

No.67/II/16/74-IC
Government of India
Ministry of Finance
(Department of Expenditure)
Implementation Cell

New Delhi, the 25th February, 1978.
6th Phalgun, 1899(SAKA)

OFFICE MEMORANDUM

Subject:- Applicability of CCS (RP) Rules, 1973 to persons re-employed in Government Service after retirement and whose pay is debitable to Civil Estimates.

The undersigned is directed to refer to this Ministry's O.M. No.F.67/II/16/74-IC dated the 18th March, 1974 on the above mentioned subject and to say that it has been represented that in many cases where a person has been re-employed in a lower post, he sustains a financial loss if his pay is fixed at the maximum of the revised scale in accordance with Explanation (ii) below para 2(ii) of that O.M. and the quantum of pension/or pension equivalent of gratuity or other retirement benefits taken into account while fixing pay on re-employment is deducted therefrom. The matter has been discussed with the Staff Side of the National Council (JCM) and the President is pleased to decide that para 2(ii) of the said O.M. may be modified as under:-

" 2(ii):- The initial pay of a re-employed Government servant who retired with a pension or any other retirement benefit and whose pay was fixed on re-employment with reference to these benefits or ignoring a part thereof, and who elects or deemed to have elected to be governed by the revised scales from the first day of January, 1973, shall, in partial modification of rules 3 and 7 of the Central Civil Services (Revised Pay) Rules, 1973 be fixed in the following manner, namely:-

The existing emoluments for pay fixation will be calculated taking into account;

- (a) Basic pay and special pay, if any, where reckonable in terms of Rule 3(2) of the CCS (RP) Rules, 1973 as on 1-1-73;
- (b) Dearness Allowance, Dearness Pay and Interim Reliefs appropriate to the pay as detailed in (a) above admissible as on 1-1-73 under the relevant existing orders of the Ministry of Finance.

Five per cent on basic pay subject to a minimum of Rs.15/- and a maximum of Rs.50/- will be added to the existing emoluments and

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rounded off to the nearest rupee, and pay shall then be fixed in the revised scales at the stage equal to the amount so computed or if there is no such stage in the revised scale at the stage next above the amount so computed.

Explanation

- (i) If the amount so computed is less than the minimum of the revised scale, it will be fixed at the minimum;
- (ii) Where the amount so computed is more than the maximum of the revised scale, it will be fixed at the maximum; and
- (iii) Except in cases where the pay is fixed at the minimum of the revised scale, if the revised emoluments as determined above exceed the existing emoluments by more than Rs.100/-, the initial pay will be fixed at the highest stage in the revised scale at which the revised emoluments payable do not exceed the existing emoluments by Rs.100/- and the difference, if any, between the existing emoluments so payable shall be allowed as personal pay to be absorbed in future increases in pay.

In addition to the pay so fixed, the re-employed Government servant would continue to draw the retirement benefits he was permitted to draw in the pre-revised scales. However, any amount which was being deducted from his pay in the pre-revised scale in accordance with the provision of note 1 below para 1(c) of Ministry of Finance O.M. No.F.8(34)Est.III/57 dated 25-11-58 (reproduced as Government of India's orders (6) under FR.69 P&T compilation of FRs and SRs fourth edition) shall continue to be deducted from the pay and the balance will be allowed as actual pay.

After pay in the revised scale is fixed in the manner indicated above, increments will be allowed in the manner laid-down in rule 8 of CCS(RP) Rules, 1973".

2. Wherever, the pay fixed under the O.M. dated the 18th March, 1974 is more beneficial, the employee concerned will have an option to continue to draw pay as already fixed under the provisions of that O.M..

3. Persons affected by the issue of these orders may be allowed a fresh period of three months w.e.f. the date of issue of this order to enable them to indicate their option or to revise it in the case of those who had already exercised their option.

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

S.S. Parhar

(S.S. Parhar)
Under Secretary to the Government of India.

To

All Ministries/Departments of the Government of India (as per standard list with usual number of spare copies).

No. F.67/II/16/74-IC

Copy (with usual number of spare copies) also forwarded to:-

1. Comptroller & Auditor General of India, New Delhi with reference to U.O. No. 96-Audit/68-78 dated 16-2-1978.
2. Chief Secretaries of all the State Governments and Union Territory Administrations.
3. Supreme Court of India.
4. Lok Sabha Secretariat.
5. Rajya Sabha Secretariat.
6. Union Public Service Commission.
7. Commission for Schedules Castes and Scheduled Tribes, New Delhi.
8. Deputy Secretary, Ministry of Defence (Imp. Cell), New Delhi.
9. Chief Election Commissioner, New Delhi.
10. Railway Board, New Delhi.
11. Secretary, Staff Side, National Council of J.C.M., 9, Ashoka Road, New Delhi.
12. All Members of the Staff Side of J.C.M.
13. All Branches of the Ministry of Finance, including Defence Division, New Delhi.
14. Central Vigilance Commission, New Delhi.

S.S. Parhar

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Under Secretary to the Government of India.

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