stoppage of Increments
- Reduction to a lower stage of pay
- Reduction to a post, grade or service

The above penalties are either with cumulative effect or without cumulative effect. ‘Without cumulative effect’ means the effect of penalty is only temporary. At the end of penalty, the government servants are allowed the same monetary benefits to which they would have been entitled but for penalty. No arrears are paid for the period of penalty.

On the other hand if the penalty is with cumulative effect, it is to be taken as forfeiture of service for increment. This will be equal to the period for which the penalty remained current or for any shorter period specifically ordered. This means that the government servants have to forego the increment(s), which they would have earned during the period of penalty. Thus, loss on account of penalty with cumulative effect is irreparable.

Do yourself- (1)

Write, in the space provided, whether the following statements are true or false.

1.	Penalty with cumulative effect means the ‘forfeiture of service for increment’	
2..	After the end of penalty with non-cumulative effect, arrears of increments withheld are allowed to the government servants.	
3.	CCS (CCA) Rules describe the conduct of a government servant.	

Dear learner, so far we have taken a broad outline of the penalties that require fixation of pay – at the time of commencement of penalty as also at the time of end of penalty. All the three penalties that came in our discussion are distinct penalties having specific provisions. Therefore, we deem it proper to discuss these individually.

2.3.1 STOPPAGE/WITHHOLDING OF INCREMENT(S)

You are aware of the term ‘increment’. But let’s define it in a different way. In our first Unit, we had time and again used the term ‘next stage’. Do you see that the ‘increment’ is differential amount of such two ‘stages of pay’? Government servants are entitled to such increase in their pay annually as a matter of routine. At this stage, let’s give a pause to our discussions and think over the circumstances where this increase in pay is not granted.

Naturally, an idea must have come into your mind – when it is stopped or withheld. You are right. But whether this is the sole occasion? There is definitely another one. You will agree that when a government servant reaches the maximum of master scale of pay i.e. Rs.23600/-, he/she also cannot be allowed next stage of pay. Anyhow, this is not the subject matter of our discussions.

Who is competent to withhold the increment which otherwise should be drawn as a routine? This is the disciplinary authority. This is so because withholding of increments

is a penalty and falls under the ambit of CCS (CCA) Rules. Any penalty under these rules has to be inflicted only after following the procedure detailed therein.

You should also keep in mind that recruitment and promotion rules etc. may provide that the next increment to a particular category of government servants will be drawn only after fulfillment of certain condition(s). For example, as per rules/instructions, a government servant may not be allowed increments unless he/she qualifies a departmental test. This type of increment does not fall within the ambit of 'penalties'. The provisions that we are discussing become operative to such government servants only after they clear the prescribed test etc.

When disciplinary authorities decide penalty of stoppage of increment to be awarded, the order also must clearly state

- The period for which penalty will remain operative; and
- Whether this will have a 'cumulative effect' or 'non-cumulative effect.'

Penalty operative only from prospective date of increment

You should keep in mind that the penalty of withholding of increments cannot be operated retrospectively. Whenever this penalty is awarded, it has only and only prospective effect. Why is it so, is quite simple. You cannot stop the increment(s) that has already been drawn by the government servants. Not only so, if government servant has not drawn any increment that was due, that increment also cannot be withheld. Therefore, the operation of penalty of 'withholding of increments' commences always from the next due date of increment. It can neither have 'immediate' nor a 'retrospective' effect.

EXAMPLE:

Mr. B, is drawing a basic pay of Rs.9475/- with DNI on 1-7-2002. On 31-1-2002, he is awarded a penalty of withholding of one increment for 2 years with non-cumulative effect. The penalty comes into operation only from 1-7-2002 – the date from which Mr. B is to draw the next increment.

'Next Increment' v/s 'one increment'

Dear learner, do you observe any difference between these two terms?. There is a big difference between the two. When the orders state 'next increment for 5 years' the government servants will be deprived of all the increments falling during the next 5 years. On the other hand, if the orders say 'one increment for five years, the government servants will draw all increments falling during the five years except the one withheld. Let's take a couple of illustrations.

ILLUSTRATIONS

- I) The basic pay of Mr. Q is Rs.8100 w.e.f. 1-3-2001. An order dated 1-7-2001 states 'his 'next' increment for 3 years is withheld with non-cumulative effect'. The pay Mr.Q draws during the operative period of penalty , will be as under

Period	Pay	Remarks
1-3-2001 to 28-2-2002	8100	
1-3-2002 to 28-2-2003	8100	Penalty commences
1-3-2003 to 29-2-2004	8100	Penalty operative
1-3-2004 to 28-2-2005	8100	Penalty Operative
1-3-2005	9200	Penalty ends

- II) If in the above illustration, had the penalty been of stoppage of 'one' increment, Mr. Q would have drawn pay as under:

Period	Pay	Remarks
1-3-2001 to 28-2-2002	8100	
1-3-2002 to 28-2-2003	8100	Penalty commences
1-3-2003 to 29-2-2004	8375	Penalty operative
1-3-2004 to 28-2-2005	8650	Penalty Operative
1-3-2005	9200	Penalty ends

Implementing a Series of penalties:

Dear learner, you face various cases when another penalty of 'stoppage of increments' is awarded while the earlier one is still in operation. How do you deal with such cases? If both penalties are of 'stoppage of increments', these cannot run simultaneously. For operation of the 2nd penalty, you have to wait till the first one ends. Once the first penalty ends, the pay is to be raised (if the penalty was with non-cumulative effect) to the figure to which it would have otherwise been admissible. Only after that, the 2nd penalty comes into operation as if this be the first penalty. Do you agree with us that this becomes the 'first' after the previous one has ended?

ILLUSTRATION:

Mr. A with a basic pay of Rs.6400 from 1-5-2001, is awarded on 1-7-2001, a penalty of 'stoppage of one increment for 2 years with non-cumulative effect' In another inquiry, he is again awarded penalty of stoppage of 1 increment for 3 years with non-cumulative effect. The orders of 2nd penalty were passed on 1-4-2003.

The pay of Mr. A is to be regulated as under:

Period	Pay	Remarks
1-5-2001 to 30-4-2002	6400	
1-5-2002 to 30-4-2003	6400	Ist Penalty commences
1-5-2003 to 30-4-2004	6600	Ist penalty operative
1-5-2004 to 30-4-2005	6800	Ist penalty ends and 2 nd penalty starts
1-5-2005 to 30-4-2006	7000	2 nd penalty operative
1-5-2006 to 30-4-2007	7220	2 nd penalty operative
1-5-2007	7660	2 nd penalty ends

Regulation of pay on grant of advance increments

You are aware that recruitment and promotion rules of various services provide for the grant of advance increment on account of passing of departmental examinations, acquiring of higher qualifications etc. You may also encounter a case where grant of advance increments interferes with the stoppage of annual increment. You are now familiar with the provision that stoppage of increment becomes operational only from the date of increment that falls after the date of order imposing such penalty. Therefore, such interference can be of three types, as under:

- When the government servant earns advance increment from a date earlier to the date of imposition of penalty;
- When government servant earns advance increment after the date of order of imposition of penalty but before the penalty becomes operative; and
- Where the advance increments are earned during the operative period of penalty i.e. after the penalty has become operational.

ILLUSTRATIONS:

Type of Case	Date of increment	Date of earning advance increment	Date of order imposing penalty
Ist	1-7-2000	1-3-2000	1-4-2000
2nd	1-7-2000	1-3-2000	1-2-2000
3rd	1-7-2000	1-9-2000	1-3-2000

In the first type of cases, the advance increments are to be allowed as usual. In such cases the penalty is still to be imposed. The question of its implementation does not arise at all. This, therefore, does not come in the way of grant of advance increments.

You will agree that the advance increments have nothing to do with the imposition of penalty of stoppage of normal increments. Therefore, in the 2nd type of cases, the advance increments should be allowed as usual. The normal increment falling due after that should be withheld.

In the 3rd type of cases, on the analogy of 2nd type, the advance increments accruing after the implementation of penalty should also be released in the usual manner.

ILLUSTRATIONS:

Ist type of Case – Penalty imposed after advance increment(s) had become due:

Basic pay	Rs. 5800 from 1-7-2001 in the pay scale of 5480-160-5800-200-7000- 220-8100-275-8925	
Date of increment	1-7-2002	
Date of accrual of two advance increments	1-4-2002	
Date of imposition of penalty of one increment for 2 years with non-cumulative effect	15-5-2002	
The pay of government servant will be regulated as under:		
1-7-2001 to 31-3-2002	5800	
1-4-2002 to 30-6-2002	6200	Release of two advance increments
1-7-2002 to 30-6-2003	6200	Penalty commences
1-7-2003 to 30-6-2004	6400	Penalty operative
1-7-2004	6800	Penalty ends

IInd type of case – Advance increment becoming due after order of penalty is passed but before it became operative.

