

138721

(10)

GOVERNMENT OF HIMACHAL PRADESH
FINANCE (REGULATIONS) DEPARTMENT
=====

NO. FIN(C)A(3)-3/98. DATED SHIMLA-2, THE 21st SEPTEMBER, 99.

OFFICE MEMORANDUM
=====

Subject:- Stepping up of pay of Senior Government servants in cases of anomalies arising as a result of application of F.R. 22.
=====

1. Consequent upon revision of pay scales of State Government employees w.e.f. 1/1/1996, some anomalies have been brought to the notice of this Department where pay of junior employee has become more than his senior partly due to application of provisions of F.R. 22 and partly due to revision of pay scales.

2. The matter relating to removal of anomalies in such cases where pay of junior has become more than his senior after 1/1/1996 as a result of application of the provisions of F.R. 22, was receiving the attention of the Government and after due consideration / examination, and in partial modification of this Department's Office Memorandum No. Fin(C)A(3)-8/88, dated 7.3.1991, it has been decided that the pay of senior Government servant be stepped up equal to the pay of his junior subject to the following conditions:

- (a) both the junior and the senior Government servants should belong to the same cadre and the posts in which they have been promoted should be identical in the same Cadre.

-2-

the pre-revised scale and Revised Scale of pay of the lower and the higher posts in which they are entitled to draw pay should be identical.

- (c) the senior Government servants at the time of promotion have been drawing equal or more pay than the junior.
- (d) the anomaly should be directly as a result of the application of the provisions of Fundamental Rule-22 or any other rule or order regulating pay fixation on such promotion in the revised scale. If in the lower post, the junior officer was drawing more pay in the pre-revised scale than the senior by virtue of any advance increments granted to him, provision of these instructions shall not be invoked to step up the pay of the senior officer.

NOTE: These instructions will not regulate cases of anomalies arising as a result of application of Assured Career Progression Scheme.

3. The order relating to re-fixation of the pay of the senior officer in accordance with above provisions should be issued under Fundamental Rule 27 and the senior officer will be entitled to the next increment on completion of his required qualifying service with effect from the date of re-fixation of pay.

4. Powers for allowing stepping up will vest with appointing authorities as already delegated vide O.M. No. Fin(C)A(3)-6/80 dated 8th May, 1987.

b. Stepping up of pay shall however not be allowed in following type of cases.

(a) where a senior proceeds on Extraordinary Leave which results in postponement of date of next increment in the lower post, consequently he starts drawing less pay than his junior in the lower grade itself. He, therefore, cannot claim pay parity on promotion even though he may be promoted earlier to the higher grade;

(b) if a senior forgoes/ refuses promotion leading to his junior being promoted / appointed to the higher post earlier, junior draws higher pay than the senior. The senior may be on deputation while junior avails of the *ad hoc* promotion in the cadre. The increased pay drawn by a junior either due to *ad hoc* officiating / regular service rendered in the higher posts for periods earlier than the senior, cannot, therefore, be an anomaly in strict sense of the term;

(c) if a senior joins the higher post later than the junior, for whatsoever reasons, whereby he draws less pay than the junior, in such cases senior cannot claim stepping up of pay at par with the junior;

(d) if a senior is appointed later than the junior in the lower post itself whereby he is in receipt of lesser pay than the junior, in such cases also the

senior cannot claim pay parity in the higher post though he may have been promoted earlier to the higher post;

- (e) where a person is promoted from lower to a higher post, his pay is fixed with reference to the pay drawn by him in the lower post under the F.R. 22 and he is likely to get more pay than a direct appointee whose pay is fixed under different set of rules. In such cases, the senior direct recruit cannot claim pay parity with the junior promoted from a lower post to higher post as seniority alone is not a criteria for allowing stepping up;
- (f) where a junior gets more pay due to additional increments earned on acquiring higher qualifications etc..

S. Bhatnagar
Deputy Secretary (Finance)
to the Government of H.P.

To

All Administrative Departments of the
Government of Himachal Pradesh.

NO. FIN(C)A(3)-3/98. DATED SHIMLA-2, THE 21st SEPTEMBER, 1999.

(Copy forwarded to:

1. All Divisional Commissioners in H.P.
2. All Heads of Departments in H.P.
3. All Deputy Commissioners in H.P.
4. All District and Sessions Judges in H.P.
5. The Accountant General (Audit), H.P., Shimla-3 (20 copies).
6. The Sr. Dy. Accountant General (A&E), H.P., Shimla-3 (20 copies)
7. All Boards / Corporations / Universities in H.P.
8. All District Treasury Officers / Treasury Officers in H.P.
9. Sh. Bhagat Ram Thakur, President, H.P. Sectt. Services (Class-III) Association, F.D-C, H.P. Sectt., Shimla-2.

.....5/-

10. Sh. Daulat Ram Chauhan, General Secretary, H.P. Sectt. Services (Class-III) Association, H.P. Sectt., Shimla-2.
12. Sh. Ganga Singh Thakur, Chairman, N.G.Os. Federation, H.P., O/O S.E.-IV Circle, HPPWD, Winterfield, Shimla-1.
13. Sh. P.S. Bharmoria, Secretary General, H.P. NGOs Federation, O/O Executive Engineer, HPPWD, Hamirpur, H.P.
14. Sh. O.P. Sharma, Secretary General, H.P. Employees Confederation, O/O Directorate of Health, H.P., Shimla-9.
15. Department of Personnel (A-II)/ (A-III), H.P. Sectt.
16. All Sections of Finance Department, H.P. Sectt., Shimla.
17. The Controller (F&A), Department of Personnel (Accounts), H.P. Sectt. Shimla-2.
18. Additional Secretary (SA- Accounts) to the Government of H.P.
19. Guard File / Spare copies -- 200.

S. B. S. Tumber
Deputy Secretary (Finance)
to the Government of H.P.