

“Pay fixation”

(A)F.R. 22 (Old) :

F.R. 22 (a) (i) : Before 1.4.1961 (Second Pay Commission), this rule applies to cases fixation of pay on promotions/appointments to the higher posts, carrying duties and responsibilities of greater importance than those attached to the respective lower post.

In such case, pay will fixed at the stage next above the pay drawn in the scale of the lower post.

F.R. 22(a) (ii) : This covers of fixation of initial pay of a Government servant (whether Group A, B, C and D) appointed in a new post which was not higher than the old post.

In this case, pay was fixed at the stage in the time scale of new post, if any, equal to his old pay, or if there is no such stage, at the stage next below his substantive pay in respect of the old post plus “ Personal Pay” equal to the difference between his substantive pay and the initial pay in the new post (Personal Pay is to be absorbed in future earning of increments in the New Post)

F.R. 22 (a) (iii): This rule applied when a Government Servant was transferred to a lower post or to a lower time-scale on his own request and the maximum pay in the time scale of the second post was less than his substantive pay of the old post, pay was fixed at the maximum as initial pay.

If the substantive pay of the old post is not more than the maximum of the scale of the new post, the fixation could be done under F.R. 22 (a) (ii) whether the transfer is at the request of the Government servant or otherwise.

F.R 22 -C: With effect from 1.4.1961, F.R. 22-C, has been introduced. This applied in case of fixation of the initial pay of a Government servant on promotion/appointment from lower post to a higher post up to Group “A” post level [not from Group A to another higher Group “A” post which is applicable under F.R. 22 (a)(i)]. Hence F.R. 22(a) (i) is applicable only from Group “A” post to another higher Group “A” post effective from 1.4.1961.

In such case, pay in the higher post was fixed at the stage in the time scale of the higher post, next above his pay in respect of the lower post notionally increased by one increment at the stage at which such pay was drawn.

Provided the rate of notionally increased increment should not be less than a recurring gain of Rs. 25/-.

With effect from
1.5.81
[Under F.R. 22-C]

Option of date for fixation of pay on promotion to a higher post has been introduced that Government servant can opt for fixation of pay under F.R. 22- C in the higher post on the date of promotion or on the date of accrual of next increment in the lower post.

[Now, admissible under Save Clause to F.R 22 (I) (a) (I) (New), which came into force w.e.f 12.9.90]

With effect from 1.1.1986 [Fourth Pay Commission] :-

In all cases of fixation of pay is to be made under F.R. 22-C whether promotion is upto Group "A" level or from Group "A" to a higher Group "A" post

And as such F.R. 22 (a)(i) was made inoperative effective from 1.1.1986.

(B) F.R. 22 (New): With effect from 12.9.90 the provisions of F.R. 22(New) which came into force with effect from 16.9.89 in case of the Central Government employees vide Government of India Deptt. of Personnel & Training Notification No. 1/10/89 (Pay-1) of 30.8.89 and Rules ibid have been adopted by the State Government of Manipur in respect of the State Government employees vide Government of Manipur, Finance Department (PIC) Notification No. 1/18/76-PIC (Pt) ; dt. 4.9.90 – as the Fundamental (Amendment) Rules, 1990.

F.R. 22 (I)(a)(I) This applies for fixation of pay on promotion/appointment to a higher post.

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 (a) The pay drawn in the lower post held by him on regular basis will be notionally increased by one increment or Rs. 25, whichever is more [Rs. 100 in case of the Central Government employees] thereafter the pay in the higher post will be fixed at the stage next above the notionally increased pay of the lower post. The next increment in the higher post will be drawn after qualifying period of 12 months.

F.R. 22 (I) (a) (I)

Illustration No. 1

An officer drawing pay of Rs. 12, 275 in the scale of pay of Rs. 10,000-325-15,200 from 1.4.2008 was promoted to a higher post in the scale of pay of Rs. 12,000-375-16,500 on 1.2.2009. Fix his pay on 1.2.2009 and also state D.N.I. in the higher post.

Answer 1 :-

Period	<u>Lower Post</u>	<u>Higher Post</u>
	Rs. 10,000-325-15,200	Rs. 12,000-375-16,500
1.4.2008 to 31.1.2009....	.....Rs. 12,275.....	X
1.2.2009 .....	.....(Rs. 12,275)..... 325 <hr style="width: 50%; margin: 0 auto;"/> 12,600	Rs. 12,750 F.R 22(I)(a)(I) With D.N.I. on 1 $\frac{2}{2010}$

Note :- As per F.R. 22 (1) (a) (1), the pay of the officer in the Lower post on the date of promotion will first increase to Rs. 12,600 (Rs. 12,275 + Rs. 325) by giving/adding 1 (one) notional increment, thereafter, his pay in the higher post is fixed at Rs. 12, 750 on 1.2.2009, which is just stage next above of notionally increased pay of Rs. 12,600 vide F.R. 22 (1) (a) (1). And he will draw his next increment on 1.2.2010, after completion of qualifying service for 12 (twelve) months from 1.2.2009 to 31.1.2010 under F.R. 26 (a), raising his pay to Rs. 13,125 pm

* (b) The employee can exercise an option, within 1 (one) month from the date of appointment/promotion, for fixation of his pay under this Rule straightaway or to have the pay fixed initially at the stage of the time-scale of the new post above the pay in the lower post from which he is appointed on regular basis, which may be refixed in accordance with this Rule on the date of accrual of next increment in the pay of the lower post.

Vide Save clause to F.R. 22 (I) (a) (I)

Illustration No. 2 Under Save clause to F.R 22 (I) (a) (I)

Question: An Assistant Accounts officer was drawing a substantive pay of Rs.7500 in the scale of Rs. 6500-200-10,500 with effect from 1.4.2008. He was promoted to officiate as Accounts officer in the scale of Rs 7450-225-11,500 with effect from 1.1.2009. He opted within one month from the date of his promotion for fixation of his pay on promotion from the date of accrual of next increment in the scale of the pay of the lower post.

Regulate his pay as Accounts officer and indicate date of next increment.

Answer 2

Period	<u>Assistant Accounts officer</u>	<u>Accounts officer</u>
	<u>Rs. 6500-200-10,500</u>	<u>Rs. 7450-225-11,500</u>
1.4.2008 to 31.12.2008...	Rs. 7500.....	.....X
1.1.2009 to 31.3.2009....	(Rs. 7500).....	Rs. 7675[Initial fixation]
1.4.2009	(Rs. 7700) F.R 26 (a) & (b)..	Rs. 8125[Refixation]
	200	Savings clause to F.R
	<u>7900</u>	22(1) (a)(1)
		With D.N.I. on 1 $\frac{4}{2010}$

- Note :-**
- On appointment to the higher post on 1.1.2009 his pay is fixed at Rs. 7675, which is just stage next above the pay of Rs. 7500 without giving notional increment.
 - On 1.4.2009, when the officer gets his next increment in the lower post, say Rs. (7500+200+200) plus 1 (one) notional increment arrived at Rs. 7900 (thereafter) his pay is fixed at Rs. 8125 per with DNI on 1.4. 2010.

- * (C) In cases where, an ad-hoc promotion followed by regular appointment without break the option is allowed from the date of initial appointment to be exercised within one month from the date of such regular appointment.

Vide Save clause to F.R. (1) (a) (1)

Illustration No. 3 Option for fixation of pay on promotion on ad-hoc basis followed regular appointment under Save clause to F.R. 22 (1)(a)(1)

Question : A Government servant drawing a substantive pay of Rs. 4270 pm from 1.9.2008 in the time scale of pay of Rs. 3050-75-3950-80-4590 was promoted on ad-hoc basis to a higher post in the scale of pay of Rs. 4000-100-6000 on 21.10.2008. He was reverted to his substantive post on 4.1.2009. He was subsequently promoted on a regular basis to the same higher post on 15.6.2009.

He exercised option for fixation of pay under F.R. 22 (1) (a) (1) from the date of next increment in the old post.

Regulate his pay from time to time and indicate the date earning of his next increment.

Answer 3

Period	<u>Lower Post</u>	<u>Higher Post</u>
	<u>Rs. 3050-75-3950-80-4590</u>	<u>Rs. 4000-100-6000</u>
1.9.2008 to 20.10.2008...	Rs. 4270.....X	.....X
21.10.2008 to 3.1.2009..	(Rs. 4270).....	Rs. 4400-FR 22 (1) (a) (1)]
	80	[Ad-hoc basis]
	<hr/>	
	4350	
4.1.2009 to 14.6.2009....	Rs. 4270.....	Reverted to his lower post
15.6.2009 to 31.8.2009	(Rs. 4270).....	Rs. 4300[Initial fixation]
1.9.2009 -----	(Rs. 4350) F.R 26(a) & (b)	Rs. 4500[Refixation]
	80	Save clause to F.R.
	<hr/>	22(1)(a)(1)
	4430	With D.N.I. on 1 $\frac{9}{2010}$

- * (d) In case, when a Government Servant is drawing the maximum of his pay in the lower post at the time of appointment to the higher post, notionally increased of pay in the lower post will be equal to the last increment in the time scale of pay of the lower post or Rs 25(Rs 100 for Central) whichever is more.

Vide Proviso to F.R. 22(1)(a)(1)

Illustration No. 4**Proviso to F.R. 22(1)(a)(1)**

An officer drawing the maximum of time scale of Rs. 3050-75-3950-80-4590 was promoted to a higher post in the scale of pay of Rs. 4000-100-6000 with effect from 1.9.2009. Fix his pay on 1.9.2009 and also state DNI.

Answer 4

Period	<u>Lower Post</u>	<u>Higher Post</u>
	<u>Rs. 3050-75-3950-80-4590</u>	<u>Rs. 4000-100-6000</u>
1.9.2009	(Rs. 4590) max.	Rs. 4700-Proviso to F.R. 22
	80	(1)(a) (1)
	<hr/>	
	4670	With D.N.I. on 1 $\frac{9}{2010}$

F.R. 22(1) (a) (2) : Appointment from a post on a regular basis to a post not higher than the post which he was holding.

- * (a) Pay in the new post will be fixed at the same stage as in the old post and allowed next increment from the date due in the old post

F.R. 22(1)(a)(2) read with 2nd Proviso thereunder

Illustration No. 5

FR 22(1)(a)(2) read with 2nd Proviso thereunder

Question: A Government servant drawing the pay of Rs. 4900 in the scale of Rs. 3200-85-4900 with effect from 1.6.2009 on regular basis is appointed to another post in the time-scale of Rs. 4000-100-6000 on 18.9.2009, which does not involve duties and responsibilities of greater importance than those attaching to the old post .

Fix his pay in the new post on 18.9.2009 and indicate the date of his next increment in the new post.

Answer 5

<u>Period</u>	<u>Old Post</u>	<u>New Post</u>
	<u>Rs. 3200-85-4900</u>	<u>Rs. 4000-100-6000</u>
1.6.2009 to 17.9.2009....	Rs. 4900 (max.).....	.....X
18.9.2009	(Rs. 4900) max.	Rs 4900 F.R 22(1)(a)(2) With 2 nd Proviso thereunder with D.N.I. on 1.6.2010

Note :- On 18.9.2009 his pay in the new post will be fixed at the stage of Rs. 4900 which is equal to his pay in respect of the old post and he will draw his next increment in the new post on 1.6.2010 i.e., the date on which he would have received an increment in the old post.

Vide F.R. 22(1)(a)(2) read with 2nd Proviso thereunder.

- * (b) If there is no such equal stage, pay will be fixed in the new post at the stage next above the old post and allow increment in the new post after 12 (twelve) months of qualifying service in the new post.

Vide F.R. 22(1)(a)(2) read with 2nd Proviso thereunder.

Illustration No. 6 :

Question:- A Government servant drawing pay of Rs. 7700 from 1.5.2009 in the scale of Rs. 6500-200-10,500 is appointed to another post in the scale of Rs. 7500-250-12000 on 1.9.2009 . The new post does not involve duties and responsibilities greater importance than those attached to the post previously held by him. Fix his pay in the new post and indicate DNI.

Answer 6

Period	<u>Old Post</u>	<u>New Post</u>
	<u>Rs. 6500-200-10500</u>	<u>Rs. 7500-250-12000</u>
1.5.2009 to 31.8.2009	Rs. 7700.....X	.....X
1.9.2009	(Rs. 7700).....	Rs 7750 F.R 22(1)(a)(2) with D.N.I. on $1\frac{9}{2010}$ vide 2 nd Proviso thereunder

Note :- On 1.9.2009, the pay of the officer in the new post will be fixed at Rs 7750 just next stage above of the pay of the old post i.e., Rs. 7700 as there is no such equal stage and will draw his next increment in the new post on 1.9.2010, raising his pay to Rs. 8000 pm. on completion of qualifying service of 12 months.

Vide 2nd proviso to F.R. 22(1)(a)(2).

- * (C) Fixation of pay on appointment of a “Non-Functional” Selection Grade pay will also be regulated under the provisions of F.R. 22(1)(a)(2), in the manners at (a) & (b) above.