Basic pay	Rs. 5800 from 1-7-2001 in the pay scale of 5480-160-5800-200-7000- 220-8100-275-8925	
Date of increment	1-7-2002	
Date of accrual of two advance increments	1-4-2002	
Date of imposition of penalty of one increment for 2 years with non-cumulative effect	15-3-2002	

The pay of government servant will be regulated as under:		
1-7-2001 to 31-3-2002	5800	
1-4-2002 to 30-6-2002	6200	Release of two advance increments
1-7-2002 to 30-6-2003	6200	Penalty commences
1-7-2003 to 30-6-2004	6400	Penalty operative
1-7-2004	6800	Penalty ends

3rd Type of case – Advance Increments becoming due after penalty becomes operative

Basic pay	Rs. 5800 from 1-7-2001 in the pay scale of 5480-160-5800-200-7000- 220-8100-275-8925	
Date of increment	1-7-2002	
Date of accrual of two advance increments	1-9-2002	
Date of imposition of penalty of one increment for 2 years with non-cumulative effect	15-6-2002	
The pay of government servant will be regulated as under:		
1-7-2001 to 30-6-2002	5800	
1-7-2002 to 31-8-2002	5800	Penalty commences
1-9-2002 to 30-6-2003	6200	Release of two advance increments
1-7-2003 to 30-6-2004	6400	Penalty operative
1-7-2004	6800	Penalty ends

Dear learner, we've so far discussed the cases of stoppage of increments without cumulative effect. If penalty is imposed with cumulative effect, the regulation of pay is still simple. You have seen that when penalty ends in the above cases, we released the increment/increments that was/were withheld. In other words, in cases of non-cumulative effect, the government servant starts drawing same rate of pay that he would have drawn had no penalty been imposed.

In cases where the increment(s) is/are withheld with cumulative effect, the increments so withheld are not released at the end of penalty. In such cases, the government servant suffers a recurring loss of pay.

ILLUSTRATIONS:

(I) The basic pay of Mr. M is Rs.8100 w.e.f. 1-3-2001. An order dated 1-7-2001 states that 'his ' next' increment for 3 years is withheld with 'Non- cumulative effect'. The pay Mr. M will draw during the operative period of penalty , are as under

Period	Pay	Remarks
1-3-2001 to 28-2-2002	8100	
1-3-2002 to 28-2-2003	8100	Penalty commences
1-3-2003 to 29-2-2004	8100	Penalty operative
1-3-2004 to 28-2-2005	8100	Penalty Operative
1-3-2005	9200	Penalty ends

(II) If in the above illustration, had the penalty been of stoppage of 'one' increment with cumulative effect with the direction to earn intermediary increments, Mr.M would have drawn pay as under:

Period	Pay	Remarks
1-3-2001 to 28-2-2002	8100	
1-3-2002 to 28-2-2003	8100	Penalty commences
1-3-2003 to 29-2-2004	8375	Penalty operative
1-3-2004 to 28-2-2005	8650	Penalty Operative
1-3-2005	8925	Penalty ends

Please try to observe the difference between illustration (I) & (II). Is it not that in the second illustration, penalty once imposed results in recurring loss? The loss is such that it does not end even with the service career of the government servant. In our module on pension rules, you will see that this reflects even upon the Pensionary benefits including family pension.

Here we want to add that the intention of the rules is only to stop/withhold one increment or next increment. We have seen orders issued in a number of cases where more than one increment are withheld for specified periods with non-cumulative effect. For example, we have seen orders stopping two increments for 3 years not having the effect of postponing future increments of pay (without cumulative effect). Such type of penalties is impracticable to be implemented. Therefore, whenever you propose or award penalty of withholding the increments, it should be either for one increment or

the next increment only. You should also specify the period for which the penalty will remain in operation and whether it is with cumulative or non-cumulative effect.

Cumulative or Non-cumulative effect: When order for withholding increments is passed, it must specify its effect at the end of the penalty. The effect is of two kinds – (i) whether it will have the effect of postponing the future increments of pay or (ii) whether it will not have the effect of postponing future increments of pay. The former effect is popularly known as ‘cumulative effect’ and the later as ‘non-cumulative effect’. When any penalty is ordered with cumulative effect, as we know, this results in the forfeiture of service. The entire period is treated as non-qualifying for the purpose of increments. In contrast to this, ‘non-cumulative effect’ does not result in forfeiture of service. The penalty period is not treated as non-qualifying. The government servants are released all the increments withheld. The benefit is released immediately at the end of penalty. Let’s have a couple of illustrations to be clearer:

ILLUSTRATIONS:

(I) The basic pay of Mr. Z is Rs.8375 w.e.f. 1-3-2001. An order dated 1-7-2001 states that ‘his ‘ next’ increment for 3 years is withheld with ‘Non- cumulative effect’. The pay of Mr.Z during the operative period of penalty, will be as under

Period	Pay	Remarks
1-3-2001 to 28-2-2002	8375	
1-3-2002 to 28-2-2003	8375	Penalty commences
1-3-2003 to 29-2-2004	8375	Penalty operative
1-3-2004 to 28-2-2005	8375	Penalty Operative
1-3-2005	9475	Penalty ends

(II) Had the penalty been with cumulative effect, Mr.M would have drawn only Rs.8650 as basic pay on 1-3-2005 with DNI on 1-3-2006

Do yourself-2:

Fill in the blanks from the alternatives given.

1.	Withholding of future increments is a _____ penalty.	major/minor
2.	Increments can be stopped only with _____ effect.	Retrospective /Prospective /immediate

3.	_____ increments do not interfere in the implementation of penalty of stoppage of increments	Advance /Intermediary
4.	_____ effect results in permanent forfeiture of service for increments	Cumulative/ Non-Cumulative

2.3.2 PENALTY OF REDUCTION TO A LOWER STAGE IN A TIME SCALE

You are aware that this is again a penalty envisaged in the CCS (CCA) Rules, 1965. Whenever, this penalty is imposed upon a government servant, the appointing authority should state in the order itself:

- The stage of pay to which reduced;
- The period for which the penalty shall remain operative;
- Whether or not the government servant will earn normal increments during the period when penalty is operative;
- Whether it is with cumulative or non-cumulative effect.
- The date from which the penalty becomes operative; and

In the case of stoppage of increments, you have seen that the penalty becomes operative only from the next date of increment. Unlike that, when a government servant is reduced to a lower stage in a time scale, the penalty can even have an immediate effect. The penalty, therefore, can come into operation from the date of order itself.

ILLUSTRATION

Ms C is drawing Rs.4700 w.e.f. 1-4-2001. She is in the pay scale of Rs.4020-120-4260-140-4400-150-5000-160-5800-200-6200. On 1-7-2001, the disciplinary authority orders reduction in her pay, to a stage of Rs.4400 with immediate effect for 3 years. The penalty was not to have cumulative effect. The order further directs that intermediary increments will be released.

The pay of Ms C is to be regulated as under:

Period	Pay	Remarks
1-7-2001 to 30-6-2002	4400	Penalty commences
1-7-2002 to 30-6-2003	4550	Penalty continues/normal increment
1-7-2003 to 30-6-2004	4700	Penalty continues/Normal increment
1-7-2004 to 31-3-2005	5160*	Penalty ends
1-4-2005	5320	

* 1-4-2002 = 4850; 1-4-2003= 5000; 1-4-2004=5160

Have you observed that penalty of stoppage of increments had commenced from the next due date of increment whereas here the penalty of reduction to a lower stage commenced immediately from the date of order?

Further, as the name of the penalty implies, the government servant's pay is to be reduced to a lower stage in that time scale. You are familiar with the term 'stage'. The order must specify the definite stage of pay to which the government servant has been reduced. For example, taking the above illustration, the order must say that the pay is reduced to the 'stage of Rs.4400'. This part of the order is of much significance related to the earning of increments during the period of penalty. If the order specifies a definite stage, the government servant's pay will remain constant at that stage for the entire period of penalty. On the other hand, if the order states that the pay of Mr./Ms _____ is reduced by ____ (No. of stages e.g. 2,3,4 etc.), the government servant will continue to draw annual increments in the usual way. In that event, every time the pay of the government servant should be less than by the number of stages specified in the order. Let's take a couple of illustrations to see the difference.

ILLUSTRATIONS

(I) The Pay of Mr. X, drawing pay of Rs. 6800 w.e.f 1-5-2000 in the pay scale of Rs.5800-200-7000-220-8100-275-9200 is reduced by two stages w.e.f. 1-9-2000 for three years without cumulative effect, with immediate effect.

The pay of Mr. X will be regulated as under:

Period	Pay	Remarks
1-5-2000 to 31-8-2000	6800	
1-9-2000 to 30-4-2001	6400	Penalty commences
1-5-2001 to 30-4-2002	6600	Penalty continues/annual increment
1-5-2002 to 30-4-2003	6800	Penalty continues/annual increment
1-5-2003 to 31-8-2003	7000	Penalty continues/annual increment
1-9-2003	7440	Penalty ends (DNI 1-5-2004)

(II) The Pay of Mr. X, drawing pay of Rs. 6800 w.e.f 1-5-2000 in the pay scale of Rs.5800-200-7000-220-8100-275-9200 reduced to the stage of Rs.6400 w.e.f. 1-9-2000 for three years without cumulative effect and with immediate effect.

The pay of Mr. X will be regulated as under:

Period	Pay	Remarks
1-5-2000 to 31-8-2000	6800	
1-9-2000 to 31-8-2003	6400	Penalty operative
1-9-2003	7440	Penalty ends (DNI 1-5-2004)

Do yourself (3):

Regulate the pay in the preceding illustration (I), if the penalty had the effect of postponing future increments of pay(i.e. with cumulative effect).

