

New Delhi, Dated 5th Nov 77

OFFICE MEMORANDUM

Subject:- Fixation of pay under fourth proviso to FR 22-C- question whether a Govt. servant can get protection of the last pay actually not drawn on his reversion and repromotion to the same post.

Attention is invited to proviso to F.R. 22 which applies in the matter of the initial fixation of pay and counting of previous service for increment in the circumstances listed therein.

2. A question has been raised in this connection as to whether a Govt. servant can get protection of the last pay actually not drawn (being on leave) on his reversion and repromotion subsequently to the same post in which the previous service is to be counted. The concrete case which has given rise to the above question is as follows:-

"A Govt. servant Mr. 'B' was officiating as UDC and drew his pay at the stage of Rs. 404/- during the period from 1.1.74 to 19.11.74. Thereafter he proceeded on leave upto 31.12.76 and it was certified by the competent authority that he would have continued to officiate as UDC upto 3.9.75. Excluding the total of all such periods as do not count for increment in the time scale of UDC, the date of next increment was worked out as 13.6.75 and since he was on leave on that date and continued to remain on leave, the increment raising his pay to the stage of Rs. 416/- in the officiating post of UDC was actually not drawn. He stood reverted to his substantive post of LDC w.e.f. 4.9.75. On his repromotion as UDC w.e.f. 3.1.77 his pay was fixed at the stage of Rs. 404/- with reference to his substantive pay Rs. 390/- as LDC as on that date. The point for consideration is whether his pay may be fixed at the stage of Rs. 416/- on his repromotion w.e.f. 3.1.77 and whether he may be allowed to count the period during which he would have drawn that pay for increment in the stage of the time scale equivalent to that pay."

3. This has been examined carefully. The fourth proviso to FR 22-C as at present does not permit such a dispensation. On a somewhat analogous situation under FR 31(2), orders have been issued to the effect that in the case of a person proceeding on leave, if the period of leave counts for increment in the officiating post under FR 26(b) (ii) subject to the

Cont. p. 2..



fulfilment of the conditions and production of the necessary certificates, his officiating pay may be refixed under FR 31(2) from the very date of increment or increase in the substantive pay as if he was appointed to officiate in that post on that date. The benefit of the increase in his officiating pay can be had only from the date of resumption of duties but his next increment in the officiating post will accrue to him from an earlier date in the next year calculated with reference to the date of refixation of pay.

4. Accordingly, it has been decided that in the type of cases referred to in para 2 above, the pay may be fixed at the same stage (though not drawn) and the period during which it would have been drawn may also be counted for increment in the stage of the time scale equivalent to that pay.

5. These orders take effect from the date of issue but pending cases, if any, may be decided in accordance with these orders.

6. In so far as persons serving in the Indian Audit & Accounts Depts, are concerned, these orders issue after consultation with the Cr. & A.G. of India.

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