Illustration No.7

(a) An officer drawing a pay of Rs. 5600 from 1.8.2008 in the scale of Rs. 5000-150-8000 (Ordinary Grade) was appointed to a Non-Functional Selection grade post in the scale of Rs. 5500-175-9000 on 1.6.2009. Fix his pay on 1.6.2009 and also indicate DNI.

Answer (a)

Period	<u>Ordinary Grade</u>	<u>Non-Functional Selection Grade</u>
	<u>Rs. 5000-150-8000</u>	<u>Rs. 5500-175-9000</u>
1.8.2008 to 31.5.2009	.....Rs. 5600.....	.....X
1.6.2009 .....	.....( Rs. 5600).....	Rs 5675 F.R 22(1)(a)(2) with D.N.I. on $1\frac{6}{2010}$

OR

“ **Option** “ (b) In the above case, the officer opts to have his pay fixed in Selection Grade Scale from the date of next increment in Ordinary Grade under 3rd proviso to F.R. 22(1)(a)(2) .

Answer (b) :

Period	<u>Ordinary Grade</u>	<u>Selection Grade</u>
1.8.2008 to 31.5.2009	Rs. 5600.....	.....X
1.6.2009 to 31.7.2009	(Rs. 5600).....	Rs 5600 Pay of the Ordinary Grade
1.8.2009.....	(Rs. 5750) F.R 26(a) & (b)	Rs. 5850 F.R 22(1)(a)(2)with D.N.I. on $1\frac{8}{2010}$

Note:- On 1.6.2009, the pay of the officer will not be fixed in the Selection Grade post but he will continue to draw the pay i.e. Rs. 5600 of the Ordinary Grade till 31.7.2009. On 1.8.2009 he gets an increment in the Ordinary Grade and his pay in the Selection Grade Post will be fixed under F.R. 22(1)(a)(2) with reference to the increased pay.

3rd Proviso F.R. 22(1)(a)(2).

(d) In the above cases of illustration (5) & (6) the Government servants can exercise option within one month from the date appointment for fixation of his pay in the new post either straightaway from the date of his appointment to the new post or from the date of his next increment in the old post.

Vide 3rd Proviso to F.R. 22 (1)(a) (2)

Illustration No. 8

A Government servant drawing pay of Rs. 7700 from 1.5.2008 in the scale of Rs. 6500-200-10500 is appointed to another post in the scale of Rs. 7500-250-12000 on 1.3.2009. The new post does not involve duties and responsibility greater importance than those attached to the old post. He opts for fixation of his pay in the new post with effect from the date of next increment in the old post.

Answer 8

Period	<u>Old Post</u>	<u>New Post</u>
	<u>Rs. 6500-200-10500</u>	<u>Rs. 7500-250-12000</u>
1.5.2008 to 28.2.2009...	Rs. 7700.....	.....X
1.3.2009 to 30.4.2009...	(Rs. 7700).....	Rs. 7700 3 rd Proviso to F.R 22(1)(a)(2)
1.5.2009	(Rs. 7900) F.R 26 (a) & (b)	Rs 8000 F.R 22(1)(a)(2)with D.N.I. on $1\frac{5}{2010}$

- Notes -1.** On 1.3.2009, the date on which his appointment in the new, his pay will not be fixed and he will continue to draw his old pay i.e., Rs. 7700 pm. till 30.4.2009.
2. On 1.5. 2009, his pay in the old post will increase to Rs. 7900 by getting 1(one) normal increment thereafter, his pay in the new post will be fixed at Rs. 8000 which is just stage next above the pay of the old post i.e. Rs. 7900 under F.R. 22 (1)(a)(2) with D.N.I on 1.5.2010 raising his pay to Rs. 8250 pm.

N.B – (i) This option is not admissible, if the appointment is to an ex-cadre post or on ad-hoc basis or direct recruitment basis.

Vide 3rd Proviso to F.R. 22(1)(a)(2)

- (ii) In case, where the minimum of the time-scale of the new post is higher than his pay in respect of the post held by him regularly, he shall draw, the minimum as the initial pay.

Vide 1st Proviso to F.R. 22(1)(a)(2)

F.R. 22 (a) (ii) [Old]

Fixation of pay on appointment to Selection Grade Group “A” post (Central Services officers) – Non- functional scale.

The pay of a member of the service in the Junior Administrative Grade shall on promotion/appointment to the Selection Grade Group “A” post be fixed as under :

- (a) At the stage which is equal to his pay in the Junior Administrative Grade or if there is no such stage, the stage next below that pay, plus “Personal Pay” equal to the difference to be absorbed in future increases in pay;

“OR”

- (b) The minimum of the Selection Grade pay, whichever is higher;
- (c) The next increment in the Selection Grade post/scale would accrue after rendering the requisite qualifying service in that Grade.

***Vide F.R. 22 (a) (ii) [Old]
read with GIOs (28) below F.R. 22***

Illustration No. 9

An officer of Junior Administrative Grade drawing a pay of Rs. 17300 in the scale of Rs. 16400-450-20900 from 1.9.2008 was appointed to the post of Selection Grade in the scale of Rs. 14300-450-22400 on 1.4.2009. Fix his pay from time to time.

Answer 9:

<u>Period</u>	<u>Junior Administrative Grade</u>	<u>Selection Grade</u>
	Rs. 16400-450-20900	Rs. 14300-450-22400
1.9.2008 to 31.3.2009	.....Rs. 17300.....	.....X
1.4.2009 to 31.8.2009	.....(Rs17300).....	Rs. 17000 + Rs. 300 P.P F.R 22(a)(ii)
1.9.2009 .....	..... X.....	Rs 17,450 read with G.I.O. (28) below F.R.22

Note – When his appointment in the Selection Grade post, the pay of the officer in the Selection Grade post will be fixed at Rs. 17000 + Rs 300 as personal pay as there is no such equal stage and the amount will absorbed on 1.9.2009 when he earns his next increment in the new post that this date on which he earns next increment in the old post.

Illustration No.10. Fixation of pay on promotion in respect of the Junior Administrative Grade to the Selection Grade Group “A” post under G.I.Os (28) below F.R. 22.

“OR”

Question: An Junior Administrative Grade officer drawing a substantive pay of Rs. 21,400 in the scale of Rs. 18400-500-22400 from 1.2.2009 was promoted to a higher Selection Grade post in the scale of Rs. 22400-525-24500 with effect from 1.9.2009. Fix his pay on 1.9.2009 and also indicate DNI

Answer 10:

<u>Period</u>	<u>Junior Administrative Grade officer</u>	<u>Selection Grade Post</u>
	<u>Rs. 18400-500-22400</u>	<u>Rs. 22400-525-24500</u>
1.2.2009 to 31.8.2009...	Rs. 21400.....	.....X
1.9.2009.....	(Rs. 21400).....	Rs. 22400 with DNI on $1\frac{9}{2010}$ vide G.I.O (28) below F.R.22

Note :- In case of appointment on promotion from the Junior Administrative Grade to the higher post of Selection Grade Group “A” post, pay will be fixed at the stage which is equal to his pay in the Junior Grade or if there is no such stage, the stage next below that the pay plus Personal Pay equal to the difference to be absorbed in future increases in pay.

Or the minimum pay of the Selection Grade, whichever is higher.

And as such in this particular case, pay of the officer is fixed at Rs. 22400, minimum of the Selection Grade post on 1.9.2009 with DNI on 1.9.2010

Vide G.I.O (28) below F.R. 22

F.R. 22 (1) (a)(3) :Appointment/transfer from a higher post to a lower post at own request under F.R. 15 (a);

- (a) The pay in the lower post will be fixed at the same stage at which pay drawn in the higher post, if there is an equal stage in the lower post.

If there is no such equal stage, the pay in the lower post will be fixed at a stage next below the pay drawn in the higher post and the difference allowed as "Personal pay" to be absorbed in future increments.

- (b) If the maximum pay of the lower post is less than the pay drawn in the higher post , the pay will be fixed at the maximum of the lower post.

Vide F.R. 22(1)(a)(3) read with G.I Deptt. of Personnel & Training, O.M No. 16/6/2001-Estt (pay-1) dt. 14..2 2006 and 4.1.2007.

Illustration No. 11

A Government servant drawing the pay of Rs. 4400 in the scale of Rs. 4000-100-6000 from 1.4.2008 is transferred to a lower post in the scale of Rs. 3050-75-3950-80-4590 at his request under F.R. 15 (a) on 1.9.2008. Fix his pay from time to time.

Answer 11

Period	<u>(Higher Post)</u> <u>Old Post</u>	<u>(Lower Post)</u> <u>New Post</u>
	<u>Rs. 4000-100-6000</u>	<u>Rs. 3050-75-3950-80-4590</u>
1.4.2008 to 31.8.2008...	Rs. 4400.....	.....X
1.9.2008 to 31.3.2009...	(Rs4400).....	Rs. 4350 + Rs. 50 P.P F.R 22(1)(a)(3)
1.4.2009 .....	.....X.....	Rs 4430 F.R.26(a)

Notes : 1. The pay in the lower post should be fixed at the stage, if there is one, equal to his pay in respect of the higher post; or

2. If there is no such stage in the lower time-scale equal to his pay of the higher post, at the stage in the lower time scale next below his pay drawn in the higher post i.e. Rs. 4350 and the difference between the pay of the higher post i.e. 4400 and Rs. 4350 the pay now fixed in the lower scale i.e. Rs. 50 should be treated as "Personal Pay" which should be drawn along with his pay of the old post.

3. The official will continue to draw in the case of (1) above the initial pay, and (2) above the initial pay plus the personal pay, will continue until the period when he receives an increment in the higher post or earns an increment in the lower post, whichever is earlier .

That is, when the next increment in the time-scale of either the higher post or the lower post falls due the Government servant should draw the next increment in the time-scale of the lower post and forthwith sever (divide into) all his connections with the time-scale of the higher post and the personal pay drawn.

4. The personal pay is given to a Government servant only to protect him from the loss in his substantive pay in the initial stage and not at any subsequent stage in the lower time-scale in which he might draw less pay than what he would have drawn had he remained in the higher time-scale.

A.I (2) below F.R 22 [Old]

Illustration No.12

An officer drawing the maximum of the time-scale of pay of Rs 4000-100-6000 is transferred to a lower post in the scale of Rs. 3050-75-3950-80-4590 at his own request under F.R 15 (a) on 1.9.2009. Fix his pay on 1.9.2009.

Answer 12

Period	<u>(Higher Post)</u>	<u>(Lower Post)</u>
	Old Post	New Post
	<u>Rs. 4000-100-6000</u>	<u>Rs. 3050-75-3950-80 – 4590</u>
1-9-2009.....	(Rs. 6000) max.....	Rs. 4590 (max) F.R. 22 (1) (a) (3).

Note :- If the maximum pay of the lower post is less than the pay drawn in the higher post, the pay will be fixed at the maximum pay of the lower post.

F.R. 22(1)(a)(3) read with O.M dated 14.2.06 and 4.1.07

F.R. 22 (1) (b): ***On direct appointment to a post :-***

The pay will be fixed at the minimum of the time-scale of pay of the post to which the appointment has been made.

FR.22(I)(b)

Illustration No.13

Shri "A" was appointed to a post in the scale of pay of Rs. 6500-200-10500 on 10.9.2009. Fix his pay on 10.9.2009 and indicate DNI

Answer 13

Period	<u>Rs. 6500-200-10500</u>
10-9-2009.....	Rs. 6500 F.R 22(1)(b)
	With DNI on 10-9-2010 however allowed on 1.9.2010 under G.I.O (II) Below F.R. 26

Note :- The pay of Shri "A" on his appointment in the post carrying in the scale of pay of Rs. 6500-200-10500 as on 10-9-2009, will be fixed at Rs. 6500, the minimum of the time scale with increment falling due on 10-9-2010 however increment will antedate on the first of the month in which it falls due and as such, in this particular case, increment is allowed on 1-9-2010, raising his pay to Rs. 6700 pm under F.R. 26(a) read with G.I.O (II) thereunder.

F.R. 22 (II): (a) This Rule deals with grant of "Proforma" officiating Promotion under "Next Below Rule" to a Government servant who is working on deputation under the Government outside his regular line of service or on Foreign service.

(b) The intention of this Rule is to protect the interest of a Government servant who is working on deputation under the Government outside his regular line of service or on Foreign service. Simply because he had gone out of his regular line, he should not lose any officiating promotion which he would have otherwise received had he been in the regular line. Under the principle an officer outside his regular line and who is fit for promotion in his regular line can be given "Proforma Officiating" promotion to a higher grade without any change in duties.

(c) The benefit should be given to only one officer against one vacancy. For example, if a series of officers are outside the ordinary line then the promotion of a Junior to them in the regular line will entitle only the seniormost of the series of officers to the benefit under "Next Below Rule".

(d) The grant of benefit under "Next Below Rule" to an officer outside the regular line either on deputation under the Government or on Foreign service will entitle him to the following :-

- (i) To draw the higher rate of pay to which he will be entitled in the regular line, while holding the post outside his regular line.
- (ii) To count the period of his service from the date of Proforma promotion for increment in the post in which he would have officiated had he been in the regular line.

(e) For giving the benefit, a declaration under F.R 22 (11) to the effect that the post held by the Government servant is outside the ordinary line will be necessary.