The third important ingredient of the order imposing this penalty is the period for which penalty remains operative. The provisions do not intend to impose this penalty as a permanent measure or for an indefinite period. The order must, therefore, be definite on the ‘operative period’ of the penalty. Continuing our above illustration, it should have definitely been stated in the order itself that the reduction will remain effective for ‘3 years’. Again it is not mandatory that the penalty be imposed for completed years. It can be for any period of time. Penalty can be imposed even for example, 6 months or 1 ½ years.

Notwithstanding, the provisions of rules for inserting a definite order on the ‘operative period’, this has been found wanting in many cases. The provisions, therefore, also take care of such a situation. If no definite ‘operative period’ is specified in the order, the penalty will be taken to be of permanent nature. You will agree here that penalty with unspecified ‘operative period’ cannot be ‘without cumulative effect’. This is so because no period after which it is to be restored, has been specified.

DO YOURSELF-4:

In the preceding illustration-(II), regulate the pay of Ms. X presuming that the penalty was imposed for 2 ½ years instead of for 3 years.

You are already familiar with ‘cumulative effect’ and ‘non-cumulative effect’ of a penalty. We had detailed discussions on that in our previous sub-section. You are also aware that the provisions of these rules come into play only after compliance of the provisions of CCS (CCA) Rules. Unless a penalty is ordered under those rules, these provisions are redundant. You are also aware that CCS (CCA) Rules divide various penalties in two categories – minor penalties and major penalties. The penalty of ‘reduction to a lower stage in time scale’ falls under both these categories. There is, however, a definite difference between both. Let’s see what is that?

Reduction to a lower stage – Minor penalty

Penalty of ‘**reduction to a lower stage in time-scale of pay for a period not exceeding 3 years, without cumulative effect and not adversely affecting his pension**’ falls in the group of ‘minor penalties’. To be a minor penalty, therefore, the following points need attention.

- **Lower Stage of Pay:** The penalty should relate to the pay scale of the post which the government servant is holding at the time of imposition of penalty. The pay of the government servant can be reduced to any stage in this pay scale. Such stage should obviously be below the stage of pay that is being drawn by him/her.
- **Drawal of Intermediary increments:** When minor penalty is imposed and order is specific as to the drawl of increments falling due during the ‘operative period’, increments will be regulated in the manner so directed. If the penalty states the specific amount of the stage to which the pay is reduced, intermediary increments will not be granted. The government servant will draw a constant rate of pay during the ‘operative period’. In another type of case, it may happen that the pay be reduced by the number of stages e.g. 2 stages, 3 stages etc. without specifying the amount of stage to which reduced. Here, the government servant will draw annual increments on every due date falling within the ‘operative period’. We already had enough discussion and illustrations on both of these aspects. Therefore, we now leave it to you to practice your knowledge in cases where minor penalty has been imposed
- **Non-cumulative effect:** The minor penalty cannot have cumulative effect. In other words, imposition of this penalty results only in a temporary loss to the government servant. When penalty comes to an end, the government servant regains the entire loss suffered during ‘operative period’. No arrears are paid for ‘operative period’. You can also say that the quantum of loss is equal to the arrears.

2nd important implication of this provision is that when the penalty **cannot** be with cumulative effect, it must specify the ‘operative period’ If it does not specify, the penalty becomes for an unspecified period resulting in cumulative effect automatically. Isn’t it so? We believe, your reply must be affirmative. . Is it that we will not have the specific period after which the loss to the government servant in his/her pay is to be restored? If it is, you are well within our expectations from you. Naturally, when the loss cannot be restored, it does not remain a minor penalty.

- **No effect on Pension:** Minor penalty of reduction in stage should not affect pension of the government servant. Do you know, how pension can be affected by this penalty. For that you have to go to our Module on Pension Rules. You will find that pension is based on monthly average of the last ten months emoluments. Now if the minor penalty extends over to these ten months, the average emoluments will come down, Less is the average of emoluments, less is the amount of pension. Thus this becomes one of the condition to be a minor penalty that the ‘operative period’ of this penalty should not extend over these ten months. If it extends even to the first month of these 10 months, then it is not a minor penalty.
- **Maximum operative period:** Another condition to be a minor penalty is that the ‘operative period’ of penalty should not exceed 3 years. If it exceeds 3 years, it becomes a major penalty. You should keep in mind another important point here. You know that the minor penalty cannot have adverse affect on pension. Thus, if the ‘operative period’ of penalty lands into any month of the last ten months of service, that becomes a major penalty. This remains so even if the ‘operative period’ is within the maximum permissible limits of 3 years.

Reduction to a lower stage -Major Penalty:

We had detailed deliberations on the conditions when reduction to a lower stage of pay is to be treated as a minor penalty. Now think over for a while. What will happen if a minor penalty is imposed and any or more of the conditions that we discussed are not fulfilled? Then that is to be treated as a major penalty.

CCS (CCA) Rules describe this major penalty as ‘**reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not the government servant will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of pay**’.

Let's see the requirements that a disciplinary authority must fulfill while imposing major penalty of reduction to a lower stage in the time-scale. The order must have the following constituents:

- **Reduction to a lower stage in the time scale:** The penalty should relate to the pay scale of the post, which the government servant is holding at the time of imposition of penalty. The pay of the government servant can be reduced to any stage in this pay scale. Such stage should obviously be below the stage of pay that is being drawn by him/her. Do you find that this is the similar requirement as is in case of minor penalty? Certainly, it is similar.

- **Drawl of Intermediary Increments:** When major penalty is imposed, the order should be specific as to the drawl of increments falling due during the 'operative period'. If the order contains any such direction, increments will be regulated in the manner so directed.

In absence of any such directions, you should follow the following principles:

- If the penalty states the specific amount of the stage to which the pay is reduced, intermediary increments will not be granted. The government servant will draw a constant rate of pay during the 'operative period'.

- In another type of cases, the order may say that the pay is reduced by specified number of stages e.g. 2 stages, 3 stages etc. but without specifying the amount of stage (in terms of rupees) to which reduced. Here, the government servant will draw annual increments on every due date falling within the 'operative period'. This provision is just a covering direction where the order does not specify (in terms of rupees) the stage to which reduced. You should, however, be careful to specify the stage of reduction in terms of rupee. The rules also require this. If your intention is such that the government servant may not be deprived of the intermediary increments, you can specifically pass an order on that too. If you pass specific orders on the drawl or non-drawl of intermediary increments, you will be fulfilling another requirement of the rules.

We would like to add one inference here. When penalty with 'cumulative effect' is imposed, the intervening increments should not generally be granted. This is because of the fact that the entire 'operative period' is to be treated as 'non-qualifying for increment' at the end of the penalty. Naturally, the government servant is to draw the

same stage of pay that he/she was drawing at the commencement of penalty. Let's take a presumptive illustration on this inference:

PRESUMPTIVE' ILLUSTRATION:

A Government servant is drawing Rs.10025 in the pay scale of Rs.7220-220-8100-275-10300-340-11660 w.e.f. 1-4-2001. Disciplinary authority orders reduction of pay to a stage of Rs.9475 w.e.f. 1-8-2001. The major penalty has cumulative effect and is to operate for 5 years.

Let us presume that the intervening increments are granted. In such an eventuality, the pay will have to be regulated as follows:

Period	Pay	Remarks
1-4-2001 to 31-7-2001	10025	
1-8-2001 to 31-3-2002	9475	
1-4-2002 to 31-3-2003	9750	
1-4-2003 to 31-3-2004	10025	
1-4-2004 to 31-3-2005	10300	
1-4-2005 to 31-3-2006	10640	
1-4-2006 to 31-7-2006	10980	
1-8-2006	10025	DNI 1-4-2007

It is clear from the above illustration that the government servant will be drawing Rs.10025 at the end of penalty whereas during penalty period he drew the stage of 10980 also. This obviously is not the spirit of the rules. Secondly, since the entire penalty period is to be treated as non-qualifying, this, in our opinion, cannot be qualifying during 'operative period' also. This inference equally holds good where 'penalty of stoppage of increments' with cumulative effect is inflicted. We can, therefore, safely conclude that whenever penalty of 'reduction to a stage in time scale' with cumulative effect or penalty of 'stoppage of increments' with cumulative effect is imposed, the accompanying order should be that the government servant would **not** draw intermediary increments. There is, however, no such implication where penalty in either case is with non-cumulative effect.

- **Effect on Future Increments:** In the case of minor penalty, you have seen that the same cannot have cumulative effect. Here the provisions are different. The major penalty can have either cumulative effect or non-cumulative effect. You are well conversant with the implications of both these aspects. We want to share with you another important aspect here. When penalty is with cumulative effect, the rules

do not require that the entire period of reduction should necessarily have cumulative effect. You can order that a part of the penalty will have cumulative effect and partly the penalty will be non-cumulative. You should remember always that 'part' can never be more than the 'whole'. Therefore, extent to which the increments are to be postponed cannot exceed the total period of penalty. Did you find here that the penalty cannot be for an unspecified period, at least where the extent of postponement is a 'part' and not the whole? It can also not be for unspecified period where it is with non-cumulative effect. Thus, disciplinary authorities are free to order either of the following:

- The entire operative period will have cumulative effect; or
- The entire operative period will have non-cumulative effect; or
- A part of the period will have cumulative effect and a part will have non-cumulative effect.

