

वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद्
2, अनुसंधान भवन, रफी मार्ग, नई दिल्ली - 01

संख्या: 6-18(4)/2018/ई-III

दिनांक : 16 दिसम्बर, 2019


कार्यालय ज्ञापन

विषय: 01.01.2006 या उसके बाद सीधी भर्ती के द्वारा नियुक्त कर्मचारियों से भिन्न कर्मचारियों के

वेतन के पुनर्निर्धारण के सम्बंध में

संदर्भ: वित्त मंत्रालय का इस विषय पर जारी कार्यालय ज्ञापन सं० 8-23/2017-E-III A दिनांक 28.09.2018.

सी० एस० आई० आर० मुख्यालय के पृष्ठांकन सं० 5-1(598)/2018-PD दिनांक 16.09.2019 तथा इस कार्यालय के समसंख्यक कार्यालय ज्ञापन दिनांक 18.09.2019 व 19.09.2019 के अनुक्रम में एतद द्वारा यह सूचित किया जाता है कि दिनांक 01.01.2006 को या उसके बाद सीधी भर्ती से नियुक्त किये गये कर्मचारीयो से भिन्न नियुक्त एवं पदोन्नत कर्मचारी, जिनका मूल वेतन 01.01.2006 को या उसके बाद ऐसी सीधी भर्ती से नियुक्त कर्मचारियों के प्रवेश वेतन से कम निर्धारित हुआ है, वे सलग्न प्रपत्र में अपने वेतन के पुनर्निर्धारण का विकल्प 31 दिसम्बर, 2019 तक इस अनुभाग में प्रस्तुत करें ।


(एस० एस० मैडल)
अनुभाग अधिकारी

सलग्न:

1. वित्त मंत्रालय का इस विषय पर कार्यालय ज्ञापन सं० 8-23/2017-E-III A दिनांक 28.09.2018 की प्रति.
2. सीएसआईआर मुख्यालय के पृष्ठांकन सं० 5-1(598)/2018-PD दिनांक 16.09.2019 की प्रति.
3. अंडरटेकिंग (Undertaking)

सभी पात्र कर्मचारी/ अधिकारी

सी० एस० आई० आर० मुख्यालय

नई दिल्ली.

..... सी० एस० आई० आर० मुख्यालय वेबसाइट के माध्यम से

**COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH
ANUSANDHAN BHAWAN, RAFI MARG, NEW DELHI- 110001**

UNDERTAKING

In pursuance of CSIR OM No. 5-1 (598)/2018-PD dt 16/09/2019 regarding entry pay of promotees on par with direct recruits w.e.f 01.01.2006, in the posts where there is an element of direct recruitment:

(Please fill-correct option (s) and strike out the option(s) not applicable from the following:)

I, Sri/Smt/Kum: _____ hereby request to re-fix my pay accordingly in terms of above CSIR OM and here by:

(1) Elect for the revised pay structure under 6CPC with effect from _____

(2) Elect for the revised pay structure under 7CPC with effect from _____

(3) Elect for pay fixation on promotion (s)/upgradation(s) as below in terms of clause of
(a) (1) of F.R.22-1.

- (i) In the promoted/upgraded post of _____ pay fixation
opted w.e.f _____
- (ii) In the promoted/upgraded post of _____ pay fixation
opted w.e.f _____
- (iii) In the promoted/upgraded post of _____ pay fixation opted
w.e.f _____

I also understand that the above option(s) exercised by me is final.

Further, I undertake that in case of any excess payment that may be found to have been made as a result of incorrect fixation of pay or any excess payment detected in the light of discrepancies noticed will be refunded by me to the Government either by adjustment against future payments due to me or otherwise.

Yours faithfully,

(Signature)

Date :

Place : New Delhi

Name : _____

Designation : _____

Staff. No: _____

Section: _____

Phone No.: _____



सां/No.: 5-1(598)/2018-PD

दिनांक/Dated: 16.09.2019

प्रेषक / From: संयुक्त सचिव (प्रशासन)
Joint Secretary (Admn.)

सेवा में / To: सी.एस.आई.आर के सभी राष्ट्रीय प्रयोगशालों/संस्थाओं/इकाईयों के निदेशक/प्रमुख
The Directors/Heads of all National Labs./Instts./Units of CSIR

महोदय/Sir / महोदया/Madam,

मुझे, भारत सरकार, वित्त मंत्रालय, व्यय विभाग, द्वारा केंद्रीय सिविल सेवा (संशोधित वेतन) नियमावली, 2008 की प्रथम अनुसूची के भाग 'क' का खंड 2 - 01.01.2006 को या उसके बाद सीधी भर्ती के आधार पर नियुक्त कर्मचारियों का शुरुआती वेतन और ऐसी सीधी भर्ती के आधार पर नियुक्त कर्मचारियों से भिन्न कर्मचारियों के मामले में वेतन निर्धारण के संबंध में जारी किये गए दिनांक 28.09.2018 के कार्यालय ज्ञापन संख्या 8-23/2017-ई.III-ए को जानकारी, मार्गदर्शन और अनुपालन के लिए अग्रेषित करने का निदेश हुआ है।

I am directed to forward herewith the copy of the Government of India, Ministry of Finance, Department of Expenditure Office Memorandum No. 8-23/2017-E.IIIA dated 28.09.2018 regarding Central Civil Services (Revised Pay) Rules, 2008 - Section II of the Part 'A' of the First Schedule thereto - entry pay for direct recruits appointed on or after 1.1.2006 and pay fixation in the case of persons other than such direct recruits for information, guidance and compliance.

भवदीय/Yours faithfully,

सिद्धार्थ दे
16/09/19

(सिद्धार्थ दे /Siddhartha Dey)
अवर सचिव (नीति प्रभाग) / US(PD)

संलग्न/Encl. : यथोपरि/As above

प्रतिलिपि/Copy to:

- 1) प्रमुख, आईटी डिवीजन - इस सर्कुलर पत्र को वेबसाइट और नीति रिपोजिटरी पर उपलब्ध कराने के अनुरोध के साथ / Head, IT Division with the request to make this circular letter available on the website & Policy Repository.
- 2) कार्यालय प्रति/Office copy

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

North Block, New Delhi
28th September, 2018

Office Memorandum

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

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

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

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



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

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

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

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

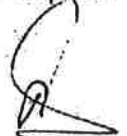
High Court and the Hon'ble Supreme Court, is that the pay of those who were appointed to the post prior to 1.1.2006 and those who were appointed to the post on promotion in the pay structure effective from 1.1.2006 onwards, and where in respect of such posts entry pay for direct recruits appointed on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

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

*appointed
promoted*

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

10. Hindi version of these orders is attached.


(Amar Nath Singh)
Director

To

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