Illustration No. 14

Question (i) 1,2,3,4,5 and 6 in that order of seniority in the grade of Assistant Accounts officers of Agriculture Department of Manipur, are all on deputation to

other Departments under the Government outside their regular line of service with effect from 1.9.2008.

- (ii) Consequent on Mr. "N" an Accounts officer of the Agriculture Department retired on attaining the age of superannuation on 31.11.2008.
- (iii) Mr. "P" another Assistant Accounts officer, who is junior to all the 6 (six), Assistant Accounts officers viz, Mr. 1,2,3,4,5 and 6 as referred to (1) above, who are on deputation, is promoted as officiating Accounts officer with effect from 1.12.2008.
- (iv) From the period from 1.12.2008 onwards Mr "1" the seniormost Assistant Accounts officer will get the benefit of "Next Below Rule" due to the promotion of Mr "P" the juniormost as Accounts officer in his parent cadre.

* Though the above 6 (six) Assistants Accounts officers viz; 1,2,3,4,5 and 6 are senior to "P"

Mr "1" alone with get the benefit.

- (v) However, regulation of pay will be under the provisions of F.R. 22(1)(a)(1)

F.R. 22 (III): (a) Deals with that appointment or promotion of a Government servant to a post in the same or Identical time-scale of pay [with reference to the scale of pay of the post held by him at the time of appointment or promotion] should not be deemed to involve the assumption of duties and responsibilities of greater importance for the purpose of initial fixation of pay.

(b) In such cases, fixation of pay will be done under the provision of F.R. 22 (1)(a)(2).

Illustration No. 15

Question: An officer drawing a pay of Rs. 10750 in the scale of pay of Rs 8000-275-13500 from 1.4.2008 was promoted to a post in the scale of Rs. 8000-275-13500 with effect from 1.2.2009. Fix his pay on the date of promotion on 1.2.2009 and also indicate DNI.

Answer 15

Period	<u>Old Post</u>	<u>New Post</u>
	Rs. 8000-275-13500	Rs.8000-275-13500
1-4-2008 to 31.1.2009...	Rs. 10750.....	.....X
1-2-2009	(Rs 10750).....	Rs. 10750 F.R 22(1)(a)(2) with DNI on 1-4-2009

Notes: (1) On his appointment to the new post on 1.2.2009 his pay in the new post will be fixed at Rs. 10750, which is equal to the pay of the old post held by

him regularly with DNI on 1.4.2009 raising his pay to Rs. 11025 vide 2nd Proviso to F.R. 22 (1)(a)(2).

- (2) Though the case is on promotion to the post on the same time scale of pay it should not be deemed to involve the assumption of duties and responsibilities of greater importance for the purpose of initial fixation of pay.

Hence, the provision of F.R. 22(1)(a)(2) is applied in this particular case.

Vide F.R 22(III)

F.R. 22 (IV):- Stipulates that when a Government servant, while holding an ex-cadre post, is promoted or appointed regularly to a post in his cadre, his pay in the new cadre post should be fixed with reference to his "Presumptive Pay" in the old cadre post which he would held but for his holding the ex-cadre post.

Illustration No. 16

A Group "A" officer drawing officiating pay of Rs. 16700 from 1.2.2007 in the scale of pay of Rs. 14300-400-18300 was sent on Deputation to an ex-cadre post in the Government of Manipur in the grade of Rs. 16400-450-20000 from 1.8.2007. He elected to draw pay in the scale of pay applicable to the deputation post and remained on deputation. While on deputation he was promoted to the cadre post in the scale of Rs.16400-450-20900 on 1.9.2009.

Regulate his pay during the period of deputation and to the Department and also work out the date of next increment in the grade pay.

Answer 16:

Period	<u>Officiating Cadre Post</u> Rs. 14300-400-18300	<u>Ex-Cadre Post</u> Rs. 16400-450-20000	<u>Officiating Cadre Higher Post</u> Rs. 16400-450-20900
1-2-2007 to 31-7-2007.	Rs. 16700.....	....X.....	.....X
1-8-2007 to 31-1-2008.	(Rs 16700).....	Rs. 17300..... F.R. 22(1)(a)(1)	.....X
1-2-2008 to 31-7-2008	(Rs. 17100)..... F.R. 26 (a) & (b)	Rs.17300.....	.....X
1-8-2008 to 31-1-2009	(Rs. 17100).....	Rs.17750 F.R 26 (a)	
1-2-2009 to 31-7-2009	(Rs.17500)..... F.R. 26 (b)	Rs 17750.....	.....X
1-8-2009 to 31-8-2009	(Rs. 17500).....	Rs. 18200..... F.R. 26 (a)	.....X
1-9-2009.....	(Rs 17500).....	....X.....	Rs 18200 F.R. 22(1)(a)(1) with DNI on 1.9.2010

Notes : (1) The pay on his appointment in the ex-cadre post on 1.8.2007, will be fixed at the stage of Rs. 17300 under F.R 22(1)(a)(1) with reference to his pay in the cadre post.

(2) While holding on ex-cadre post, his appointment on promotion to his cadre post on 1.9.2009, his pay is fixed with reference to his presumptive pay in the cadre post which he would have held but for his holding ex-cadre post outside the ordinary line.

Vide F.R. 22 (IV)

(3) The stage at Rs. 18200 in which he drew from 1.8.2009 to 31.8.2009 in the ex-cadre post will not count increment in the cadre post on his appointment on 1.9.2009.

Proviso (I)(i) below F.R. 22 “Same Post” : : Previously held substantively or officiated in the same post. Other than, the cases of re-employment after resignation or removal or dismissal from the Public service :

When a Government servant is appointed to the same post, which he had held previously in a substantive or officiating basis, his initial pay fixed in that post under F.R. 22(1) should not be less than the pay he drew on the last occasion and shall count the period during which he drew that pay on such last and any previous occasions for increment in the stage of the time-scale equivalent to that pay.

Vide Proviso to F.R. 22 (1)

Illustration No.17

Question :

A Government servant drawing the substantive pay of Rs 3200 with DNI on 1.10.2008 in the scale of Rs. 3000-100-3500-125-4500 was appointed to officiate in a higher post in the scale of Rs. 3700-125-4700-150-5000 from 1.3.2008. He was reverted in the afternoon of 30.4.2009. On 1.10.2009, he was again promoted to the same higher post.

Fix his pay on both occasions and state when he will get his next increment in the higher post.

Answer 17

Period	<u>Substantive lower Post</u>	<u>Officiating Higher Post</u>
	Rs. 3000-100-3500-125-4500	Rs. 3700-125-4700-150-5000
1-3-2008 to 30-9-2008	(Rs. 3200).....	Rs 3700 F.R 22(1) (a)(1)
1-10-2008 to 28-2-2009	(Rs. 3300)..... F.R. 26 (a) &(b)	Rs.3700
1-3-2009 to 30-4-2009 (AN)	(Rs. 3300).....	Rs.3825 F.R 26(a)
1-5-2009 to 30-9-2009	Rs.3300.....	Reverted
1-10-2009 ----	(Rs.3400)..... F.R. 26 (a) & (b)	Rs 3825 with DNI on 1.8.2010 vide Proviso (I)(i) below F.R.22

Notes :- (1) The basic principle of this proviso is that a Government servant appointed to a post on a second and subsequent occasions should not draw less pay than what he drew in that post on the previous occasion.

(2) And as such, when he is reappointed to the same higher post on 1.10.2009, his pay is fixed at the stage of Rs. 3825. Hence, his pay at that stage drawn in the same post on the previous occasion from 1.3.2009 to 30.4.2009 is protected.

Therefore, his date of next increment will be on 1.8.2010.

Vide Proviso (I)(i) below F.R. 22 (I).

Illustration No. 18

Question

A lower Division Clerk drawing the pay of Rs. 3725 in the scale of Rs. 3050-75-3950-80-4590 from 1.1.2007 was appointed to officiate as U.D.C in the scale of Rs. 4000-100-6000 with effect from 1.4.2007. He proceeded on Extra-Ordinary Leave without Medical Certificate for 31 days from 1.3.2008 and in continuation Earned Leave for 30 days and Half-Pay Leave for 214 days. He stood reverted to his substantive post of L.D.C from 1.12..2008. He was again promoted to the post of U.D.C in the same scale of Rs. 4000-100-6000 on 1.3.2009.

It was certified by the competent authority that he would have continued to officiate as U.D.C upto 30.9.2008 but for proceeding on Leave.

Regulate his pay from time to time and indicate his DNI in the post of U.D.C

Answer:

Period	<u>Substantive L.D.C</u>	<u>Officiating U.D.C</u>
	Rs. 3050-75-3950-80-4590	Rs. 4000-100-6000
1-1-2007 to 31-3-2007	.....Rs. 3725.....	.....X
1-4-2007 to 31-12-2007	.....(Rs. 3725).....	.....Rs. 4000 FR 22(1)(a)(1)
1-1-2008 to 29-2-2008	...(Rs. 3800) FR 26(a) & (b)	.....Rs 4000
1-3-2008 to 31-3-2008	Extra-Ordinary Leave for 31 days without Medical Certificate Increment deferred	
1-4-2008 to 30-4-2008	Earned Leave for 30 days, Increment not postponed	
1-5-2008 to 30-11-2008	Half Pay Leave for 214 days, Increment not postponed	
1-12-2008 to 31-1-2009	Rs 3800	Reversion
1-2-2009 to 28-2-2009	Rs 3875 F.R. 26(a) & (b) (i)	X
1-3-2009.....	.....(Rs. 3875).....	Rs. 4100. F.R. 22(I) Proviso thereunder with DNI on 1-10-2009.

- Notes :-** (1) The period of Extraordinary Leave for the period from 1.3.2008 to 31.3.2008 will not count increment for both lower and higher posts. And as such increment due on 1.1.2009 in the lower post will deffer to 1.2.2009 and in the higher post due on 1.4.2008 is also deffer to 1.5.2008 but enhanced pay to Rs. 4100 on 1.5.2008 in the higher post will not be drawn in as much as he was on leave.
- (2) In accordance with the orders contained in G.I.O (13) below F.R. 22 in cases of this type, the pay may be fixed at the same stage (though not drawn as on leave) 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.

Accordingly, the pay of the officer on his subsequent appointment to the post of UDC on 1.3.2009, will be fixed at the stage of Rs. 4100 under the proviso to F.R. 22(I), though the pay of Rs. 4100 was not actually drawn as he was on Leave, and the period from 1.5.2008 to 30.9.2008 i.e. 5 (five) months for which it was certified that he would have continued to officiate but on leave, will count for increment.

Therefore, his date of next increment at the stage of Rs 4100 is arrived at as under :

Determination of Increment in the higher post:-

As per AI below F.R. 9 (18)

- (i) Period counting increment under proviso to F.R 22(I) :
1-5-2008 to 30-9-2008
- (ii) Period counting increment under F.R 26(a) :
1-3-2009 to 30-9-2009

	Year	Month	Day
(i)	X	5	X
(ii)	X	7	X
Total	1	X	X

Hence, he will draw increment on 1-10-2009 raising his pay to Rs 4200 pm

Proviso (I) (ii) :-
below F.R. 22
“Same Time Scale”

Previously held substantively or officiated in a permanent or temporary post on the same time-scale:-

When a Government servant is appointed to a permanent or temporary post on the same time- scale which he had held previously on a substantive or officiating basis, his initial pay fixed in that post under F.R. 22(I) should not be less than the pay which he drew on the last occasion and he shall count the period during which he drew that pay on such last and any previous occasions for increment in the stage of the time-scale equivalent to that pay.

Illustration No. 19

Question : A Government servant drawing the substantive pay of Rs. 8300 from 1.4.2007 in the scale of Rs. 6500-200-10500, officiated in a permanent post on a time scale of Rs 10000-325-15200 from 1.6.2007 to 29.2.2008 and in a temporary post on the same time scale Rs. 10000-325-15200 from 1.2.2009 to 31.8.2009. He was promoted to the permanent post from 1.12.2009. Regulate his pay from time to time and indicate his date of next increment in the permanent post to which he was promoted on 1.12.2009.

Answer :

<u>Period</u>	<u>Substantive lower Post</u>	<u>Permanent Post</u>	<u>Temporary Post</u>
	<u>Rs. 6500-200-10500</u>	<u>Rs. 10000-325-15200</u>	<u>Rs 10000-325-15200</u>
1-4-2007 to 31-5-2007....	Rs. 8300.....	.....X.....	.....X
1-6-2007 to 29-2-2008....	(Rs. 8300).....	Rs 10000 FR 22(I)(a)(I)	.....X
1-3-2008 to 31-3-2008....	Rs. 8300.....	Reverted to substantive Post	.....X
1-4-2008 to 31-1-2009....	Rs. 8500 FR 26(a) & (b)	.....X.....	.....X
1-2-2009 to 31-3-2009....	(Rs. 8500).....	.....X.....	Rs. 10000 FR 22(I)(a)(I)
1-4-2009 to 30-4-2009....	(Rs 8700) FR 26(a) &(b)	.....X.....	Rs 10000
1-5-2009 to 31-8-2009....	(Rs 8700).....	.....X.....	Rs. 10325 FR 26(a) & Proviso to FR 22.
1-9-2009 to 30-11-2009...	Rs 8700.....	.....X.....	Reverted to substantive post
1-12-2009.....	(Rs 8700).....	Rs. 10325 FR 22(I)(a)(I) read with Proviso to FR 22(I) with DNI 1.8.2010	.....X

Notes : (1):- On 1.6.2007, when he was promoted to officiate in the permanent post his pay is fixed at Rs 10000 under FR 22(I)(a)(I). He will continue to draw the pay of Rs 10000 from 1-6-2007 to 29-2-2008 i.e. for 9 months and this period will count for increment, while he was appointed to the temporary post in the same time scale on 1.2.2009 and as such he will draw his next increment in the Temporary post on 1.5.2009 raising his pay to Rs. 10325. [Say, 9 months from 1.6.2007 to 29.2.2008 plus again from 1.2.2009 to 30-4-2009=3 months=12(twelve) months] under the proviso to (I)(ii) to FR 22(I).