ILLUSTRATION:

Mr. S is drawing basic pay of Rs.8100 in the pay scale of Rs.7000-220-8100-275-10300-340-10980 with DNI on 1-8-2001. The disciplinary authority on 1-2-2001, ordered reduction in his pay to the stage of Rs.7600 for 3 years with the further direction that the government servant will not draw annual increments during the penalty period. It further ordered that half of the penalty period would have the effect of postponing the future increments. The penalty was to take immediate effect.

The pay of Mr. S during the period of penalty will be regulated as under:

<u>Period</u>	<u>Normal Pay</u>	<u>Reduced Pay</u>	<u>Remarks</u>
1-2-2001 to 31-7-2001	8100	7600	
1-8-2001 to 31-7-2002	8375	7600	
1-8-2002 to 31-7-2003	8650	7600	
1-8-2003 to 31-1-2004	8925	7600	
1-2-2004		8650	DNI 1-2-2005 [^]

What will you do where the order of penalty does not state whether it will have cumulative or non-cumulative effect? In that event, the benefit goes in favour of the government servant. When the penalty order is either silent over the postponement of future increments or specifically says that the period will have non-cumulative effect,

[^] One increment restored at the end of penalty and the DNI postponed by 6 months to postpone increments for ½ of the operative period.

the pay of the government servant at the end of the penalty will be restored at the stage that he/she would have drawn but for imposition of penalty.

ILLUSTRATION:

Let us presume that in the above illustration the disciplinary authority had not stated whether the penalty period will or will not have cumulative effect.

The pay here will be regulated as under:

<u>Period</u>	<u>Reduced Pay</u>	<u>Remarks</u>
1-2-2001 to 31-7-2001	7600	
1-8-2001 to 31-1-2004	7600	
1-2-2004	8925 [♦]	DNI 1-8-2004

Do Yourself-5 :

Write whether following statements are True or False. Use the space provided to write your answer:

1	Stage of reduction in the pay scale, should be specified in terms of rupees	
2	Penalty of reduction to a lower stage in the pay scale should necessarily be for whole year(s)	
3.	When disciplinary authority does not specify whether the penalty will postpone or not postpone the future increments, the period of penalty is to be treated as to have 'cumulative effect'.	
4.	If penalty of reduction of stage in the pay scale specifies the reduction 'by stage(s)', the intermediary increments become payable to the government servant.	
5.	Penalty of reduction to a lower stage with cumulative effect is not always a major penalty.	

[♦] 1-8-2001=8375, 1-8-2002=8650, 1-8-2003=8925. The loss will be restored at the end of penalty, since the order was silent over its effect on postponement of future increments.

2.3.3 PENALTY OF REDUCTION TO A LOWER POST, GRADE OR SERVICE

Dear learner, you have seen that C.C.S. (C.C.A.) Rules also contemplate imposition of a penalty of Reduction to a lower post, grade or service. This is commonly known as Reduction in Rank and is a major penalty. We have seen the nature and contents of orders to be passed while imposing penalty of 'reduction to a lower stage in the time-scale'. The orders to be passed in the instant case are not different from that. These are almost similar. Let's see what orders are required to be passed when a penalty of this kind is inflicted.

Period of Reduction:

The period of reduction may be specific or non-specific here. No further orders are needed if the penalty has been imposed for an unspecified or indefinite period. However, if the penalty is for a specific period, the qualifying orders should also be passed. The order in such cases should also specify the 'operative period' in terms of years and months. Secondly, it should also specify whether or not the penalty is cumulative in nature. It can be partly cumulative and partly non-cumulative also.

Do you observe from this discussion that the contents of the order to be passed in case of 'penalty to a lower service, grade or post for a specified period'? Do we find these not similar to those discussed at length while considering cases of 'reduction to a lower stage in a time-scale'?

Obviously, these are the same. However, some additional orders are also required to be passed. These additional orders become necessary to avoid implications of reversions on restoration/re-promotions. But before that we have to see in what ways this penalty can operate. The orders imposing penalty, may be with regard to:

- Reduction for an unspecified period
- Reduction for specified period
 - with cumulative effect; or
 - with non-cumulative effect;
 - partly with cumulative effect and partly with non-cumulative effect.

Let's have some deliberations on each of these.

(1) Reduction for an unspecified period:

The term 'unspecified' means indefinite. When such an order is passed there is no question of automatic restoration to the post, service or grade from which reverted. However, such orders do not bar the government servants from future promotions after they are found fit for promotion with reference to their work and conduct on the posts to

which they have been reduced. The government servants will be promoted to higher post, service or grade in normal course and their pay will be fixed according to the normal rules of pay fixation. Naturally, such a government will lose earlier seniority in the upper post, grade or service. You are to assign him/her seniority on re-promotion with reference to the date of re-promotion only and without giving benefit of the past service rendered on that post.

You should use the following prescribed language as a constituent of the operative part of your orders:

'A' is reduced to the lower post/grade/service of 'X' until he/she is found fit by the competent authority to be restored to the higher post/service or grade of 'Y'.

**Here, 'A' is the government servant;
'X' is the post, grade or service to which reduced; and
'Y' is the post, grade or service from which reduced**

The disciplinary authorities are at liberty to pass another order simultaneous to the order of penalty. It may declare that the government servant will not be considered for promotion in future. If the orders imposing penalty contain this bar, the government servants become permanently ineligible for promotions.

If the disciplinary authority at the time of imposition of penalty is of the view that the government servant should not be debarred permanently from re-promotion but his/her work and conduct on the 'reduced' post should be watched for a definite period of time, it can order that the government servant will be considered for re-promotion only after a certain period. In such cases the government servant will be considered for re-promotion only after he/she has worked after reduction, on the lower post, service or grade, for the period specified by the disciplinary authority. In such cases also, you are to assign him/her seniority on re-promotion with reference to the date of re-promotion only. Here, pay on re-promotion will again be fixed under the normal rules.

In such cases also, you can use the following prescribed language as a constituent of the operative part of your orders.

'A' is reduced to the lower post/grade/service of 'X' until he/she is found fit after a period of ____ years from the date of this order, to be restored to the higher post/service or grade of 'Y'.

**Here, 'A' is the government servant;
'X' is the post, grade or service to which reduced; and
'Y' is the post, grade or service from which reduced.**

(2) **Reduction for a specified period :**

You must have observed that while passing orders of reduction to a lower post, grade or service, we need not necessarily to specify the 'operative period'. However, if the period is to be specified, it must definitely specify the period in terms of years and/or months for which the penalty period will remain operative. Simultaneously, it should also speak of the effect of penalty after the period so specified. In other words, It should make clear whether the period of penalty will postpone or not the future increments. We have already discussed these aspects while working through the penalty of 'reduction to a lower stage in time-scale'. You should keep in mind all those points.

Another important aspect that should find place in the orders of reduction for a specified period relates to the orders on seniority of the government servant. It should be specified in the orders itself whether or not the government servant will regain the seniority in higher post on restoration. If the orders contain this reference, there comes no problem at the time of restoration. The government servant at the end of penalty will be assigned seniority as per orders of the disciplinary authority.

If the orders of disciplinary authority are silent on this aspect, we have again to determine the seniority according to the nature of penalty. If it is with non-cumulative effect, the government servant on restoration will automatically regain the original seniority on the higher post. However, if the penalty is with cumulative effect, the government servant will not regain the original seniority in the higher post. However, he/she will get credit for the entire past service rendered on that post prior to the date of imposition of penalty, in its re-determination.

Imposition of consecutive penalties:

Dear learner, instances are not lacking where same penalties of reduction to a lower stage in a time scale and/or 'reduction to a lower post, service or grade' are imposed one after the other on the government servants for different mis-doings. The operative periods of these penalties may overlap. How will you operate those penalties?

You are already familiar with the provisions of the rules how to implement two consecutive penalties of stoppage of increments. There, we waited for the first penalty to come to be restored. We immediately implemented the 2nd penalty thereafter. But the provisions are different when two penalties of reduction to a 'lower post, grade or service' or to 'a lower stage in the time scale', are imposed as a result of separate set of proceedings.

When the second penalty is imposed during the currency of first penalty, the disciplinary authority should clearly indicate the time of commencement of 2nd penalty. It may order whether it will run concurrently with the first penalty or it will commence after the end of the same. If the order of penalty is clear about the implementation of second penalty, it commences from the date as given in the order.

You may find a case where disciplinary authority does not pass orders as above. You may find there that the second penalty is of a higher order e.g. the first penalty is that of 'reduction to a lower stage' and the second one is that of 'reduction to a lower post'. In such an eventuality, the second penalty will commence immediately. You are aware of the proverb 'survival of the fittest'. It is practically implemented here. The penalty of higher order swallows the penalty of lower order to the extent it can. How? Both penalties will run concurrently from the date of implementation of 2nd penalty. This goes on till the time 2nd penalty comes to an end.

