

**कार्यालय महालेखाकार (लेखा एवं हकदारी), उत्तराखण्ड, देहरादून
“महालेखाकार भवन”, कौलागढ़, देहरादून, पिन कोड—248195**

का0आ0सं0: प्रशा0-II / ए0जी0यू0के0(ले0एवंहक0) / Entry pay / 2018-19 / 113

दिनांक :05.03.2019

कार्यालय आदेश

मुख्यालय के ई-मेल पत्र संख्या 206-स्टाफ हकदारी (नियम)/ए0आर0/03-2016 दिनांक 04.10.2018 के साथ संलग्नक के रूप में प्राप्त वित्त मंत्रालय से जारी कार्यालय ज्ञाप संख्या 8-23/2017-E.III.A दिनांक 28.09.2018 की प्रति खण्डीय लेखाकार संवर्ग के समस्त अधिकारियों/ कर्मचारियों को प्रेषित कर निर्देशित किया जाता है कि दिनांक 01.01.2006 या इसके पश्चात् पदोन्नत अधिकारी/कर्मचारी, जो कि Central Civil Services (Revised Pay) Rules, 2008-Section 2 of the Part "A" of the first Schedule के अनुरूप Entry Pay प्राप्त नहीं कर रहे थे, वे अपने पुनः वेतन निर्धारण के सम्बन्ध में दिनांक 20.03.2019 तक प्रशासन-II अनुभाग को सूचित करें।

संलग्नक: उपरोक्तानुसार

हस्ता0/-

वरि0 लेखाधिकारी/प्रशा0-II

का0आ0सं0: प्रशा0-II / ए0जी0यू0के0(ले0एवंहक0) / Entry pay / 2018-19 / 1536

दिनांक:05.03.2019

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु अग्रेषित की जाती है:-

1. श्री पदमेन्द्र सिंह, खण्डीय लेखाधिकारी ग्रेड-I, महासचिव, उत्तराखण्ड खण्डीय लेखाधिकारी/खण्डीय लेखाकार संघ, देहरादून, कार्यालय अधिशासी अभियन्ता, अस्थाई खण्ड, लोक निर्माण विभाग, ऋषिकेश, उत्तराखण्ड को इस आशय से प्रेषित की समस्त खण्डीय लेखाकार/अधिकारियों को सूचित करें।
2. वरिष्ठ लेखाधिकारी/आई0टी0एस0जी0 अनुभाग को इस आशय के साथ प्रेषित कि उक्त संदर्भित कार्यालय आदेश (संलग्नकों सहित) की प्रति कार्यालय के वेबसाईट पर DA's Corner में अपलोड करना सुनिश्चित करें।

हस्ता0/-

वरि0 लेखाधिकारी/प्रशा0-II

10/5/2018

https://mail.gov.in/wc_static/layout/shell.html?lang=en-US&0.1.2.0_15121007

Subject: [Cag-all-offices] Central Civil Services (Revised Pay), 2008- Section II of the Part 'A' of the First Schedule thereto- entry pay for direct recruits appointed on or after 1.1.2006 and pay fixation in the case of persons other than such direct recruits.
To: CAG-ALL-OFFICES@ismgr.nc.in

Date: 04/10/18 06:31 PM
From: Vimala <vimala@smgr.gov.in>
Sender: cag-all-offices-bounces@ismgr.nc.in

entry pay english.pdf (1.9MB)

भारतके निदेशक - महालेखापरीक्षक कार्यालय,
पकि29, दीन दयाल उपाध्याय मार्ग, नई दिल्ली- 110 124

संख्या: 206-स्थाप हकदारी(नियम)/ए.आर/03-2016
दिनांक-04.10.2018

प्रति,
आजीव महालेखापरीक्षक कार्यालय
केन्द्रीय कार्यालय

Sub- Central Civil Services (Revised Pay), 2008- Section II of the Part 'A' of the First Schedule thereto- entry pay for direct recruits appointed on or after 1.1.2006 and pay fixation in the case of persons other than such direct recruits.
महोदय/महोदय,

उपरोक्त विषय पर विनय संज्ञान, व्यवस्थापन, नई दिल्ली के कार्यालय आगन नं. 8-23/2017-E.IIIA दिनांक 28 सितंबर, 2018 को इन ई-मेल के माध्यम से प्रेषित किया गया है।
श्रेणीय कार्यालय एवं अधिकारी कृपया इस आदेश को आवश्यक कार्रवाई हेतु इस ई-मेल के संलग्नक में सादर अनुरोध करते हैं। इसे संबंधित संज्ञान की वेबसाइट में भी सादर अनुरोध करते हैं।

Ministry of Finance, Department of Expenditure, New Delhi O.M. No. 8-23/2017-E.IIIA dated 28th September, 2018 on the subject cited above has been attached with this E-mail.