(2) Again on his appointment to the permanent post carrying the same time-scale on 1.12.2009 his pay is fixed at Rs 10325, which he drew in the previous occasion from 1.5.2009 to 31.8.2009 in the temporary post in the same time-scale and also this period will count increment in the permanent post under proviso to (I)(ii) to FR 22(I) and therefore, his next increment is arrived at 1.8.2010 that period from 1.5.2009 to 31.8.2009 = 4 months plus 8 months from 1.12.2009 to 31.7.2010 altogether 12 months.

Proviso (I)(iii) below FR 22

Identical Time-Scale : Previously held substantively or officiated in a permanent post or a temporary post (including a post in a body incorporated or not which is wholly or substantially owned or controlled by the Government) on an Identical time-scale.

This proviso extends the benefit of counting the previous service rendered on a post in an Identical Time-Scale under the Government as well as the previous service rendered on a post in an Identical time-scale under a Body, incorporated or not which is wholly or substantially owned or controlled by the Government.

Illustration No. 20

- (i) A, B, C and D are all Junior Accounts Officers drawing pay of Rs. 6550 in the scale of Rs. 5500-175-9000.
- (ii) A and B are the seniormost and "D" is the juniormost .
- (iii) A and B were promoted as Accounts officers in the scale of Rs 7450-225-11500 on 1.2.2007.
- (iv) On 1.5.2007 "C" was deputed to an ex-cadre post in the scale of Rs. 7450-225-11500.
- (v) On 1.7.2008 "D" is promoted as Accounts officer in the parent department in the scale of Rs 7450 -225-11500.
- (vi) On 1.4.2009 "C" reverts to his parent department and joins as Accounts officer in the scale of Rs 7450-225-11500

Fix the initial pay of "C" in the post of Accounts officer on 1.4.2009 in his parent department and also indicate the date of his next increment.

Answer : * (1) On 1.4.2009, the pay of "C" in his parent department as Accounts officer in the scale of Rs. 7450-225-11500, will be fixed at Rs. 7450 with the date of next increment on 1.7.2009.

(2) Even though he held the ex-cadre post, on an Identical time-scale i.e Rs. 7450-225-11500 from 1.5.2007 that service will count for increment only from 1.7.2008, the date on which his junior "D" was promoted in the parent department as Accounts officer in the scale of Rs. 7450-225-11500 while he was on deputation and as such he will draw his next increment on 1. 7. 2009 only.

Vide proviso (I) (iii) below F.R.22

Proviso (2)below F.R. 22(1):- Previously held on regular basis a Tenure post on an Identical time scale:

Tenure - on an
Identical time-
Scale

When a Government servant is appointed to a Tenure Post on a time-scale Identical with that of another Tenure post which he has previously held on regular basis, his initial pay shall not be less than the pay which he drew on the last occasion and he shall count the period during which he drew that pay on a regular basis on such last and any previous occasions for increment in the stage of the time-scale equivalent to that pay.

Illustration No. 21

An officer drawing a substantive pay of Rs.10,650 in the scale of Rs. 10,000-325-15,200 from 1.2.2008, is appointed to officiate in a Tenure post in the scale of Rs.12,000-375-16,500 from 1.4.2008. On 1.6.2009, he reverts to his substantive post. On 1.11.2009, he is appointed to another tenure post in the scale of Rs.12,000-375-16,500.

Fix his pay from time to time and also indicate the date of his next increment in the new Tenure post.

Answer

Period	<u>Substantive post</u> Rs.10,000-325-15,200	<u>(i) Tenure post</u> Rs.12,000-375-16,500	<u>(ii) Tenure post</u> Rs.12,000-375-16500
1-2-2008 to 31-3-2008	Rs.10,650.....	X	X
1-4-2008 to 31-1-2009	(Rs.10,650)	Rs.12,000.....	X
		F.R.22.(1)(a)(1)	
1-2-2009.to 31-3 2009.....	(Rs.10,975).....	Rs.12,000.....	X
	F.R.26(a)&(b)		
1-4-2009 to 31-5-2009	(Rs.10,975).....	Rs.12, 375.....	X
		F.R.26 (a)	
1-6-2009 to 31-10-2009	Rs.10,975.....	Reverted	X
1-11-2009.....	(Rs.10,975).....	X	Rs.12,375
			F.R.22.(1) & proviso(2)
			there under with DNI. On 1-9-2010

Note:- On 1.11.2009, his pay in the new Tenure post in fixed at Rs.12,375 under F.R.22(1) (a) (1) read with proviso (2) to F.R.22(1). And the period from 1-4-2009 to 31-5-2009, i.e. 2 (two) months during which he drew the pay of Rs.12,375 in the previous Tenure Post will count for increment at that stage in the new Tenure Post. Hence he will draw his next increment on 1-9-2010

Vide proviso (2) below F.R.22(1)

F.R..29:-

A:- On reduction to a lower stage in a time-scale :-

Under GIO(2) below FR 29

The authority ordering reduction of pay of a Government servant to a lower stage in his time- scale as a measure of penalty {major penalty under CCS (CCA) Rule ,1965} shall state:-

- the stage to which the pay has been reduced
- the period for which the reduction will be effective
- whether the period of reduction will have the effect of postponing his future increments or not, and
- Whether the employee will earn increments during the period of reduction. The period of reduction cannot be indefinite. If the order of reduction lays

down that the period of reduction will not operate to postpone future increments, on restoration the employee will be entitled to the pay he would have drawn but for the order of reduction. If, on the other hand, the order of reduction lays down that the reduction should operate to postpone future increments for a specified period, then the pay will be fixed after treating the period for which the increment is to be postponed as not counting for increment.

[vide G.I.O.(2) below F.R.29]

Illustration No. 22 (a) An officer drawing a pay of Rs. 7100 in the scale of Rs. 6500-200-10,500 with effect from 1-8-2006 was reduced to the stage of Rs. 6700 with effect 1-10-2006, for a period of 2(two) years. It was ordered that the reduction would not have the effect of postponing his future increments. Regulate his pay from 1-8-2006 to 1-8-2009.

Answer 22(a)

Period	Normal pay	Reduced Pay
	<u>Rs. 6500-200-10500</u>	<u>Rs. 6500-200-10500</u>
1-8-2006 to 30-9-2006	Rs. 7100.....	X
1-10-2006 to 31-7-2007	(Rs 7100).....	Rs. 6700
1-8-2007 to 31-7-2008	(Rs. 7300).....	Rs. 6700
1-8-2008 to 30-9-2008	(Rs. 7500).....	Rs. 6700
1-10-2008 to 31-7-2009	Rs. 7500.....	Penalty over/ceases
1-8-2009.....	Rs. 7700	

Vide G.I.O (2) below FR 29

Notes: The period of reduction to the stage of Rs. 6700 for a period of 2 (years) from 1.10.2006 to 30.9.2008, will not operate to postpone his future increments. Hence, he will draw all the increments on 1.10.2008, when, the period of penalty is over. However, during the currency of the punishment, his pay will remain constant at Rs. 6700.

(b) In the above case, the reduction should operate to postpone future increments for a specified period of 2(two) years.

Answer (b)

Period	Rs 6500-200-10500	
1-8-2006 to 30-9-2006	Rs. 7100.....	X
1-10-2006 to 31-7-2007	Rs. 6700.....	[Pay reduced for a period of 2 (two) years]
1-8-2007 to 31-7-2008	Rs. 6700	
1-8-2008 to 30-9-2008	Rs. 6700	
1-10-2008 to 31-7-2009	Rs. 7100.....	Penalty period over
1-8-2009	Rs. 7300	

Note :- If, however, it was ordered that the period of reduction would operate to postpone his future increment, then his pay while penalty period is over would be Rs. 7100 with next increment on 1.8.2009 raising his pay to Rs. 7300 pm

Vide G.I.O (2) below FR 29

B. On reduction to a lower service, lower grade, or post or lower time-scale under G.I.O (3) below F.R 29

The reduction to a lower grade or post or lower time-scale as a Major Penalty under C.C.S (CCA) Rules, 1965 could be for a specified or unspecified or indefinite period.

If the reduction is to be imposed for a specified period, then the order of penalty should clearly state the period in terms of years and months and also the extent, if any, in terms of years and months to which it will operate to postpone future increments. The authority ordering reduction should also specify the stage in the time-scale of the lower post at which the pay should be fixed. If this is not specified in the order, the pay in the lower post will be fixed under FR 22(1)(a)(2).

On expiry of the punishment period, his pay in the scale of pay of the post from which he is reduced will automatically be fixed as stated in the case of reduction to a lower stage in a time-scale.

If the period of reduction is not specified, there will be no automatic restoration to the old post. In such cases the Government servant when re-appointment to the higher post will have his pay fixed under FR 22 (I) (a) (I).

Vide FR 29 read with G.I.O (3) thereunder.

Illustration No. 23

(a) A permanent Group "B" officer drawing a pay of Rs 7500 in the scale of Rs. 6500-200-10500 from 1.2.2006 is reduced to a lower post from 1.3.2006 in the scale of Rs. 5000-150-8000 as a measure of penalty. It was ordered that the reduction would not have the effect the postponing his future increments on restoration. The period of penalty is for 2 (two) years and he would be restored as Group "B" officer on expiry of the penalty period. Fix his pay on 1.2.2009 and also state DNI in the higher grade.

Answer(a)

Period	<u>Group "B" Post</u>	<u>Group "C" Post</u>
	<u>Rs 6500-200-10500</u> [Normal Pay]	<u>Rs 5000-150-8000</u> [Reduced Pay]
1-2-2006 to 28-2-2006	Rs. 7500.....	.....X
1-3-2006 to 31-1-2007	(Rs 7500).....	Rs 7550 FR 22 (I)(a)(2)
1-2-2007 to 28-2-2007	(Rs 7700).....	Rs 7550
1-3-2007 to 31-1-2008	(Rs 7700).....	Rs 7700 FR 26 (a)
1-2-2008 to 29-2-2008	(Rs 7900).....	Rs 7700
1-3-2008 to 31-1-2009	Rs 7900 [Restored].....	Penalty over
1-2-2009	Rs 8100 FR 26(a) with DNI on 1-2-2010	.....X

- (b) If the period of reduction to the lower post is to postpone future increment his pay will be regulated as follows :

Answer (b)

Period	<u>Group "B" Post</u>	<u>Group "C" Post</u>
	<u>Rs 6500-200-10500</u>	<u>Rs 5000-150-8000</u>
1-2-2006 to 28-2-2006	Rs. 7500.....	.....X
1-3-2006 to 31-1-2007	(Rs 7500).....	Rs 7550 FR 22 (I)(a)(2)
1-2-2007 to 28-2-2007	(Rs 7500) Increment postponed	Rs 7550
1-3-2007 to 31-1-2008	(Rs 7500).....	Rs 7700 FR 26 (a)
1-2-2008 to 29-2-2008	(Rs 7500) Increment postponed	Rs 7700
1-3-2008 to 31-1-2009	Rs 7500	Penalty over
1-2-2009.....	Rs 7700.....	.....X

Notes : (1) If the period of penalty is not specified period for restoration to the higher post, it is not automatic and re-appointed to the higher post, fixation will be done under FR 22(I)(a)(I)

(2) If the period of penalty is to postpone future increments he will draw only Rs. 7500 on 1.3.2008 with DNI on 1.2.2009 on the usual date, raising his pay to Rs. 7700 pm.

FR 24 : Withholding of Increments

An increment shall be drawn as a matter of course, unless it is withheld as a statutory punishment for misconduct or bad work. Increments can be withheld in two ways, i.e. (i) with or (ii) without cumulative effect.

In other words, the postponement of the Increment may have the effect of deferring all future increments and thus be a recurring loss to the Government servant or it may be temporary for the particular period and the normal subsequent increments will be drawn on the due dates. While ordering withholding of increment, the authority shall state the period for which it is withheld and whether the withholding will postpone future increments.

The withholding of increment in those cases for failure to pass the test is not a penalty. Thus the drawal of increment under FR 24 as a matter of course will in the case of those services come into play only after the Government servant has passed the tests which is a condition for drawal of their increments.

Withholding of increment under FR 24 can be made only in respect of an increment falling due after the date of issue of orders in this regard.