You will observe here that 2nd penalty does not pose any problem in its implementation. Now comes the fate of first penalty on the date of end of 2nd penalty. It might have already come to an end. If it is so, it is to be restored. If it has not and still continues, it will continue to terminate on its due date and restored thereafter.

ILLUSTRATION:

Mr.X was imposed a penalty of reduction to a lower stage of pay from Rs.9200 to Rs. 7880 in the pay scale of Rs.7880-220-8100-275-10300-340-11660. He was drawing pay of Rs.9200 from 1-10-2001. The penalty was effective from 1st December 2001. The penalty was to run for four years without cumulative effect.

As a result of second penalty vide order dated 1- 4-2002, he was reduced to the lower post in the scale of Rs.7220-220-8100-275-10300-340-11660 and on reduction, his pay was ordered to be fixed at the stage of Rs.7440. This penalty was to run for three years with immediate effect.

The first penalty in the instant case operates from 1-12-2001 to 31-3-2002. The operative period of this penalty is up to 30-11-2005.

From 1-4-2002 the 2nd penalty, which is of higher order, comes into operation to run concurrently with the first penalty. Second penalty runs up to 31-3-2005. On this date, the first penalty is still operative as it is to run up to 30-11-2005. The first penalty again, therefore, becomes operative singly from 1-4-2005 to run till 30-11-2005. Thereafter, it will also come to an end.

Fixation of Pay on penalty of Reduction in Rank:

When a government servant is reduced to a lower post, service or grade, his/her pay can be fixed at any stage in the pay scale of the post, service or grade to which reduced. However, there are two conditions that should be kept in mind. The pay on reduction cannot exceed the maximum of pay scale of the post, service or grade to which reduced. Secondly, the pay on such reduction cannot be more than the pay he/she would have drawn on transfer to such lower post, service or grade. You are already well aware of both these aspects. Do you remember that we have discussed these while we discussed fixation of pay on transfer to a lower post, in our Unit-I. Barring these two conditions, the pay can be ordered to be drawn at any stage of the post, service or grade to which reduced.

2.3.3 CONSEQUENCES OF MODIFICATION/SETTING ASIDE OF PENALTY ON APPEAL

In sub sections 2.3.1 and 2.3.2, you have seen as to how the following penalties are to be implemented:

- Penalty of stoppage of increments with and without cumulative effect;
- Penalty of reduction to a lower stage in time-scale with and without cumulative effect; and
- Penalty to a lower post, service or grade for an unspecified or specified period with and without cumulative effect.

C.C.S. (C.C.A.) Rules provide the government servant with an opportunity of making appeals against the orders of disciplinary authorities. Again, the appellate authorities can also review and revise the orders of penalties imposed by the disciplinary authorities on their subordinates. These appellate authorities are empowered to either modify the order in any direction or to set it aside.

When any order of above penalties is either set aside or modified on appeal or review, the normal rules of pay fixation do not come in to picture. The pay of the government servant is to be regulated under specific provisions. Do you know what are those?

In simplest words we can say that the orders of appellate authority supersede the orders of the disciplinary authority. If you presume that the original order of penalty has never come into effect and only and only the orders of the appellate authority is to be implemented, the provisions of the rules will be complied with. Let's see how our presumption holds good. As per the provisions of the rules:

- When order of penalty is set aside on appeal or review:
If the penalty has commenced as a result of original order, the government servant will be paid the pay that would have been paid but for the imposition of penalty. This payment will be made from the date of commencement of order. The intermediary period (i.e. the period for which the original order has been in force till it was set aside) will count for all purposes as of the post held/stage of pay drawn before imposition of the penalty.
- When order of penalty is modified on appeal or review:
When the original order is modified, the modified order will be implemented from the date of commencement of the original order. It

will be presumed that this modified order was made in the first instance. The intermediary period will count for all purposes as of the post from which reduced but only to the extent the modified order permits.

ILLUSTRATIONS:

(1) Mr. Z is drawing a pay of Rs.7220 in the pay scale of Rs.6400-200-7000-220-8100-275-10640 with effect from 1st October, 2000. His pay was reduced to the stage of Rs.6800 for a period of 2 years from 1-11-2000. The appellate authorities set aside the order on merit vide its order date 1-10-2001.

The pay of Mr. Z will be regulated as under:

Period	Pay after penalty	Entitlement to pay after orders on appeal
1-11-2000 to 30-9-2001	[6800]	7220
1-10-2001	[6800]	7440

(2) Mr. M is drawing a pay of Rs.7220 in the pay scale of Rs.6400-200-7000-220-8100-275-10640 with effect from 1st October, 2000. He was reduced for a period of 2 years from 1-11-2000 to the scale of Rs.5800-200-7000-220-8100-275-9200 and pay fixed on reduction at the stage of Rs.6800 with cumulative effect. The appellate authorities modified the order on appeal vide its order date 1-10-2001. As per modified order the pay of Mr. M was reduced to the stage of Rs.6800 in the original pay scale for a period of two years with non-cumulative effect with the further direction that he will earn intermediary increments.

The pay of Mr. M will be regulated as under:

Period	Pay after original order	Pay after modification
1-11-2000 to 30-9-2001	6800	6800
1-10-2001 to 30-9-2002	--	7000
1-10-2002 to 31-10-2002	--	7220
1-11-2002	--	7660
		(DNI 1-10-2003)

Do yourself-6:

1.	Penalty of reduction to a lower post, service or grade is a _____ penalty.	Major/Minor
2.	Penalty of reduction to a lower post, service or grade can be _____ period(s)	Specified/unspecified/either for specified or unspecified
3.	Disciplinary authority is competent to impose a bar on promotion for a _____ period where penalty of reduction to a lower service, grade or post is imposed.	Specified/permanent/either specified or permanent
4.	Two or more penalties of reduction to a lower stage, service, grade or post run _____	Separately/simultaneously

2.4 COMBINATION OF APPOINTMENTS:

Dear Learner, we do hope that you have worked on our previous section. You are now well conversant with the provisions of the rules that regulate the pay of a government servant on imposition and restoration of any of the following penalties:

- Stoppage of increments;
- Reduction to a lower stage in the pay-scale; and
- Reduction to a lower pay scale.

Having gone through the ins and outs of fixation of pay in the above cases, let's now step in to another aspect of pay fixation. You are aware that government servants generally hold charge of one post only. But at times, they are directed to hold charge of two or more posts also. This is termed as combination of appointments. The arrangement is made temporarily till return/appointment of the regular incumbent on the post additionally held.

There are many permutations and combinations in which such additional charge can be held. Let's see how many ways are there for holding this additional charge. The additional post, as per provisions of the rules, can be:

- A higher post in the same office and in the same cadre/line of promotion as of original post* of the government servant;
- A post in an identical time scale of pay as of the original post in the same office;

* means the post that the government servant is holding but for additional charge.

- Any other post in the same office outside the cadre/normal line of promotion;
- A lower post within the same office
- Any other post that is not in the same office but is within the government;
- Any other post that is not in the same office but is outside the government;

We have seen what appointment to another post will constitute combination. There are other general conditions too. We will discuss those later. At this stage, we will see what benefits in the pay are admissible to a government servant when he performs duties of two or more sanctioned posts. The rules do not prescribe a uniform direction on pay. Since the combination can be in different ways, the provisions of rules also deal differently with each combination. Let's take up those first:

2.4.1 A HIGHER POST IN THE SAME OFFICE AND IN SAME CADRE/LINE OF PROMOTION:

Government servants can be appointed to hold additionally the charge of higher posts in the same office and in the same cadre/line of promotion. The benefit is permissible only if the post held in addition to own is:

- **A Higher Post:**
You are well aware of the term 'a higher post'. We have discussed it at length in our Unit-I. Summarily, the additional post should be in the higher scale of pay. It should also involve assumption of duties and responsibilities of greater importance as compared to the original post. Both the conditions should be fulfilled simultaneously. If the additional post fulfills either or neither of these two conditions, the benefit under this provision is not available.
- **In the same cadre/line of promotion:**
We have discussed in detail the term 'feeder post' in our Unit-I. The posts that feed the higher posts in the matter of appointments are termed as feeder posts. Whether or not a post is a feeder post can be determined from the Recruitment and Promotion Rules. In this case if the original post is a feeder post to the post of which additional charge is given, the later will fall in the same line of promotion. For example, when an Assistant is directed to hold additionally the charge of the post of Superintendent Gr.II, the posts of 'Assistant' and that of 'Superintendent Gr.II' are in the same line of promotion.

Similarly, if both the posts fall in the same cadre of service and the new post is a 'higher post', the benefit of additional charge is permissible. You are aware that structured

(three/four tier) pay scales have been granted to various services in Himachal Pradesh. Cadres of HAS, HPS, ADOs, HDOs, Engineers etc. are the examples of such a pay structure. The personnel manning posts in these cadres are granted higher scale of pay and in some cases status too, after serving for definite period in their respective cadres. However, as per directives on pay fixation, the grant of higher pay scale/status does not involve assumption of duties and responsibilities of greater importance. Therefore, in such cases the additional post in the same cadre will not be a 'higher post'. Again, you can infer that the term 'line of promotion' necessarily involves appointment to 'a higher post'. Therefore, the condition is not fulfilled.