The field offices and officers may download this order attached with this E-mail for further necessary action. The order can also be downloaded from the web site of the Ministry.

भवदीया
हस्ताक्षर:
(ए विमला)
प्रशासनिक उपनिर्देश/नियम

Dy 1/0
94
08/10/18

AG
DAG Admin
05/10/18

महोदय/महोदय
संख्या 458
दिनांक 5/10/18
महोदय/महोदय

SA/114-I
उप महालेखापरीक्षक (स्था. व ले.) प्रकोष्ठ
की ई-मेल व जी कार्यालय सं. 523
दिनांक 18-10-18

Pertains to Admin III
10
8/10
10
8/10/18
प्रशा-1
CAG-130
18.10.18

Sh. Bhasat Vishal
18.10.18

No. 8-23/2017-E.IIIA
Government of India
Ministry of Finance
Department of Expenditure

North Block, New Delhi
28th September, 2018

Office Memorandum

Subject: Central Civil Services (Revised Pay) Rules, 2008 - Section II of the Part 'A' of the First Schedule thereto- entry pay for direct recruits appointed on or after 1.1.2006 and pay fixation in the case of persons other than such direct recruits.

The undersigned is directed to invite the attention to the provisions contained in Section-2 of Part 'A' of the First Schedule of the Central Civil Services (Revised Pay) Rules, 2008 which provides for entry pay in the revised pay structure (pay structure effective from 1.1.2006 up to 31.12.2015) for direct recruits appointed on or after 1.1.2006 on a post and to say that pay in respect of persons appointed to the same posts before 1.1.2006 is required to be fixed as on 1.1.2006 under Rule 7 (1)(A)(i) and pay in respect persons appointed on the same post on promotion on or after 1.1.2006 is required to be fixed under Rule 13 thereof.

2. A number of references were received in Ministry of Finance, Department of Expenditure, stating that the pay of seniors of a post was fixed at a stage lower than the entry pay applicable to the persons appointed on direct recruitment basis on that post on or after 1.1.2006. In such cases, stepping of pay was allowed to the senior employee at par with the entry pay of direct recruits of those posts, subject to the conditions, inter-alia, that stepping up of pay of seniors is applicable only in those cases which have an element of direct recruitment and where a directly recruited junior is actually drawing more basic pay than the seniors. Thus, the stepping up of pay of senior employees was admissible from the date a junior direct recruit joined on or after 1.1.2006.

3. The matter was also considered in the meeting of the National Anomaly Committee (NAC) held on 17.7.2012 based on a demand raised by the Staff Side under the JCM. NAC had recommended that in cases where Recruitment Rules provide for direct recruitment, then the stepping up of pay of senior may be considered, even if no actual direct recruitment takes place or no direct recruit has actually joined. However, it was decided that stepping up of the pay of seniors can be claimed only in the case of those cadres which have an element of direct recruitment and in cases where a directly recruited junior is actually drawing more basic pay than the seniors. Thus, stepping up of pay was dependent upon actual joining of a direct recruit.



4. Trained Graduate Teachers (TGTs) of the Government of National Capital Territories of Delhi (GNCTD) filed an OA No. 3217/2014 before the Hon'ble Principal Bench of CAT. The 13 petitioners of the post of Trained Graduate Teachers (TGT) comprised those who were appointed as TGT before 1.1.2006 as also those who were promoted to the post of TGT on or after 1.1.2006. The pay of these 13 employees had been fixed as per the relevant provisions of the GGS(RP) Rules, 2008 and the same happened to be lower than the entry pay as applicable to direct recruits of the post of TGT appointed on or after 1.1.2006. These petitioners prayed for re-fixing their pay as applicable to direct recruits appointed on or after 1.1.2006.