Even if a Government servant's increment falling due on a date say 1.10.2008, has not been cashed the same cannot be withheld by an order passed after 1.10.2008, say, 1.11.2008. The order passed in November, 2008 will have effect with reference to the increment due on 1.10.2009.

If a Government servant is substantive in post "A" and officiating in post "B" his increment in both the posts can be withheld under the CCS (CCA) Rules, 1965, for one and the same offence.

Illustration No. 24

- (a) A Government servant drawing a pay Rs. 3965 in the scale of Rs. 3200-85-4900 from 1.3.2005. The disciplinary authority ordered on 1.6.2005, that one increment be withheld for a period of three years and that this will not have the effect of postponing his future increments. Regulate his pay from time to time.

Answer 24

	Period	<u>Rs 3200-85-4900</u>
	1-3-2005 to 28-2-2006.....	Rs 3965
(1)	1-3-2006 to 28-2-2007.....	Rs 3965 [one Increment withheld]
(2)	1-3-2007 to 29-2-2008.....	Rs 4050
(3)	1-3-2008 to 28-2-2009.....	Rs 4135
	1-3-2009	Rs 4305

(b) If the period of penalty will effect of postponing his future increments, the pay of the officer on expiry of the penalty period will be Rs. 4220 instead of Rs. 4305 as on 1.3.2009.

(c) If the above case is withholding of next Increment.

Illustration No. 25

(a) A Government servant drawing a pay of Rs 3965 in the scale of Rs.3200-85-4900 from 1.3.2005. The disciplinary authority ordered on 1.6.2005, that his next increment be withheld for a period of three years without cumulative effect.

Regulate his pay from time to time

Answer (25)(a)

	Period	<u>Rs 3200-85-4900</u>
	1-3-2005 to 28-2-2006.....	.....Rs 3965
(1)	1-3-2006 to 28-2-2007.....	Rs 3965 [Increment withheld]
(2)	1-3-2007 to 29-2-2008.....	.....Rs 3965
(3)	1-3-2008 to 28-2-2009.....	.....Rs 3965
	1-3-2009	Rs 4305 (Penalty over)

(b) If the above (a) is with cumulative effect.

Answer (b)

Then on expiry of the penalty period on 1.3.2009 the officer will draw a pay of Rs. 4050 only.

Notes :-

“Without cumulative effect” (1) If the punishment has no cumulative effect then immediately on expiry of the period of penalty, the Government servant will draw the pay which he would have drawn had his increment not been withheld.

“With cumulative effect” (2) If, on the other hand, the punishment has cumulative effect, then on the expiry of the period of penalty, the Government servant will not be allowed the increments which he would have drawn but for the penalty. He will be allowed only the increment next to the pay drawn by him. This will mean a recurring loss to him. The difference between cumulative and non-cumulative lies only in the regulation of pay on the expiry of punishment period.

G.I.O (2) below FR 29

Reduction of pay to a lower stage in a time-scale :-

Illustration No. 25.

(a) A Government servant drawing a substantive pay of Rs. 8125 in the scale of pay of Rs. 5500-175-9000 from 1.7.2006 was reduced a measure of penalty under CCS (CCA) Rules, 1965 to the stage of Rs. 6375 with effect from 1.9.2006 for a period of 2(two) years. It was ordered that the reduction would not have effect of postponing his future increments and he will earn increments of pay during the period of reduction.

Regulate his pay from 1.7.2006 to 1.7.2009

Answer 25 (a)

Period	<u>Normal Pay</u> <u>Rs 5500-175-9000</u>	<u>Reduced Pay</u>
1-7-2006 to 31-8-2006	Rs. 8125.....	.....X
1-9-2006 to 30-6-2007	(Rs. 8125).....	Rs 6375 Pay reduced
1-7-2007 to 31-8-2007	(Rs 8300)	Rs 6375
1-9-2007 to 30-6-2008	(Rs 8300).....	Rs 6375
1-7-2008 to 31-8-2008	(Rs 8475)	Rs 6375
1-9-2008 to 30-6-2009	Rs 8475	Penalty period over
1-7-2009	Rs 8650.....	.....X

Note : 1. The period of penalty for reduction of his pay at the stage of Rs. 6375 for a period of 2(two) years is effective form 1.9.2006 and ends on 31.8.2008 and as such the penalty period ceased on 1.9.2008.

2. Therefore, he will get his pay at the stage of Rs. 8475 when the reduction period is over.

(b) If the reduction of pay to the lower stage of the time scale in the above case at (a), the order of reduction lays down that the reduction should operate to postpone future increments (for not counting increment) the pay will be regulated as under :

Answer (b)

	Period	<u>Rs 5500-175-9000</u>
	1-7-2006 to 31-8-2006.....	Rs. 8125
	1-9-2006 to 30-6-2007.....	Rs. 6375 [Pay reduced] for a period of 2 (two) years
(1)	1-7-2007 to 30-6-2008.....	Rs. 6375 - do-
(2)	1-7-2008 to 30-6-2009.....	Rs 6375 -do-
	1-7-2009.....	Rs 8300

Note :- It is a nature of postponing of future increments with cumulative effect and as such postponing of future increments for a period of 2 (two years) operative from 1.7.2007 to 30.6.2009. Hence, the penalty period is over on 1.7.2009, he will get only 1(one) increment. This is recurring loss to him.

Vide G.I.O (2) below FR 29

Illustration No.26

Question

- (a) A Government servant drawing pay at Rs. 7950 from 1.10.2006 in the scale of Rs. 5500-175-9000 was awarded a penalty under CCS(CCA) Rules, 1965 for reduction of his pay to a stage of Rs. 7425 with effect from 1.4.2007 for a period of 2 (two) years. The reduction was not postpone the future increment.
- (b) However, on appeal, the appellate authority modified the orders as one of withholding of next increment for a period of 2 (two) years with cumulative effect.

Fix the pay of the officer from time to time and show whether original order of penalty or the modified order of penalty would have been beneficial to the officer.

Answer (a) Original order of Punishment

Period	<u>Rs 5500-175-9000</u>
1-10-2006 to 31-3-2007	.....Rs. 7950
1-4-2007 to 30-9-2007	.....Rs. 7425 [Pay reduced] for 2 (two) years
1-10-2007 to 31-3-2008	.....Rs. 7425
1-4-2008 to 30-9-2008	.....Rs 7425
1-10-2008 to 31-3-2009	.....Rs. 7425
1-4-2009 to 30.9.2009	..... Rs 8300 - Penalty period over
1.10.2009	.....Rs. 8475

Note :- On expiry of penalty period for 2(two) years effective from 1.4.2007 to 31.3.2009, his pay should arrived at Rs. 8300 on 1.4.2009 to which he would have reached but for the punishment and as such the period of reduction will not postpone future increments.

Vide GIO(2)below FR 29

Answer (b) Modified order of penalty

Period	<u>Rs 5500-175-9000</u>
1-10-2006 to 30-9-2007.....	Rs. 7950
(1) 1-10-2007 to 30-9-2008.....	Rs. 7950 – Increment withheld for 2(two) years
(2) 1-10-2008 to 30-9-2009.....	Rs. 7950 - -do-
1-10-2009	Rs 8125 - Punishment over

Therefore, the original order of penalty would be beneficial to him.

Illustration No. 27

The pay of a Government drawing basic pay of Rs. 8475 in the scale of Rs. 5500-175-9000 from 1.7.2006 was reduced as a measure of penalty to the stage of Rs. 5850 with effect from 1.9.2006 for a period of 2 (two) years. It was ordered that the reduction would not have the effect of postponing his future increments.

Fix his pay from 1.7.2006 to 1.7.2009.

Answer 27

	Period	Rs 5500-175-9000
	1-7-2006 to 31-8-2006.....	Rs. 8475
(1)	1-9-2006 to 30-6-2007.....	Rs. 5850 – [Pay reduced]
	1-7-2007 to 31-8-2007.....	Rs. 5850
(2)	1-9-2007 to 30-6-2008.....	Rs 5850
	1-7-2008 to 31-8-2008.....	Rs 5850
	1-9-2008 to 30-6-2009.....	Rs 8825 [Penalty over]
	1-7-2009.....	Rs 9000 (max)

Note :- The period of reduction to the stage of Rs 5850 from 1.9.2006 to 31.8.2008 will not operate to postpone his future increments. Hence, he will draw all the increments on 1.9.2008 when the period of penalty is over. However during the currency of punishment from 1.9.2006 to 31.8.2008 his pay will remain constant at Rs. 5850 pm.

Illustration No. 28

Question A Government servant drawing pay of Rs. 7000 pm. in the scale of Rs. 5500-150-8000 from 1.12.2006 was punished with stoppage of next increment for 2 (two) years without cumulative effect. The order imposing the punishment was dated 1.3.2007.

Regulate his pay from 1.12.2006 to 1.12.2009.

Answer 28

	Period	Rs 5500-150-8000
	1-12-2006 to 30-11-2007.....	Rs. 7000
(1)	1-12-2007 to 30-11-2008.....	Rs. 7000 – [Increment withheld]
(2)	1-12-2008 to 30-11-2009.....	Rs. 7000
	1-12-2009.....	Rs. 7450[Increment restored]

Note :- As the stoppage of increment is without cumulative effect, when the period of punishment is over on 1.12.2009, he will draw Rs.7450 pm.

Grant of Premature Increment in a Temporary Post (Inflated by the grant of premature increments) :

: Fixation of pay under Proviso to FR 22:

Illustration No. 29

Question : A permanent Government servant drawing a substantive pay of Rs. 11300 in the scale of Rs. 10000-325-15200 with effect from 1.1.2009 was appointed to officiate in a Temporary post with effect from 1.6.2009, in the scale of Rs. 12000-375-16500. Owing to the grant of premature increment his initial pay was fixed at Rs. 12750. He was reverted to his permanent post on 1.8.2009 and was appointed regularly in the same post on which he officiated previously on 1.10.2009.

Fix his pay on 1.10.2009 and state his date of next increment.

Answer 29

Period	<u>Permanent Post</u> <u>Rs.10000-325-15200</u>	<u>Temporary Post</u> <u>Rs. 12000-375-16500</u>
1-1-2009 to 31-5-2009	.....Rs. 11300.....	.....X
1-6-2009 to 31-7-2009	.....(Rs. 11300).....	Rs 12750 [Rs 12000]
1-8-2009 to 30-9-2009	.....Rs. 11300.....	Reverted
1-10-2009	.....(Rs. 11300).....	Rs 12000 FR 22(I)(a)(I) with DNI on 1.8.2010

Note :- On his appointment on regular basis on 1.10.2009 his pay will be fixed only at Rs 12000 under FR 22(I)(a)(I) and not the pay last drawn viz. Rs. 12750, which is inflated by the grant of premature increments. However, his service from 1.6.2009 to 31.7.2009 will count for increment at the stage of Rs 12000 and his date of next increment will be on 1.8.2010 raising his pay to Rs. 12375 pm.

Illustration No. 30

A Government servant drawing a substantive pay of Rs. 8100 in a permanent post in the scale of Rs. 6500-200-10500 with effect from 1.2.2008. On 1.4.2008, he is appointed to officiate in a temporary post in the time-scale of Rs. 8000-275-13500, at a pay of Rs. 9925. He continues in this post till 31.5.2009 and comes back to his substantive post on 1.6.2009. On 1.10.2009, he is appointed regularly to another post in the time-scale of Rs. 8000-275-13500. The two posts are borne on the same cadre.

Fix his pay on 1.10.2009 and state when he will get his next increment.

Answer

	Period	<u>Permanent Post</u> Rs. 6500-200-10500	<u>Post in the same-time scale in the same cadre</u>	
			<u>Temporary</u> Rs 8000-275-13500	<u>Permanent</u> Rs. 8000-275-13500
(1) Rs.8550	1-2-2008 to 31-3-2008	Rs. 8100.....	.....X	.....X
	1-4-2008 to 31-1-2009	(Rs. 8100).....	Rs 9925	.....X
	1-2-2009 to 31-3-2009	(Rs. 8300) FR 26 (a)&(b)	Rs 9925	.....X
(2) Rs.8825	1-4-2009 to 31-5-2009	(Rs. 8300).....	Rs 10200 FR 26(a)	.....X
	1-6-2009 to 30-9-2009	Rs. 8300.....	Reverted	.....X
	1-10-2009.....	(Rs. 8300).....	.....X	Rs. 8825 FR 22(I)(a)(I) with DNI on 1.8.2010

Notes :-1. As the temporary and the permanent posts are on an Identical time-scale and are borne on the same cadre, they are posts on the same time-scale, vide FR 9(31)(c).

2. He has previously officiated in a temporary post on the same time-scale before his regular appointment on 1.10.2009 and his pay has been fixed at Rs. 8825 (the amount which he would have drawn in the temporary post at the time of reversion to his permanent post but for the grant of premature increment at the time of his appointment to that post on 1.4.2008 with DNI on 1.8.2010 under FR 22 (I)(a)(I) read with Proviso to FR 22(I).
3. He would have drawn Rs 8825 for 2 (two) months i.e. 1.4.2009 to 31.5.2009, in the temporary post but for the grant of premature increment while fixing his pay in the temporary post, this period of two months has been taken into account for the purpose of determining his date of next increment and he has been allowed to draw Rs. 9100 in the permanent post with effect from 1.8.2010 instead of 1.10.2010.