▪ **In the same Office:**

The post of which additional charge is held, should be in the same office as is own of the government servant. If the additional post is in any other office, it does not fall within the ambit of this combination. This remains so even if it is a higher post and is in the same line of promotion.

When the above conditions are fulfilled, the pay of the government servant will be fixed as if he/she is promoted to such a higher post. He/she continues to hold charge of his own post as well. Nothing more is to be paid to him/her on this account. You are familiar with the fixation of pay when a government servant is transferred to a higher post. Same provisions are to be applied here.

ILLUSTRATION:

An Assistant District Attorney in the pay scale of Rs.7220-220-8100-275-10300-340-11660 is appointed to hold additional full charge of the post of District Attorney in the pay scale of Rs.10025-275-10300-340-12000-375-13500-400-15100. Both the posts are in the same office and orders to hold additional charge are issued by the competent authority.

The incumbent of the post of Assistant District Attorney will be entitled to pay of the post of District Attorney, as if transferred to a higher post. No additional remuneration for performing the duties attached to the original post of Assistant District Attorney will be payable.

2.4.2 A POST IN IDENTICAL TIME SCALE AND IN SAME CADRE AND OFFICE

Here the post is in the same cadre. It is also in the same office as is the original post. But the post of which charge is held additionally, is in identical time scale of the original post. You know that the posts in identical time scales, even if one is feeder and the other promotional' are not 'higher posts'. Naturally, the government servant is not entitled to any benefit in pay for holding such a post. The government servant will draw simply the pay of original post. Nothing becomes payable for the additional charge.

You may face a situation that all the conditions of this combination are fulfilled. But the additional post may carry a special allowance. By holding the additional charge of such a post, the government servant becomes entitled to the grant of such special allowance.

ILLUSTRATION:

In the office of Excise and Taxation Commissioner, there are two posts of Excise and Taxation Officers in the pay scale of Rs.7220-220-8100-275-10300-340-11660. Incumbent of the one post is in receipt of Special allowance of Rs.400 for some arduous nature of duties attaching to that post. This post falls vacant and the incumbent of the other post is assigned additional full charge temporarily. He/she is also directed to perform the arduous duties as well.

The officer is entitled to the payment of Special allowance only. No additional pay is payable for performing duties of the two posts. This is because of the reason that both the posts are in the same office, in the same cadre and in identical scales of pay.

DO YOURSELF –(7):

In the above illustration, determine the additional benefit payable had there been no special allowance attached to any of the two posts.

2.4.3 ANY OTHER POST IN THE SAME OFFICE BUT IN DIFFERENT CADRE

In such cases, the additional post can be a higher post, a post in an identical time scale or a lower post. You are to keep in mind that here the posts are ex-cadre posts in the same office. In such cases, if the government servant is assigned charge of one additional post, you will have with you a combination of two posts. One of these can be a higher and the other lower. These can be in identical time scales too. If the government servant holds charge of more than two posts, including the original one, the combination will be of three or more posts. One of these can be the highest or higher of the other two. The government servant will be entitled to:

- Pay of the higher post or the highest post, as the case may be; and
- 10% of the presumptive pay of the other post or all the other posts.

The above benefit is admissible if the additional charge is held at least for more than 39 days. The maximum period for which such additional charge is held should not exceed 3 months in normal circumstances. If it is likely that the additional charge will be held for more than 3 months, prior sanction of Finance Department is required beyond these three months.

Another point to be kept in mind here is that the original post of the government servant may fall in 'other' or 'others' category. When you are comparing the two posts and if the post, the charge of which is additionally assigned is a higher post, the government

servant will draw pay of the higher post and 10% of presumptive pay of the other (original) post.

Presumptive pay means the pay to which the government servant would have been entitled if he/she holds the post substantively and were performing its duties. If the post of which presumptive pay is to be determined, carries a special allowance, that allowance will be granted only if the person also discharges those duties for which such special allowance was sanctioned. For determining the presumptive pay, therefore, you have once again to refer to Unit-I of this Module. The presumptive pay is to be determined accordingly classifying such 'other' post or posts in the categories of 'higher post', 'equivalent posts' or 'lower post'. You are already familiar with the fixation of pay on transfer to any of these categories. Just determine the pay as if the government servant is transferred to that/those post(s) and work out 10% thereof if other conditions are fulfilled.

ILLUSTRATION-I:

An officer in the pay scale of Rs.7880-220-8100-275-10300-340-11660 is appointed to hold full additional charge of another post in the pay scale of Rs.10025-275-10300-340-12000-375-13500-400-15100, for a period of 70 days from 1-5-2001. Both the posts are in the same office but not in the same cadre/line of promotion. The officer is drawing pay of Rs.10640/- w.e.f. 1-1-2001.

Since both the posts are not in the same cadre/line of promotion, the officer is entitled to pay of the higher post + 10% presumptive pay of the lower post. His/Her pay will first be fixed as if the officer is transferred to the higher post. That becomes his/her basic pay for the period of additional charge. In addition, he/she will also be entitled to 10% of the pay of his/her original post which is a lower post in this case.

ILLUSTRATION-II

An officer in the pay scale of Rs. 10025-275-10300-340-12000-375-13500-400-15100 is appointed to hold full additional charge of another post in the pay scale of Rs. 7880-220-8100-275-10300-340-11660, for a period of 70 days from 1-5-2001. Both the posts are in the same office but not in the same cadre/line of promotion. The officer is drawing pay of Rs.10640/- w.e.f. 1-1-2001.

Since both the posts are not in the same cadre/line of promotion, the officer is entitled to pay of the higher post + 10% presumptive pay of the lower post. Since own post of the officer is a higher post, he/she is entitled to the pay of his/her own post i.e. Rs.10640/-. In addition, he/she will also be entitled to 10% presumptive pay of the additional post. The pay of the officer will first be fixed as if transferred to a lower post. That comes to Rs.10640/-*. The Officer gets Rs.1064/- per month as additional pay for additional charge. The DA will be based on the basic pay fixed for higher post(In this case Rs.10640). Other compensatory and sumptuary allowances will be as may be ordered to be drawn. These should not exceed compensatory and sumptuary allowances attached to both the posts taken together.

* The pay transfer to a lower post is fixed at the same stage if same stage is available in the pay scale of the lower post. This is subject to the condition that the stage should not be more than the maximum of the pay scale. Please see Unit –I on Pay Fixation for details.

2.4.4 ANOTHER POST OR POSTS NOT IN SAME OFFICE:

In sub-section 2.4.3, we have seen the benefits admissible to government servants when they are appointed to hold charge of more than one post in the same office but in different cadre(s). When a government servant is appointed to hold additional charge of another post or posts outside his/her own office, all the provisions and conditions that we have discussed in sub-section 2.4.3 are equally applicable. Here the additional post(s) may not necessarily be ex-cadre posts. The provisions remain applicable even if the post(s) is/are in the same cadre/line of promotion. The main condition here is that the additional post(s) should not be in the same office in which original post of government servant is.

The condition that the benefit is admissible if the additional post is held minimum for 45 days and maximum for 90 days is also applicable here.

2.4.5 GENERAL CONDITIONS OF BENEFITS FOR ADDITIONAL CHARGE:

1. Additional Charge for Short periods only:

Dear Learner, you will agree that when a post is created in the government service, it is created after giving full thought. Every additional post justifies the posting of one independent person to man it. Therefore, if any post is filled up by giving additional charge, it does not justify the existence of the post on full time basis. Secondly, such an arrangement is not conducive to efficiency. Therefore, an independent holder should fill up every post. However, at times the circumstances may warrant the filling up of a particular post by giving its charge on additional basis to a person who is holding another post. Such an arrangement should only and only be a temporary and stopgap arrangement. The independent incumbent should fill up the post at the earliest possible. If it is not possible to appoint regular incumbent in exceptional circumstances for longer periods, this arrangement is required to be made only with approval of the Finance Department.

2. Additional Charge of Ex-Cadre posts not a 'deputation':

You have seen that it is permissible to hold additional charge of not only cadre posts but also of ex-cadre posts. When a government servant is asked to hold additional charge of an ex-cadre post, it should be treated just like any other additional charge and not a 'deputation'. You are aware that the Government of Himachal Pradesh has discontinued the practice of granting 'deputation allowance' or 'the scale of the ex-cadre posts' to persons sent on deputation/foreign service. Therefore, now when a government servant is appointed to hold additional charge of an ex-cadre post, he/she is to be treated as if holding an ex-cadre post in own scale. Therefore, this condition becomes redundant in its application to the government servants of Himachal Pradesh.

We would like to make it clear that here the ex-cadre appointment embraces only the posts in the government. Therefore, additional charge cannot be given for a post that is outside the government. Therefore, these provisions are not attracted for appointments in autonomous bodies, PSUs, Govt. undertakings, Societies etc. If any person who is holding a post in the govt, is appointed to hold additional charge in such organizations, no additional remuneration is payable. They also remain entitled to same facilities like TA/DA and allowances in the PSUs as are admissible to them in the government.

