

No.67/II/30/74/IC
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF EXPENDITURE)
IMPLEMENTATION CELL

New Delhi, the 1st June, 1974
11th Jyaistha, 1896 (SAKA)

OFFICE MEMORANDUM

Subject:- Central Civil Services (Revised Pay) Rules,
1973 - Fixation of pay of persons appointed/
promoted to a post after the 1st January, 1973.

The undersigned is directed to say that the revised scales of pay introduced under the Central Civil Services (Revised Pay) Rules, 1973, take effect from the 1st January, 1973. Under the proviso to rule 5 of these Rules, a Government servant has the option to retain the existing scale i.e. the scale of the post held by him on the 1st January, 1973 until the date on which he earns his next or any subsequent increment in that scale, or until he vacates that post, or ceases to draw pay in that scale. This option is not available to persons appointed to a post after the 1st January, 1973 whether for the first time in Government service, or by transfer or promotion from another post and they are necessarily to be allowed pay in the revised scales only. Until the notification of the revised scales of the posts to which such persons are appointed, they would draw or would have drawn pay in the pre-revised scales. On issue of the notification, however, their pay would be fixed in the revised pay scale of the post with effect from the date of such appointment. In some of these cases the fixation of pay in the revised scales may involve drop in emoluments. Drop in emoluments may also occur in the case of some persons who were promoted after the 1st January, 1973, but before the date of the issue of the relevant notification revising the scales, to the higher of two grades which have been merged and a single revised scale prescribed for both. As the revised scales take effect from the 1st January, 1973, and the higher grade will have ceased to exist on and from that date, such promotions become non-effective. The question as to the extent of protection that may be allowed in such cases has been examined and it is considered that it is not correct in principle to allow a person any option to retain the pre-revised scale of pay in respect of a post to which he was not actually appointed on or before 1st January, 1973, or which ceased to exist after that date. Accordingly, all persons recruited after the 1st January, 1973, or appointed by transfer or promotion to posts after that date, should be allowed pay only in the revised scales as admissible under the Central Civil Services (Revised Pay) Rules, 1973.

2. However, to mitigate the adverse effect of the retrospective application of the rules resulting in drop in

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emoluments in the types of cases referred to in paragraph 1 above, the President is pleased to decide as follows :-

(i) Where a single existing scale has been replaced by a single revised scale, the difference between the existing emoluments (i.e. the basic pay, dearness pay, dearness allowance and interim reliefs at the rates in force on 31-12-72, and special pay where admissible) actually drawn or that would have been drawn in the pre-revised scales as on the date of the notification revising the scale of the higher post, and the emoluments in the revised scale i.e. pay in the revised scale of that post, and special pay thereon, if any, may be allowed as personal pay to be absorbed in future increases in pay.

(ii) In respect of persons promoted from a lower to a higher existing scale, where the two existing scales have been merged into a single revised scale, the pay in the revised scale may, on the written request of the employee concerned made within three months of the date of issue of these orders or the notification of the revised pay scale of the post, whichever is later, be re-fixed on the date of promotion at a stage which is equal to the existing emoluments, as defined in sub-para (i) above, in the higher existing scale on that date, and if there is no such stage in the revised scale, at the stage next below in that scale and the difference allowed as personal pay to be absorbed in future increases in pay. The next increment in the revised scale will be allowed on the date it would have been drawn in the higher existing scale, had the revised scale not been introduced. This protection will, however, be allowed only in cases where the Government servant had been continuously officiating for a period of not less than one year on the date of issue of the notification revising the scale of the higher post, or in case he has not completed one year's service on that date, the appointing authority certifies that the Government servant would have continued to officiate in the higher post for the period by which the service rendered in it fell short of one year on that date, had the revised scale not been introduced.

(iii) In cases covered both by sub-paragraphs (i) and (ii) above, no adjustment will be made on account of overpayments, if any, in respect of the existing emoluments as defined in sub-para (i) above actually drawn for the period between the date of appointment in such cases and the date of issue of the relevant notification revising the pay scale of the post in question.

3. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders issue after consultation with the Comptroller and Auditor and General of India.