“Stepping Up”

Removal of anomaly by stepping up of pay of Senior on promotion drawing less than his Junior :-

- (1) In order to remove the anomaly of a Government servant promoted to a higher post drawing lesser pay than his junior, the pay of the senior is stepped up with reference to the pay of his junior under the provisions of GIOs (22) below FR22.
- (2) Stepping up the pay of the senior for the second time is also admissible that the pay of Senior “A” is stepped up with reference to the pay of his first junior “B” at a later date the pay of “B” is also stepped up with reference to another junior “C”.

Consequent on the stepping up of pay of the junior “B” with reference to “C”, the senior “A” may happen to draw less pay than his junior “B”.

In such cases, the pay of the senior “A” may again be stepped up at par with his junior “B” provided that all conditions under the general Rules for stepping up of pay of “A” vis-vis “C” are fully satisfied.

Vide G.I.O (23) below FR 22.

3. Stepping up the pay of Senior appointed to Selection Grade earlier at par with the Junior appointed to Selection Grade part later is also admissible.

Where a Senior person appointed earlier to the Selection Grade may get less pay than his Junior appointed to the Selection Grade later after earning one or more increments in the Ordinary Grade. In such cases the pay of the Senior person may be stepped up to make it equal to the pay of the Junior person.

Provided that ;

- (a) Both the senior and junior should belong to the same cadre and selection grade to which they have been appointed should be identical and in the same time-scale.
- (b) The Senior one has been drawing more or equal to pay of his Junior in the Ordinary Grade from time to time before appointment to the Selection Grade.

The stepping up should be done with effect from the date of promotion of the junior employee to the higher grade, the orders refixing the pay of the senior should be issued under FR. 27 and the next increment of the senior employee be drawn on completion of required qualifying service with effect from the date of refixation of pay - Vide GIOs (22) below FR 22 read with Item (C) thereunder.

*** NB.** The anomaly should be directly as a result of the application of FR 22(l)(a)(l). For example, if even in the lower post the junior officer draws from time to time a higher rate of pay than the senior by virtue of grant of advance increments, the above provisions will not be invoked to step up the pay of the senior officers.

Vide Item (d) below GIOs (22) of FR 22.

Illustration No. 31

Shri "A and "B" are Office Assistants drawing the pay in the scale of Rs. 4000-100-6000.

- (i) Mr "A" the senior, was drawing the pay of Rs. 5000 from 1.2.2007 and was promoted to a higher post in the scale of Rs. 4500-125-7000 on 1.12.2007.

And

- (ii) Mr "B" his junior, was drawing the pay of Rs. 5000 from 1.4.2007 and was also promoted to the higher post in the scale of Rs. 4500-125-7000 on 1.5.2008.

Regulate the pay of Mr "A" and "B" from time to time till 31.12.2009.

Answer 31(i) Mr. "A"

Period	<u>Lower Post</u>	<u>Higher Post</u>
	<u>Rs. 4000-100-6000</u>	<u>Rs 4500-125-7000</u>
1-2-2007 to 30-11-2007....	Rs. 5000.....	.....X
1-12-2007 to 31-1-2008....	(Rs. 5000).....	Rs 5125 FR 22(l)(a)(l)
*1-2-2008 to 30-11-2008....	(Rs. 5100) FR 26 (a)&(b)	Rs 5125
*1-12-2008 to 31-1-2009....	(Rs. 5100).....	Rs 5250 FR 26(a)
1-2-2009 to 30-11-2009....	(Rs. 5200) FR 26(b).....	Rs. 5250
1-12-2009 to 31-12-2009..	(Rs. 5200).....	Rs. 5375 FR 26(a)

(ii) Mr. "B"

Period	<u>Lower Post</u>	<u>Higher Post</u>
	<u>Rs. 4000-100-6000</u>	<u>Rs. 4500- 125- 7000</u>
1-4-2007 to 31-3-2008.....	Rs. 5000.....	X
1-4-2008 to 30-4-2008.....	Rs. 5100 F.R.26(a).....	X
* 1-5-2008 to 31-3-2009.....	(Rs. 5100).....	Rs. 5250 F.R.22(1)(a)(1)
1-4-2009 to 30-4-2009.....	(Rs. 5200) F.R. 26(a)&(b) ...	Rs. 5250.
1-5-2009 to 31-12-2009....	(Rs. 5200).....	Rs. 5375 F.R.26(a)

Note:- From 1-5-2008 the date on which his junior "B" was promoted, Mr. "A" happens to draw lower rate of pay of Rs. 5125 than his junior Mr. "B" who was promoted subsequently and whose pay was fixed at Rs. 5250 under F.R. 22(l) (a)(l).

In order to remove the anomaly, the pay of the Senior "A" will be refixed under F.R.27 on 1-5-2008 at the stage of Rs. 5250.

He will draw his next increment to the stage of Rs. 5375 on 1-5-2009 vide G.I Os (22) below F. R. 22.

Treatment of "Special Pay" for purpose of fixation of pay on promotion:

In cases where a Government servant is in receipt of a "Special Pay" in a post, his pay on promotion to a higher post may be fixed after taking into account the special pay drawn in the lower post subject to the conditions mentioned below:-

1. Special pay granted for specific addition to duty or for arduous nature of work.
2. Special pay granted in lieu of a separate scale of pay (Special pay granted to steno- typist, clerk- in charge etc.)
And, the following types of Special pay will neither be taken into account for fixation of pay in the higher post, nor will any protection be given for drop in emoluments.

(a) Special pay drawn in a Tenure Post.

(b) Deputation (Duty) Allowance or Special pay drawn in lieu thereof.

A. "Special Pay" granted for specific addition to duty or for arduous (arduousness) nature of work (e.g., Cashiers, Machine Operators) :-

The special pay drawn in the lower post will be protected on promotion by granting a "Personal Pay" equal to the difference between pay plus special pay drawn in the lower post and the pay due in the higher post on the basis of the basic pay (i.e., excluding the Special pay) in the lower post subject to the following conditions:-

- (a) The competent authority should certify that but for his appointment / promotion to the other post, the Government servant would have continued to draw the special pay.
- (b) The protection will only be for long as the Government servant could have continued to draw the special pay.
- (c) The “Personal Pay” will be absorbed in future increased of pay in the higher post.
- (d) The authority competent to fix the pay of the Government servant on promotion will also be competent authority to fix pay and grant of “Personal Pay” vide clause(22) (C) (2) of Appendix 8 of F.R. Part I read with note 2 below G. I. Os of F.R. 9 (25).
- (e) The Head of the office in which the official (whose special pay in his previous post has been protected) is working, should be responsible for satisfying himself that the Government servant continues to be eligible for the protection.

For this purpose, he should obtain a periodical certificate from the concerned authority every half- year say in September and March. The certificate so obtained should be attached to the office copy of the pay bill of the Government servant concerned for those months.

Vide note (1) below G.I.O. of F.R.9(25)

Illustration No. 1

Question. An Officer drawing the pay of Rs. 3965 with effect from 1-10-2007 in the scale of Rs. 3200-85-4900 with Special pay of Rs. 300, granted on account of the arduous nature of duties attaching to the post is promoted to another higher post in the scale of Rs. 4000-100-6000 on 1-12-2007. It is certified that but for promotion he would have continued to draw the special pay in the lower post. Fix his pay from time to time.

Answer No.1

Period	<u>Lower Post</u>	<u>Higher Post</u>
	<u>Rs. 3200-85-4900</u>	<u>Rs. 4000-100-6000</u>
1.10.2007 to 30.11.07.....	Rs. 3965+Rs. 300..... (Special Pay)	X
1.12.2007 to 30.9.08	(Rs.3965)Rs. 300.....	Rs.4100+Rs.165 Personal Pay F.R.22(1)(a)(1)
1.10.2008 to 31.11.08.....	(Rs.4050)	Rs. 4100+Rs.165
1.12.2008 to 30.9.09	(Rs.4050).....	Rs.4200+Rs.65 P.P.F.R.26(a)
1.10.2009 to 30.11.09	(Rs.4135)F.R.26(b).....	Rs.4200+Rs. 65 P.P.
1.12.2009.....	(Rs.4135).....	Rs. 4300 F.R.26(a)

Note:- On his appointment on promotion in the higher post on 1.12.2007 his pay is fixed at Rs. 4100+Rs.165"Personal Pay" under F.R.22(1) (a) (l) as under:-

(a) Pay in the lower post as on 1.12.2007	Rs. 3965
(excluding Special Pay of Rs. 300 as per Rule)	
Add 1(one) notional increment	<u>Rs. 85</u>
Emoluments =	Rs. 4050

(b) Hence, his pay is fixed at Rs. 4100 on 1.12. 2007, just next stage above of Rs. 4050, whereas, there is drop of emoluments of Rs.165 [Rs.3965+Rs. 300 S.P. Pay =Rs. 4265(-) Rs. 4100 pay fixed in the higher post under F.R. 22(1) (a)(1)] and as such this drop of emoluments is protected by treating as "Personal Pay" which is subsequently absorbed in full on 1.12.2009 when his pay in the higher post increases to Rs. 4300 p m.

Vide G.I.OS(a) (iii) below F.R. 9(25)

Illustration No.2

In the above case, if it was certified that but for promotion he would have continued to draw the special pay upto 30.9.2009 in the lower post what will be his pay in the higher post from time to time ?

Answer:

<u>Period</u>	<u>Lower Post</u> <u>Rs.3200-85-4900</u>	<u>Higher Post.</u> <u>Rs. 4000-100-6000</u>
1.10.2007 to 30.11.2007.....	Rs. 3965+Rs. 300	X
	[Special Pay]	
1.12.2007 to 30.9.2008.....	(Rs. 3965)+	Rs. 4100 + Rs. 165
	Rs. 300 Sp Pay	Personal Pay.
		FR 22 (l)(a)(l)
1.10.2008 to 30.11.2008.....	(Rs. 4050)FR 26(a) &(b)...	Rs. 4100 + Rs. 165
		P.P
1.12.2008 to 30.9.2009.....	(Rs. 4050).....	Rs. 4200+Rs.65
		FR.26(a)
1.10.2009 to 30.11.2009.....	(Rs. 4135) FR26(b)	Rs. 4200
1.12.2009.....	(Rs. 4135).....	Rs. 4300 FR 26(a)

Note:- On his promotion to the higher post on 1.12.2007 his pay will be fixed in the higher post under FR22 (l)(a)(l) with reference to his pay (without taking special pay into account) in the lower post and the difference between the pay plus special pay in the lower post and the pay in the higher post [i.e., (Rs. 3965 + Rs. 300) =Rs. 4265- Rs. 4100]Rs. 165 will be allowed as Personal pay upto 30.9 .2009 the date upto which the competent authority has certified that he would continued to draw the special pay but for promotion to the higher post [vide FR. 9(25) read with G.I.Os. thereunder]

Illustration No. 3.

In the above cases as referred to Illustration No 1 & 2, where no certificate for drawal of "Special Pay" is insisted but for promotion, what will be the position from time to time ?

Answer	<u>Period</u>	<u>Lower Post</u> Rs.3200-85-4900	<u>Higher post</u> Rs. 4000-100-6000
	1.10.2007 to 30.11.2007.....	Rs. 3965+300.....X (Special Pay)	
	1.12.2007	(Rs. 3965)	Rs. 4100 FR.22(l)(a)(l) with DNI on 1.12.2008

Note:- In the absence of certificate for drawal of "Special Pay " in the lower post but for promotion in the higher post, no protection as "Personal Pay" is admissible.

(B) "Special Pay" granted in lieu of a separate higher scale of pay:-

[Special pay granted to Steno Typist , clerk- in charge etc.] In cases, where a Government Servant is in receipt of Special pay in a post, his pay on promotion to a higher post may be fixed after taking into account the special pay drawn in the lower post in the following manner:-

1. He hold the lower post substantive capacity.
2. If the special pay has been drawn in the lower post continuously for a minimum period of 3 (three) years on the date of promotion in case he is officiating capacity in the lower post at the time of promotion to the higher post.

Then , the special pay drawn in the lower post will be treated as part of the basic pay in the lower post and pay fixed in the higher post under the normal Rule i.e, FR 22 (l)(a)(l).

N.B. In cases, where the special pay has not been drawn for a minimum period of 3 years and it is certified by the competent authority that but for promotion, the Government servant would have continued to draw the special pay in the lower post.

Then, the pay in the higher post will be fixed under the normal Rules, with reference to the basic pay drawn in the lower post (excluding the special pay) , where this results in drop in emoluments, the difference between the pay so fixed and the pay plus special pay drawn in the lower post will be allowed in the form of "Personal Pay" to be absorbed in future increases of pay in the higher post .

Vide G.I.O. (22) Appendix 8 of FRs.

Where such certificate is not insisted, in case where a government servant, did not drawn the Special pay in the lower post for a period of 3 years or held the post in a substantive capacity, "Special Pay" will not form as part of basic pay for purpose of fixation of pay in the higher post and also not be protected as "Personal Pay".