3. Benefits admissible only for full charge of the post:

The benefits that we have discussed in the foregoing two sub sections are admissible only if the person so appointed holds full charge of the two or more posts. By full charge, we mean that the incumbent is asked to discharge all the duties and exercise all the statutory powers attached to the additional post. You can take the examples of judicial and quasi-judicial authorities. They are supposed to discharge judicial/quasi judicial functions while implementing various acts and rules. In other cases, these include the actions under CCS (CCA) Rules, Central Civil Service Regulations, and Financial Powers, other Legislative Acts, Rules, By-laws etc. When such full charge is vested on additional basis, the competent authorities should issue the formal orders. The incumbents can, thereafter, be paid additional remuneration under these provisions.

Assignment of current charge of duties and responsibilities does not entitle a person for any additional remuneration. When such an order is made, it should also be specified what duties are to be discharged by the officer and what not. Secondly, it should also be made clear in the order itself that additional remuneration will not be payable on account of additional charge.

4. Maximum Period of additional charge:

We have already discussed that additional remuneration of holding full additional charge is permissible for 90 days only. This additional remuneration is further subject to the condition that formal orders are issued by the competent authorities. On fulfillment of all the conditions, the administrative department is competent to allow additional payments up to 90 days. Prior approval of Finance Department is required if the charge is to be continued in rare and exceptional circumstances beyond this limit.

5. Restrictions under F.R. 35:

We have seen that additional remuneration is payable when government servants are asked to hold additional charge of the higher post(s) in the same office and in the same cadre/line of promotion. If such appointment involves exorbitant increase in the pay, the restrictions imposed under F.R. 35 that we have discussed in our Ist Unit, are to be made applicable. No additional pay is admissible if charge of a lower post in comparison to original post, is held.

6. Regulation of Allowances:

You know that compensatory or sumptuary allowances may be attached to all the posts. When a government servant is allowed additional pay of other posts, the payment of these allowances is to be regulated by the government. At the maximum the government servants can be paid the compensatory or sumptuary allowances attached to all the posts taken together and not beyond that. Dearness allowance will, however, be based on the basic pay only which is determined on holding additional charge.

Do yourself –(8):

Comment on the following: Write your answers in the space provided.

(1) A Superintendent Grade-II is asked to perform duties of another Superintendent Grade-II in a Directorate for 78 days and is consequently sanctioned honorarium of Rs.1000/- per month.
Ans: _____

_____.

(2) A government servant was given additional charge of an ex-cadre post for 60 days was sanctioned deputation allowance.
Ans: _____

_____.

(3) A government servant was ordered to hold additional charge of a post in a Corporation. The post in the Corporation was in a higher pay scale. The officer was allowed to draw pay in the pay scale of this higher post and in addition was sanctioned 10% of the presumptive pay of own post in the government.
Ans: _____

_____.

2.5 POINTS TO REMEMBER:

2.5.1 Stoppage of Increment:

- An Increment is to be drawn as a routine unless withheld.
- Withholding of increments is a minor penalty under the C.C.S.(CCA)Rules and requires procedure to be followed before orders.
- Stoppage of 'one Increment' does not debar from drawing intermediary increments.
- Intermediary increments are not to be allowed on imposition of penalty of Stoppage of 'next increment'.
- Operative period of penalty commences from the date of next increment. It cannot be given effect retrospectively or immediately.
- Penalty can be with cumulative effect or with non-cumulative effect.
- Cumulative effect means permanent financial loss.
- When penalty is ordered with non-cumulative effect, the increment(s) withheld/not released during the operation of penalty, are restored at the end of penalty period. No arrears for operative period of penalty are payable.
- Language for operative part of the penalty order prescribed.

2.5.2 Reduction to a lower stage in pay scale:

- A minor penalty if ordered for a period up to 3 years without cumulative effect and without affecting pension.
- If above conditions are not fulfilled, becomes a major penalty.
- Stage of pay can be reduced to any level with or without cumulative effect.
- Period of penalty to be specified.
- Intermediary increments not to be allowed when penalty is ordered with cumulative effect.
- Is to take immediate effect or from the date specified in the order.
- Intermediary increments can be released if it is without cumulative effect.
- When penalty is with cumulative effect, pay is restored to the level of that drawn at commencement of penalty. Period of service on that stage counts for next increment.
- When penalty is without cumulative effect, the pay is to be restored at the level at which it would have been drawn but for imposition of penalty. No arrears are payable for the operative period of penalty.
- Language to be used is prescribed.

2.5.3 Reduction to a lower post, service or Grade

- Pay can be fixed at any stage of pay scale of the reduced post. It should not exceed maximum of this pay scale as also the pay that would have been admissible had the government servant been transferred to the lower service, grade or post in the normal course.
- Can be for an indefinite period.
- Can be for a specific period also. In such cases, it should be specified whether the penalty will have cumulative or non-cumulative effect. It should also say whether the government servant will draw intermediary increments or not.
- Where penalty is for unspecified period, the disciplinary authority can specify also the minimum period after which the government servant can be considered for re-promotion.
- If no such minimum period is specified, the government servant will be eligible for promotion during the normal course.
- If the penalty of reduction in rank is for a specified period and without cumulative effect, the government servant will be restored on the same post, service or grade from which he/she was reduced at the commencement of penalty. He/she will draw the pay that would have been drawn but for imposition of penalty.

2.6 SELF ASSESSMENT QUESTIONS:

Write whether the following statements are true or false. Use the space provided to write your answer:

		True/false
1.	It is permissible to stop/withhold increments without resorting to procedure laid down in CCS(CCA)Rules	
2.	Increments can be withheld with immediate effect.	
3.	Increments can be withheld with or without cumulative effect.	
4.	Increments with cumulative effect are restored after the end of penalty.	
5.	When next increment is stopped, the government servant draws intermediary increments.	
6.	Government servant suffers no recurring financial loss if penalty with non-cumulative effect is imposed.	
7.	Increments can be withheld for an unspecified period.	
8.	Penalty of reduction of pay in the time scale can be with	

	cumulative effect only.	
9.	Penalty of reduction of pay in the time scale is always a major penalty.	
10.	Cumulative effect means forfeiture of service for a period equivalent to the 'operative period' of penalty.	
11.	'Cumulative effect' can be for a greater period than the period of penalty.	
12.	It is permissible to postpone future increments for a part of the penalty period.	
13.	When a government servant is imposed penalty of reduction in stage of pay scale without cumulative effect, on restoration he/she draws the pay that would have been admissible but for imposition of penalty.	
14.	Penalty of reduction to a lower post can be for an unspecified period.	
15.	Penalty of reduction to a lower service can contain a specific order barring future promotion for ever.	
16.	Penalty of lower service with period of reduction not specified means a penalty for an unspecified period.	
17.	When a penalty of reduction in rank is imposed, the government servant can be given any stage of pay of the post to which reduced not exceeding the maximum of pay scale of that post.	
18.	A government servant can be ordered to hold additional charge of a lower post.	
19.	The pay of the government servant who holds additional full charge of a higher post in the same office and in the same cadre is fixed as if transferred to that post.	
20.	No additional remuneration is payable if an officer is asked to hold additional charge of a post in identical scale of pay in the same office and in the same cadre/line of promotion	
21.	10% of Presumptive pay of additional post is payable even if the posts are in identical scales and in the same cadre/line of promotion but not in the same office	
22.	If the post, additional charge of which is given, is a higher post, 10% of presumptive pay even of original post is payable under certain circumstances.	
23.	Appointing authority is competent to make officiating appointments assigning additional charge to effect economy.	
24.	Additional remuneration is payable in respect of each post, barring one, for holding full charge of more than two posts.	
25.	Additional remuneration is payable if one post is in the government and other in the University.	

Question-2:

Choose right answer from amongst the alternatives given and write your choice in the space provided:

1.	If one increment is withheld for a specified period, the intermediary increments are : (a) Payable (b) Not payable.	
2.	The additional remuneration payable to a govt. servant holding a post in the pay scale of Rs.5800-200-7000-220-8100-275-9200 and drawing basic pay of Rs.7660/-who is asked to hold additional full charge of a post for 65 days in an identical time scale in the same office and in the same cadre comes to Rs. (a) 760 (b) Nil (c) 788 (d) 810	
3.	A disciplinary authority reduces a government servant from a post in the pay scale of Rs.9200-275-10300-340-12000-375-13500-400-13900 when the government servant was drawing a basic pay of Rs.10980. The pay scale of the post to which reduced is Rs. 7880-220-8100-275-12000-375-13500. There is no mention in the order as regards the stage of pay to be drawn in the post to which reduced. The pay of the officer on reduction, will be fixed at : (a) Rs.10980 (b) Rs.10640 (c) Rs.10300 (d) Rs. 7880	
4.	A government servant drawing a substantive pay of Rs.6800 in the pay scale of Rs.5800-200-7000-220-8100-275-9200 is given additional and full charge of a post in the pay scale of Rs.5480-160-5800-200-7000-220-8100-275-8925 + 200 special allowance, for 89 days in another office. Additional remuneration payable to the officer per month works out to Rs. (a) Rs.680/- (b) Rs.548/- (c) Rs.880/- (d) None of the above	
5.	An officer in the pay scale of Rs.14300-400-15900-450-18600 with a basic pay of Rs.15900 is asked to hold additional full charge of a post in the pay scale of Rs.16350-450-18600-500-20100 in a Public Sector Undertaking. The additional charge is to continue for a period of 50 days. The officer is entitled per month, to an additional remuneration of (a) 1635/- (b) NIL (c) 1590/- (d) None of the above	
6.	An officer in the pay scale of Rs.14300-400-15900-450-18600 with a basic pay of Rs.15900 is asked to hold additional full charge of a post in the pay scale of Rs.12000-375-13500-400-15500 in another office. The additional charge is to continue for a period of 60 days. The officer is entitled per month, to an additional remuneration of (a) 1550/- (b) 1200/- (c) 1590/-	