5. The Hon'ble Principal Bench of CAT in their order dated 4.4.2016 in OA No.3217/2014 allowed the application and directed the Government to ensure that none of the applicant's pay is fixed at a stage lower than the pay which could be drawn by a direct recruit appointed on or after 1.1.2006. The order of Hon'ble CAT dated 4.4.2016 was upheld by the Hon'ble Delhi High Court in terms of their order dated 23.3.2017 in WP(C) No.2634/2017. The Hon'ble Delhi High Court in its order dated 23.3.2017 observed, inter-alia, that the plea of stepping up of pay, as mentioned in para 2 above, means that the direct recruits should have actually joined before any stepping up of pay can be granted and the date of joining would be different as filling up of direct recruit vacancies in the cadre would depend upon vacancy position, selection etc. The Hon'ble Delhi High Court held that this was unacceptable.

6. The matter arising out of the aforesaid order of Hon'ble Delhi High Court dated 23.3.2017 was heard by the Hon'ble Supreme Court as part of the SLP and in its order dated 01.09.2017 (Dy. No. 23663/2017), the Hon'ble Supreme Court has observed that once the question, in principle, has been settled, it is only appropriate on the part of the Government to issue a Circular. The Hon'ble Supreme Court further observed that the present situation is that the stepping up is available only to those who have approached the Court, but since the issue otherwise became final, the Hon'ble Supreme Court directed Government to immediately look into the matter and issue appropriate orders.


7. Accordingly, the matter has been considered in the light of the above background and in the context of the specific orders of Hon'ble Supreme Court dated 01.09.2017 as arising out of the original issue raised by the Trained Graduate Teachers of GNCTD in terms of their OA No. 3217/2014. As mentioned above, the petitioners in that case were those who were appointed as TGT before 1.1.2006 and also promoted as TGT on or after 1.1.2006, and had occasion for grievance because their pay in the pay structure in vogue from 1.1.2006 had been fixed lower than the entry pay as prescribed for direct recruits appointed as TGT on or after 1.1.2006. Therefore, the principle of the benefit of pay fixation, as flowing from the aforesaid orders of Hon'ble CAT, Hon'ble Delhi

High Court and the Hon'ble Supreme Court, is that the pay of those who were appointed to the post prior to 1.1.2006 and those who were appointed to the post on promotion in the pay structure effective from 1.1.2006 onwards, and where in respect of such posts entry pay for direct recruits appointed on or after 1.1.2006 has been prescribed giving rise to differential pay, may not be lower than the said entry pay. It is the case of differential pay in respect of employees of a post, as caused by the existence of entry pay applicable for direct recruits on that post appointed on or after 1.1.2006, that has been addressed in the aforesaid case of the post of TGTs. In case entry pay as per Section II of Part A of the First Schedule of the CCS(RP) Rules, 2008 is not applicable in case of a post, the same will not give rise to differential pay for holders of the post and, hence, not covered under the ratio of the case of TGT.

8. Accordingly, the President is pleased to decide that in respect of those posts where entry pay for direct recruits appointed on or after 1.1.2006, as per Section II of Part A of the First Schedule of CCS(RP) Rules, 2008, becomes applicable by virtue of the provision of the element of direct recruitment in the relevant recruitment rules, the pay of Central government employees who were appointed to such posts prior to 1.1.2006 and whose pay, as fixed in the revised pay structure under Rule 7 thereof as on 1.1.2006 turns out to be lower than the prescribed entry pay for direct recruits of that post, shall not be less than such entry pay w.e.f. 1.1.2006. Likewise, the pay of Central Government employees who were appointed to such posts by way of promotion on or after 1.1.2006 and whose pay, as fixed under Rule 13 of CCS(RP) Rules, 2008, happens to be lower than the said entry pay, shall also not be less than such entry pay from the date of their promotion taking place on or after 1.1.2006.

9. In their application to the employees of office of Indian Audits and Accounts Department, these orders issue after consultation with the Comptroller and Auditor General of India.

10. Hindi version of these orders is attached.


(Amar Nath Singh)
Director

To

- 1) All Ministries / Departments of the Government of India (As per Standard List).
- 2) C&AG
- 3) UPSC
- 4) Lok Sabha Secretariat
- 5) Rajya Sabha Secretariat
- 6) NIC