Illustration No. 1:-

An officer drawing the substantive pay of Rs. 5000 with a special pay of Rs. 300 in the scale of Rs. 4000-100-6000 from 1.4.2007 was promoted to officiate in a higher post in the scale of Rs. 5000-150-8000 with effect from 1.8.2009. The Special pay has been granted in lieu of a separate scale of pay. Fix his pay on 1.8.2009 in the higher post and also state DNI.

Answer 1

Period	<u>Substantive Lower post</u>	<u>Officiating Higher Post</u>
	<u>Rs. 4000-100-6000</u>	<u>Rs. 5000-150-8000</u>
1.4.2007 to 31.3.2008..	Rs. 5000+Rs. 300 Special pay	X
1.4.2008 to 31.3.2009..	Rs. 5100+Rs. 300 Special Pay	X
	FR.26(a)	
1.4.2009 to 31.7.2009..	Rs.5200+Rs.300 Special pay.....	X
	FR. 26(a)	
1.8.2009.....	(Rs. 5200+Rs. 300)	Rs. 5750. FR 22(I) (a)(I) with DNI on 1.8.2010

Note:- Since , the officer is the substantive holder in the lower post at the time of appointment to the higher post and also special pay has been granted in lieu of a separate scale of pay, on promotion in the higher post on 1.8.2009, his pay will be fixed under FR 22 (I)(a)(I) read with GOI (22) Appx. 8 of FRs, treating the special pay as part of the basic pay in the lower post as under:-

Pay in the lower post on	1.8.2009	Rs. 5200
	Plus Special Pay	<u>Rs. 300</u>
		Rs. 5500

Add, 1(one) Notional Increment Rs. 100
Emoluments = Rs. 5600

Hence, his pay in the higher post as on 1.8.2009 is fixed at Rs. 5750 with DNI on 1.8.2010 raising his pay to Rs. 5900pm Under FR 26(a).

Illustrating No. 2.

An officer drawing officiating pay of Rs. 4800 with effect from 1.6.2007 in the scale of Rs. 4000-100-6000 plus Rs. 300 as Special pay granted in lieu of a higher scale of pay in promoted to officiate in another post in the scale of Rs. 5000-150-8000 on 1.10.2009. Fix his pay from time to time.

- If it was certified that but for this appointment to the higher post he would have continued to draw the special pay in the lower post.
- If the certificate ibid is not given

Answer 2 (a)

Period	<u>Officiating lower Post</u> Rs. 4000-100-6000	<u>Officiating Higher post</u> Rs. 5000-150-8000
1.6.2007 to 31.5.2008..	Rs. 4800+Rs. 300 Special Pay.....	X
1.6.2008 to 31.5.2009..	Rs.4900+Rs300 Special Pay..... FR. 26(a)	X
1.6.2009 to 30.9.2009..	Rs.5000+Rs. 300 Special pay..... FR. 26(a)	X
1.10.2009 to 31.5.2010..	(Rs. 5000+Rs.300Special pay)	Rs. 5150+Rs.150 Personal pay FR22(1)(a)(l) read with G.I.Os (22) (ii) Appendix 8 of FRs This "personal pay" will be absorbed in future increases of pay in the higher post.
1.6.2010 to 30.9.2010...	(Rs. 5100) FR.26(a)&(b)	Rs. 5150+Rs. 150 Personal pay.
1.10.2010	(Rs.5100).....	Rs. 5300 FR.26 (a).

Answer2 (b)

If the Certificate ibid is not given:-

Period	<u>Officiating Lower Post</u> Rs. 4000-100-6000	<u>Officiating Higher Post</u> Rs. 5000-150-8000
1.6.2007 to 31.5.2008.....	Rs. 4800+Rs. 300 Special pay.....	X
1.6.2008 to 31.5.2009.....	Rs.4900+Rs. 300 Special pay..... FR. 26(a)	X
1.6.2009 to 30.9.2009.....	Rs.5000+Rs.300 Special pay..... FR.26(a)	X
1.10.2009.....	(Rs. 5000+Rs. 300 Special pay)...	Rs. 5150 vid GIO(22) Appx 8 of FRs. With DNI on 1.10.2010.

Note:- Since, the officer did not either draw the Special pay for a period of 3(three) years or held the post in a substantive capacity in the lower post on his promotion to the higher post on 1.10.2009 and also in absence of certificate for continuation for drawal of special pay in the lower post but for promotion, the special pay is not considered at all for benefit purposes either treating part of basic pay in the lower post for fixation or protection as Personal Pay in the higher Post.

Vide G.I.Os(22) to Appendix 8 of FRs.

Illustration No. 3.

An officer drawing an officiating pay of Rs. 4300 with effect from 1.7.2006 in the scale of Rs. 4000-100-6000 plus a special pay of Rs. 240 granted in lieu of higher scale of pay is promoted to officiate in another post in the scale of Rs. 4500-125-7000 with effect from 1.12.2009. Fix his pay on 1.12.2009 and also indicate DNI.

Answer No.3

Period	<u>Officiating Lower Post</u> Rs. 4000-100-6000	<u>Officiating Higher post</u> Rs. 4500-125-7000
1.7.2006 to 30.6.2007.....	Rs. 4300+Rs. 240 Special pay.....	X
1.7.2007 to 30.6.2008.....	Rs. 4400+Rs240 FR.26(a)	X
1.7. 2008 to 30.6.2009....	Rs 4500+Rs240 FR.26(a)	X
1.7.2009 to 30.11.2009....	Rs.4600 + Rs240 FR 26(a)	X
1.12.2009.....	(Rs.4600+Rs.240)	Rs. 5000 FR.22(I)(a)(I) With DNI on 1.12.2010

Note:- The official was drawing the special pay for more than 3(three)years in the officiating capacity in the lower post at the time of promotion to the higher post, the special pay is treated as part of basic pay i.e, Rs. 4600+Rs. 240=Rs. 4840+Rs.100(one notional increment) Rs.4940, thereafter, his pay in the higher post is fixed at Rs. 5000 under FR.22(I)(a)(I) with DNI. on 1.12.2010.

Appendix:- Miscellaneous questions and answers for fixation of pay:-
Direct Recruitment /Initial Appointment

Q.1. Shri 'A' was appointed to a post in the scale of pay of Rs. 6500-200-10,500 on 12.9.2009. Fix his pay on 12.9.2009 and also indicate when he will draw his next increment ?

Answer::

Period	Scale :- Rs. 6500-200-10,500
12.9.2009.....	Rs.6500. FR.22 (I)(b) with DNI. on 12 .9.2010 however admitted on 1.9.2010 vide GI(O)(II) below FR.26.

Notes: -

- 1) The initial pay of Shri 'A' on his direct appointment on 12.9.2009 is fixed at Rs. 6500, the minimum of the time scale of pay under FR.22 (I) (b).
- 2) With effect from 1.1.1977 onwards, in respect of the State Government Employees increment will antedate on 1st day of the month in which it falls due vide Government of Manipur FD., (PIC), O.M. No.1/18/75-FP dated 2.11.1976 and as such increment falling due on 12.9.2010 has been allowed on 1.9.2010 raising his pay to Rs. 6700 pm under FR. 26(a).

“On Promotion”

Question 2. A UDC drawing pay of Rs. 5200 pm the scale pf Rs. 4000 -100-6000 from 1.7.2008 was promoted to the post of Accountant in the scale of Rs. 4500-125-7000 on 10.9.2009. He opted to fix his pay in the higher post straightaway on the date of promotion. Fix his pay accordingly and state DNI also.

Answer 2

Period	<u>UDC</u> Rs. 4000-100-6000	<u>Accountant</u> Rs. 4500-125-7000
1.7.2008 to 30.6.2009.....	Rs. 5200.....	X
1.7.2009 to 9.9.2009.....	Rs.5300. FR26(a).....	X
10.9.2009.....	(Rs.5300)	Rs. 5500 F.R. 22(I)(a)(I) with DNI on 10.9.2010 however antedate on 1.9.2010 vide GIO(II) below FR. 26.

Notes:-

- 1) On his appointment to the post of Accountant his pay in the lower post is first increased to [Rs. 5300+100] Rs. 5400 by giving 1(one) notional increment, thereafter, his pay in the higher post of Accountant is fixed at Rs. 5500, which is just next stage above of Rs. 5400, the notional increased pay of the lower post vide FR22 (1)(a)(I).
- 2) He will draw his next increment in the higher post on 10.9.2010 however antedated on 1.9.2010 raising his pay to Rs. 5625 pm vide GIO(II) below FR 26.

Option Under Save clause to FR. 22 (1)(a)(I)

Question 3. An officer drawing substantive pay of Rs. 8500 in the scale of Rs. 6500-200-10,500 with effect from 1.9.2008 was promoted to officiate in a higher post in the scale of Rs. 7450-225-11,500 with effect from 1.5.2009.

He opted within one month from the date of his promotion for fixation of his pay on promotion from the date of accrual of next increment in the scale of pay of the lower post.

Regulate his pay from time to time and also quote authority in support of your answer.

Answer 3.

Period	<u>Substantive lower Post</u> Rs. 6500-200-10500	<u>Officiating higher post</u> Rs. 7450-225-11,500
1.9.2008 to 30.4.2009.....	Rs. 8500.....	X
1.5.2009 to 31.8.2009.....	(Rs. 8500).....	Rs. 8575[Initial fixation]
1.9.2009.....	(Rs.8700)..... FR.26(a)&(b)	Rs. 9025 [Refixation] Savings clause to FR.22(I)(a)(I) with DNI on 1.9.2010.

Notes:-

- 1) On his appointment to the higher post on 1.5.2009, his pay is fixed at Rs. 8575, which is just stage next above of the pay of the lower post i.e., Rs. 8500 (without giving notional increment) under Save clause to FR 22(I)(a)(I).
- 2) On 1.9.2009, the date on which he gets his next increment in the lower post raising his pay to Rs. 8700, pay in the higher post is fixed as under:-

Pay in the lower post on 1.9.2009 -	Rs. 8700/-
Add, 1(one) notional increment -	Rs. 200/-

Emoluments = Rs. 8900/-	

Thereafter, pay is fixed at Rs. 9025 on 1.9.2009 which is just stage next above the notionally increased pay of Rs.8900 with DNI on 1.9.2010.

Question 4.

An officer drawing substantive pay of Rs. 5750 in the scale of Rs. 5000- 150-8000 with date of next increment on 1.10.every year was appointed to officiate in the scale of Rs. 5500 -175-9000 with effect from 21.7.2009.

How should he opt for fixation of his pay in order to get maximum benefit and when will he draw his next increment?

Answer 4.

Period	<u>Substantive lower post</u> <u>Rs. 5000-150-8000</u>	<u>Officiating higher post</u> <u>Rs. 5500-175-9000</u>
21.7.2009 to 30.9.2009...	(Rs. 5750).....	Rs. 5850[Initial fixation]
1.10.2009.....	(Rs 5900)..... FR 26(a)&(b)	Rs. 6200[Refixation] Savings clause to FR 22 (I)(a)(I) with DNI on 1.10.2010.

Notes:-

- 1) He should opt to have his pay initially fixed in the officiating higher post at the stage at Rs. 5850 in the time scale of new post which is just stage above the pay of the lower substantive pay of Rs. 5750 without adding 1(one) notional increment on 21.7.2009 which is refixed under FR22(I)(a)(I)on 1.10.2009, the date on which he gets next increment in the lower substantive post raising his pay to Rs. 5900.
- 2) If he opts to get his pay fixed straightaway in the officiating higher post on 21.7.2009 his pay will be fixed at Rs. 6025 and he will get next increment on 1.7.2010 at the stage of Rs. 6200.

Therefore (1) gets the maximum benefit.

“Ad-hoc” promotion followed regular appointment.**Question No.5**

An officer drawing a substantive pay of Rs. 8250 in the scale of Rs. 7500-250-12000 with effect from 1.6.2008 was promoted to officiate on ad-hoc basis on 1.7.2008 in the scale of Rs. 8000-275-13500. He was reverted to his substantive post on 1.10.2008.

He was again promoted to the same higher post on 1.2.2009 on regular basis.

He opted for fixation of his pay under FR. 22 (l)(a)(l) from the date of next increment in his lower post.

Regulate his pay from time to time and indicate the date of next increment.

Answer5.

Period	<u>Lower Post.</u>	<u>Higher post</u>
	<u>Rs. 7500-250-12000</u>	<u>Rs. 8000-275-13500</u>
1.6.2008 to 30.6.2008....	Rs.8250.....	X
1.7.2008 to 30.9.2008....	Rs(8250).....	Rs. 8550 –Ad-hoc FR. 22(l)(a)(l)
1.10.2008 to 31.1.2009...	Rs. 8250.....	Reverted
1.2.2009 to 31.5.2009....	(Rs. 8250).....	Rs. 8275[Initial fixation]
1.6.2009	(Rs.8500)..... FR. 26(a)&(b)	Rs. 8825[Refixation] Savings clause to F.R. 22(l)(a)(l) with DNI on 1.6.2010

Notes:-

- 1) When he was promoted on ad-hoc basis on 1.7.2008, he is not eligible to opt for fixation of his pay under FR 22(l)(a)(l) from the date of his next increment in the lower post. Hence his pay is fixed straightaway under FR. 22(l)(a)(l) read with GIO(3)below FR.35.
- 2) When he is reappointed to the same higher post on regular basis on 1.2.2009 , he is eligible to exercise the option under Savings clause to FR. 22(l)(a)(l).