	(d) None of the above	
7.	A government servant is drawing a basic pay of Rs.6800 w.e.f. 1-4-2000, in the pay scale of Rs. 5800-200-7000-220-8100-275-9200. The disciplinary authority vide order dated 1-7-2000 orders withholding his next increment for three years without cumulative effect. The pay of the officer on 1-7-2000 will be: (a) 6800/- (b) 6200/- (c) 6400/- (d) None of the above	
8.	In question No.7, on restoration, the officer will draw basic pay of Rs.: (a) 7660 (b) 7440 (c) 7220 (d) 6800	
9.	Penalty of reduction of one stage in pay with cumulative effect, is a: (a) Major Penalty (b) Minor penalty	
10.	The original seniority of the government servant is not disturbed if he/she (a) is reduced in rank with cumulative effect for a specified period. (b) Is reduced in rank with non cumulative effect for a unspecified period (c) Is reduced in rank with non cumulative effect for a specified period (d) None of the above.	

2.7. SUM UP

Dear Learner, you have gone through our module on Pay Fixation. You must have enjoyed working through the same. Fixation of pay is a most common task in every office. We hope this module will equip you with the knowledge and skill required in processing and deciding such cases that are varied in nature. This is certainly to go a long way in building a confidence in you as also will result in improving the working of your office.

Our next module will steer you in yet another important and perhaps in the most frequently occurring direction of official scenario – Leave. You will be interested in being communicated that the compilation of leave rules not only covers the kinds that are included in the leave rules but also equip you will the details of the unrecognized kinds of leave. We hope you'll definitely sail with us in our leave adventure. Till then, let's depart.

2.8. ANSWERS TO SELF-ASSESSMENT AND IN-TEXT QUESTIONS

2.8.1 SELF-ASSEMENT QUESTIONS:

Question No..1: True or False:

1. False	14. True
2. False. It is withheld from the next due date of increment.	15. True
3. True	16. True
4. False. Cumulative effect results in permanent forfeiture of service for increments.	17. False. The stage of pay also cannot exceed what would have been admissible on transfer to that post under normal circumstances.
5. False	18. True
6. True.	19. True
7. False. These are to be withheld for a specific period.	20. True
8. False. Reduction in stage of pay can be with or without cumulative effect.	21. True
9. False. Such penalty can be a major penalty or a minor penalty.	22. True. When a government servant is given additional full charge of a higher post, his/her own post becomes a lower post.
10. True. The 'operative period; here results in forfeiture of service for increments.	23. False. The orders of additional charge are to be issued by the competent authority not to effect economy. The regular incumbent should be posted at the earliest.
11. False. Cumulative effect of penalty cannot exceed the 'operative period' of penalty.	24. True. Government servants draw pay of one post and additional pay of all the additional posts.
12. True. Cumulative effect can be for a period less than that of 'operative period'.	25. False. Additional remuneration is not payable when additional charge is in any organization outside the government.
13. True.	

Question No.2 Choose the right alternative:

1. (a)	6.(a) Additional pay on transfer to a lower post should not exceed the maximum of pay scale of the lower post. Therefore, presumptive pay will be 10% of this maximum.
2. (b). Additional remuneration is not payable when additional charge is of a post in identical scale in the same cadre and in the same office.	7. (a)Penalty commences from the date of next increment i.e. 1-4-2001. Therefore, the govt. servant will draw the same rate of pay as was being drawn before imposition of penalty.
3. (a). The pay will be fixed as on transfer to a lower post because the disciplinary authority has not specified any stage.	8 (a). Pay on 1-4-2001= Rs. (7000) 1-4-2002= Rs. (7220) 1-4-2003= Rs. (7440) 1-4-2004 = Rs. 7660
4.(c). When full charge of two independent posts is held, the government servant is entitled to pay of the higher post + 10% of presumptive pay of the additional post. Here the original post is a higher post. The govt. servant draws pay of this post. He/she is also entitled to presumptive pay of additional post and sumptuary and compensatory allowances of both the posts Presumptive pay of the lower post come to Rs.6800/-(same stage) i.e.Rs.680+200 special allowance = Rs.880	9. (a) Reduction in stage with cumulative effect is always a major penalty.
5. (b)Additional pay is not payable if additional charge is outside the government.	10. (c).

2.8.2 IN-TEXT QUESTIONS:

Do Yourself-1:

1-True, 2-False, 3-False

Do Yourself-2:

1- Minor. 2-Prospective, 3-Advance, 4-cumulative

Do Yourself-3:

1-5-2000 Rs.6800
1-9-2000 Rs.6400
1-9-2003 Rs.6800 1-5-2004 Rs.7000

Do yourself-4:

1-5-2000 to 31-8-2000 = 6800

1-9-2000 to 30-4-2001 = 6400 (6800)

1-5-2001 to 30-4-2002 = 6400 (7000)

1-5-2002 to 28-2-2003 = 6400 (7220)

1-3-2003 to 30-4-2003 = 7220

1-5-2003 = 7440 DNI 1-5-2004

Do yourself-5:

1-True, 2-False, 3-False, 4-True, 5-False

Do yourself-6:

1- Major, 2-Either specified or unspecified

3- Either specified or permanent, 4- Simultaneously

Do yourself-7:

No additional remuneration would have become payable.

Do yourself-8:

(1) The action is irregular. No additional remuneration is payable when additional charge is of a post in an identical pay scale and in the same cadre.

(2) Payment of deputation allowance is irregular. The government servant should have been paid additional remuneration by way of pay of the higher post + 10% of presumptive pay of the lower post.

(3) Both the payments i.e. pay of higher post and 10% of presumptive pay are irregular. No additional remuneration is payable if the ex-cadre appointment is outside the government.

Validation Workshop
On
Development of Modules
For
Pay Fixation Rules

LIST OF RESOURCE PERSONS

Sl. No.	Name & Designation
1.	Dr. Desh Deepak, IAS., Director, HP Institute of Public Administration, Fairlawns, Shimla-12.
2	Shri V.K. Sood, Retired Controller(F&A), Department of Personnel, HP Secretariat, Shimla-2.
3	Shri H.R. Verma, Deputy Controller(F&A), HP Tourism Development Corporation, Shimla-1.
4	Shri R.P. Sharma, Deputy Controller (F&A), HP Public Works Department, Shimla-1.
5	Shri B.M. Gupta, Assistant Controller (F&A), HIPA, Shimla-12.
6	Shri M.L. Chauhan, Assistant Controller (F&A), HIPA, Shimla-12.
7	Shri S.S. Panwar, Programme Officer, UNDP-ATI, HP Institute of Public Administration, Fairlawns, Shimla-12.

ANNEXURE- "B"

**Editing Board
On
Development of Modules
For
Pay Fixation Rules**

Sl. No.	Name & Designation
1.	Dr. Desh Deepak, IAS., Director, HP Institute of Public Administration, Fairlawns, Shimla-12.
2	Dr. Kailash Walia, Retired Principal, Flat No. 228, Below BCS, New Shimla-9.
3	Shri B.M. Gupta, Assistant Controller (F&A), HIPA, Shimla-12.
4	Shri S.S. Panwar, Programme Officer, UNDP-ATI, HP Institute of Public Administration, Fairlawns, Shimla-12

**PILOT RUN WORKSHOP
ON
FIXATION OF PAY**

LIST OF PARTICIPANTS

Sr.No.	Name and Address of Participants
1	Shri N.R. Verma, Administrative Officer, Directorate of Horticulture, H.P. Shimla-171002.
2	Shri Rajesh Kumar, Assistant Engineer(Design). O/o Engineer-in-Chief, HPPWD, Shimla-171001.
3	Shri Mahesh Bhardwaj, Superintendent(Fin.C), H.P.Secretariat, Shimla-171002.
4	Shri Gopal Dutt Sharma, Jr.Assistant, O/o Block Dev.Officer, Gohar, Distt. Mandi(H.P.).
5	Shri A.R.Verma, Sr. Assistant, H.P.Institute of Public Administration, Shimla-171012.
6	Shri D.R. Chauhan, Sr.Assistant, H.P.Institute of Public Administration, Shimla-171012.
7	Shri P.S. Parmar, Superintendent, Directorate of Ayurveda, H.P. Shimla-171009
8	Shri Prem Chand Tanta, Superintendent, Directorate of Panchayats, H.P. Shimla-171009.
9	Dr.(Mrs.)Neena Shandil, Sr.Medical Officer, DDU Hospital, Shimla-171001.
10	Shri Yadvinder Paul, District Food & Supplies Controller, Solan(H.P.)
11	Shri N.C. Kashyap, Section Officer, H.P.Public Service Commission, Shimla-171002.
12.	Shri T.R. Sharma, Superintendent, Capital Treasury, Shimla-171002.