Question No. 6.

Mr “X” drawing a substantive pay of Rs. 3875 with DNI on 15.8.2007 in the scale of Rs. 2750-70-3800-75-4400 is officiated in a Temporary post, in the scale of Rs.3050-75-3950-80-4590 from 1.8.2007 to 12.9.2007. He officiated in another identical post of Rs. 3050-75-3950-80-4590 from 1.10.2007 to 15.11.2007. He was under suspension from 16.11.2007 was reinstated to his substantive post on 30.11.2008. The period of suspension was treated as service qualifying for pension. He was promoted to officiate in the Temporary post on Rs. 3050-75-3950-80-4590 from 16.8.2009.

Regulate the pay of Mr ‘X’ from 1.8.2007 to 16.8.2009 and indicate the date of next increment.

Answer. 6

Period	<u>Substantive Post</u> <u>Rs. 2750-70-3800-75-4400</u>	<u>Temporary Post</u> <u>Rs.3050-75-3950-80-4590</u>	<u>Identical post</u> <u>Rs. 3050-75-3950-80-4590</u>
1.8.2007 to 14.8.2007.....	(Rs.3875).....	Rs.4030 FR 22(I)(a)(I)....	X
15.8.2007 to 12.9.2007	(Rs. 3950)..... FR26(a)&(b)	Rs.4030.....	X
13.9.2007 to 30.9.2007	Rs.3950.....	Reverted.....	X
1.10.2007 to 15.11.2007	(Rs.3950).....	... X.....	Rs.4030 Proviso (I)(iii) below FR 22
16.11.2007 to 29.11.2008	Suspension period treated qualifying Service for pension.		
30.11.2008 to 31.7.2009...	Rs.4025 FR26(a)&(b).....	X.....	Reverted
1.8.2009 to 15.8.2009.....	Rs. 4100 FR. 26(a)&(b)...	X.....	X
16.8.2009.....	(Rs.4100)	Rs.4190 FR22(I)(a)(I) With DNI on 1.8.2010 vide GIO(II)below FR.26.	

Notes:-

- 1) The pay of the officer in his substantive post has been increased to Rs.3950 pm by adding normal increment on 15.8.2007, the date given in the data of the question. However, the future increment will be admitted on 1.8.2008 at the stage of Rs. 4025 under the provisions of GIO(II) below FR22.
- 2) Period of suspension for a period from 16.11.2007 to 29.11.2008 will not effect to his normal increments.
- 3) Pay of the officer on his officiating appointment in the Identical Post is fixed under the proviso (I)(iii) to FR.22.

Question No. 7.

A Government servant drawing the maximum in a post in the time scale of Rs. 3050-75-3950-80-4590 was appointed to officiate on a regular basis in a higher post carrying the scale of Rs. 4000-100-6000 from 1.10.2008. He was reverted to his permanent post on 1.11.2009. On 1.12.2009 he was again promoted to the same post of Rs. 4000-100-6000. Fix his pay on 1.12.2009 and indicate DNI.

Answer 7.

Period	<u>Permanent Lower Post</u> <u>Rs. 3050-75-3950-80-4590</u>	<u>Officiating Higher post</u> <u>Rs. 4000-100-6000</u>
1.10.2008 to 30.9.2009....	(Rs. 4590) max.....	Rs. 4700 FR22(I)(a)(I) Read with 2 nd Proviso thereunder
1.10.2009 to 31.10.2009	(Rs.4590) max.....	Rs. 4800 FR26 (a)
1.11.2009 to 30.11.2009	Rs. 4590 (max).....	Reverted
1.12.2009	(Rs. 4590) max.....	Rs. 4800. Proviso (I)(i)to FR22 (I) With DNI on 1.11.2010

Notes:-

- 1) On his appointment to the officiating higher post on 1.10.2008 his pay in the lower post is first increased to Rs. 4670(Rs. 4590+Rs. 80) by adding last rate of increment Rs.80 thereafter his pay in the higher post is fixed at Rs. 4700 pm with DNI on 1.10.2009 raising his pay to Rs. 4800 pm.
- 2) On his reappointment to the same higher post on 1.12.2009 his pay is fixed at Rs. 4800, which he had already drawn for the period from 1.10.2009 to 31.10.2009 i.e., 1(one) month under Proviso (I)(i) to FR. 22(1).
- 3) He will therefore, draw his next increment in the higher post on 1.11.2010 raising his pay to Rs. 4900 pm.

*** Hence, determination of next increment is as under:-**

	Year -	Month -	Day
(a) Period counting Increment at the stage of Rs. 4800 from 1.10.2009 to 31.10.2009 Proviso (I)(i) to FR 22(I);	x	1	x
(b) Period counting increment under FR26(a)from 1.12.2009 to 31.10.2010	x	11	x

	Total= 1	-	x x

Hence, allowed on 1.11.2010.

Question. 8.

An officer drawing Rs 4300 with effect from 1.6.2007 in the scale of Rs. 4000-100-6000 was appointed in the scale of Rs. 5000-150-8000 with effect from 1.9.2007. He proceeded on Extra-ordinary Leave without Medical Certificate for 30 days with effect from 1.9.2008 and in continuation Earned Leave for 31 days and Half-Leave for 61 days. He was reverted to his substantive post with effect from 1.1.2009. He was again promoted in the scale of Rs. 5000-150-8000 with effect from 1.8.2009.

What pay will he draw on 1.8.2009 and what will be the date of his next increment in the higher post?

Answer 8.

Period	<u>Substantive Lower Post</u> <u>Rs. 4000-100-6000</u>	<u>Officiating Higher Post</u> <u>Rs. 5000-150-8000</u>
1.6.2007 to 31.8.2007.....	Rs. 4300.....	X
1.9.2007 to 31.5.2008.....	(Rs4300).....	Rs. 5000 FR 22(I)(a)(I)
1.6.2008 to 31.8.2008.....	(4400)FR.26(a)&(b)	Rs. 5000
1.9.2008 to 30.9.2008....	Extra-Ordinary Leave for 30 days without Medical certificate, will not count for increment.	
1.10.2008 to 31.10.2008...	Earned Leave for 31 days qualifying service	
1.11.2008 to 31.12.2008...	Half-Pay leave for 61 day – Qualifying service.	
1.1.2009 to 30.6.2009	Rs. 4400.....	Reverted
1.7.2009 to 31.7.2009.....	Rs(4500) FR 26(a)&(b)(i).....	X
1.8.2009.	(Rs. 4500).....	Rs. 5150 Proviso to FR 22(I)(i) with DNI on 1.5.2010.

Notes:-

- 1) Even though, the officer did not draw the pay of Rs. 5150pm from 1.10.2008 to 31.12.2008 i.e., 3 months during the span of Earned Leave and half-Pay leave, the period will count for increment at the stage of Rs. 5150, when he is reappointed to the same post on 1.8.2009, and his pay is fixed under FR 22 (I)(a)(I) read with Proviso to FR 22(1)(i) and GIO(14) below FR 22.
- 2) Hence he will draw his next increment in the higher post on 1.5.2010 as under:-

	Y	M	D
(a) Period counting increment at the stage of Rs. 5150 from 1.10.2008 to 31.12.2008	x	3	x
(b) Add, period from 1.8.2009 to 30.4.2010	x	9	x

	1	x	x

Hence, admitted on 1.5.2010

- 3) The period of extra-ordinary leave for 30 days from 1.9.2008 to 30.9.2008 without medical certificate will not count for increments for both substantive and officiating post. [vide F.R. 26 (b)(i)] and as such increment due on 1.6.2009 at the stage of Rs. 4500 is differed to 1.7.2009.

Question 9.

Mr. 'A' drawing a substantive pay of Rs. 4600 in the scale of Rs. 4000-100-6000 from 1.2.2008 was appointed to officiate in a higher post in the scale of Rs. 4500-125-7000 with effect from 1.9.2008. He proceeded on Earned leave for 30 days from 1.4.2009. On return from Leave he was appointed to the same post.

Regulate his pay from time to time:-

1. If he would have officiated in the higher post during the leave; and
2. If he would not have officiated in the higher post during the leave.

Indicate the date of next increment in the higher post in both the cases.

Answer 9(1)

Period	<u>Substantive Lower Post</u> Rs. 4000-100-6000	<u>Officiating Higher Post</u> Rs. 4500-125-7000
1.2.2008 to 31.8.2008.....	Rs. 4600.....	X
1.9.2008 to 31.1.2009	(Rs.4600).....	Rs. 4750 FR 22(I)(a)(I)
1.2.2009 to 31.3.2009	(Rs. 4700)FR26(a)&(b).....	Rs.4750
1.4.2009 to 30.4.2009	Earned leave for 30 days. He would have officiated in the higher post during the leave.	
1.5.2009 to 31.8.2009	(Rs. 4700)	Rs. 4750
1.9.2009	(Rs. 4700).....	Rs. 4875 FR 26(a)&(b)(ii) With DNI on 1.9.2010.

Note:- The period of Earned Leave from 1.4.2009 to 30.4.2009 will count increments for both substantive lower and officiating higher posts under FR 26(a)&(b)(ii). On return from leave on 1.5.2009, his pay will not be refixed in the higher post.

Answer 9(2)

Period	<u>Substantive Lower Post</u> <u>Rs.4000-100-6000</u>	<u>Officiating Higher Post</u> <u>Rs. 4500-125-7000</u>
1.2.2008 to 31.8.2008	Rs. 4600.....	x
1.9.2008 to 31.1.2009.....	(Rs.4600).....	Rs. 4750 FR. 22(l)(a)(l)
1.2.2009 to 31.3.2009.....	(Rs. 4700)FR26(a)&(b).....	Rs. 4750
1.4.2009 to 30.4.2009.....	Earned Leave for 30 days during which he would not have officiated in the higher post.	
1.5.2009	(Rs. 4700).....	Rs. 4875 FR 22(l)(a)(l) With DNI on 1.5.2010.

Note:- On 1.5.2009, when he is reappointed to the same higher post on return from Leave, his pay in the higher post is fixed a fresh under FR 22(l)(a)(l).

“Option” for appointment to another post not involving higher responsibility – under 3rd Proviso to FR 22 (1)(a)(2):

Question 10.

Shri 'A' drawing a substantive pay of Rs. 8350 from 1.9.2008 in the scale of Rs. 7450-225-11500 is appointed to another post in the scale of Rs. 7500-250-12000 on 1.6.2009. The new post does not involve duties and responsibilities higher than those attached to the post previously held by him. Fix his pay in the new post and indicate DNI.

(i) If he opts for fixation of pay in the new post with effect from the date of appointment in the new post.

(ii) If he opts for fixation of pay in the new post from the date of next increment in the old post.

Answer 10 (i). If he opts for fixation of pay in the new post with effect from the date of appointment in the new post.

Period	<u>Substantive Old Post</u> <u>Rs. 7450-225-11500</u>	<u>New Post</u> <u>Rs. 7500-250-12000</u>
1.9.2008 to 31.5.2009.....	Rs. 8350.....	X
1.6.2009	(Rs. 8350).....	Rs. 8500 FR22(1)(a)(2) With DNI on 1.6.2010 Vide 2 nd Proviso thereunder.

Notes:-

1. Since, there is no equal stage, his pay in the new post is fixed at Rs. 8500, which is stage next above his pay in respect of the old post held by him on regular basis vide FR 22(1)(a)(2)

2. In cases, where pay is fixed at the higher stage, he shall get his next increment on completion of the period when an increment is earned in the time scale of the new post vide 2nd proviso to FR22(1)(a)(2)]

(ii). If he Opts for fixation of pay in the new post with effect from the date of next increment in the new post.

Answer 10 (ii).

Period	<u>Substantive Old Post</u> Rs. 7450-225-11500	<u>New Post</u> Rs. 7500-250-12000
1.9.2008 to 31.5.2009.....	Rs.8350.....	X
1.6.2009 to 31.8.2009....	(Rs. 8350).....	Rs. 8350 3 rd Proviso to FR 22(1)(a)(2)
1.9.2009	(Rs.8575)..... FR.26(a) &(b)	Rs. 8750 FR 22 (1)(a)(2) read with 3 rd Proviso thereunder with DNI on 1.9.2010

Notes:-

1. On the date of appointment in the new post on 1.6.2009 his pay will not be fixed and he will continue to draw his pay of the old post Rs. 8350pm till 31.8.2009.
2. On 1.9.2009 his pay in the old post increased to Rs. 8575 by getting 1(one) increment, thereafter his pay in the new post is fixed at Rs. 8750, just stage next above of Rs. 8575 under FR 22(1)(a)(2) with DNI on 1.9.2010, raising his pay to Rs. 9000pm under FR. 26(a).

N.B. On appointment on regular basis to such a new post, other than to an ex-cadre post on deputation, the Government Servant shall have the option, to be exercised within one month from the date of such appointment, for fixation of his pay in the new post with effect from the date of appointment to the new post or with effect from the date of increment in the old post vide 3rd Proviso to FR 22(1)(a)(2).