



कार्यालय, रक्षा लेखा महानियंत्रक
उलन बटार रोड, पालम, दिल्ली छावनी - 110010
Controller General of Defence Accounts
Ulan Batar Road, Palam, Delhi Cantt- 110010



No. AN/XIV/14121/III/INC/Vol-XXI

Dated: 08.09.2020

IMPORTANT CIRCULAR

To

All PCsDA/CsDA/PCA (Fys)
(Through Website)

Sub: Protection of pay to the Central Government Servant consequent to appointment to a new post in different service or cadre in Central Government through direct recruitment under FR 22 B (1).

The DoP&T has recently issued an OM F.No. 12/2/2017-Estt(Pay-I) dated 5th August 2020 for Protection of pay to the Central Government Servant consequent to appointment to a new post in different service or cadre in Central Government through direct recruitment under FR 22 B (1).

2. The Fundamental Rules (FR & SR) with regard to pay protection of Central Govt. Servants have already been there throughout various pay commissions viz. FR-22B(1), FR-9(13) Lien, FR-9(24), FR-9(28) Substantive Pay, Audit Instructions under FR-9. The DoP&T OM dated 05.08.2020 has clarified the same in 7th CPC scenario i.e. CCS (RP) Rules 2016.

3. Copies of DoP&T OM dated 05.08.2020 as well as the relevant rules are forwarded herewith with a request to strictly ensure compliance of these rules. The cases which fulfill the conditions may be forwarded for obtaining audit report to PCDA (P) Allahabad with detailed statement of case and service book.


4. The PCDA (P) Allahabad will thereafter scrutinize the cases as per these rules and render audit report to this HQrs. containing details of fulfillment of all the conditions for pay protection for further necessary action.

This issues with the approval of Sr. Jt. CGDA (AN).


(Rajeev Ranjan Kumar)
Dy. CGDA (AN)

Copy to:-

1. O/I.C. Admin-Pay Section (Local)
2. O/I.C. AT-Coord (Local)
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4. CENTRAD, Brar Square, Delhi Cantt.
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7. Secretary General, AIDAA (CB) Pune – through PCDA (O) Pune
8. Secretary General, AIDAEA (HQ) Kolkata – through PCA (Fys.) Kolkata


(Pradeep Kumar)
Accounts Officer (AN)



कार्यालय, रक्षा लेखा महानियंत्रक
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प्रशा/XIV/14121/III/आईएनसी/जिल्द-XXI

दिनांक: 08.09.2020

महत्वपूर्ण परिपत्र

सेवा में,

सभी र.ले.प्र.नि./र.ले.नि./प्र.ले.नि (फै.)
(वेबसाइट के माध्यम द्वारा)

विषय : एफ आर 22 बी (1) के अंतर्गत केंद्रीय सरकार में सीधी भर्ती के माध्यम से अन्य सेवा या कैडर में नए पद पर नियुक्ति के परिणामस्वरूप केंद्रीय सरकारी कर्मचारी को वेतन सुरक्षा ।

कार्मिक एवं प्रशिक्षण विभाग द्वारा हाल ही में एफ आर 22 बी (1) के अंतर्गत केंद्रीय सरकार में सीधी भर्ती के माध्यम से अन्य सेवा या कैडर में नए पद पर नियुक्ति के परिणामस्वरूप केंद्रीय सरकारी कर्मचारी को वेतन सुरक्षा हेतु दिनांक 05 अगस्त 2020 को कार्यालय जापन सं 12/2/2017-Estt(Pay-I) जारी किया है ।

2. केंद्रीय सरकार के कर्मचारियों को वेतन सुरक्षा देने के संबंध में मूल नियम (एफआर एवं एसआर) पहले से ही विभिन्न वेतन आयोगों में विद्यमान हैं नामतः एफआर-22 बी (1), एफआर-9 (13) लियन, एफआर-9(24), एफआर-9(28) मूल पद वेतन, एफआर-9 के अंतर्गत लेखापरीक्षा अनुदेश । कार्मिक एवं प्रशिक्षण विभाग ने दिनांक 05.08.2020 के अपने कार्यालय जापन के द्वारा सातवें केंद्रीय वेतन आयोग अर्थात् सीसीएस (आरपी) नियम 2016 के परिदृश्य में उक्त नियमों को स्पष्ट किया है ।

3. कार्मिक एवं प्रशिक्षण विभाग के दिनांक 05.08.2020 के कार्यालय जापन तथा संबंधित नियमों की प्रतियां इस अनुरोध के साथ प्रेषित की जाती हैं कि इन नियमों का कड़ाई से अनुपालन सुनिश्चित किया जाए। जो मामले उक्त नियमों में दी गई शर्तों को पूरा करते हैं, उन्हें मामले के विस्तृत विवरण एवं सेवा पुस्तिका के साथ ऑडिट रिपोर्ट प्राप्त करने के लिए रक्षा लेखा प्रधान नियंत्रक (पेंशन) इलाहबाद भेजा जाए ।

4. इसके पश्चात रक्षा लेखा प्रधान नियंत्रक (पेंशन) इलाहबाद इन मामलों की उक्त नियमों के अनुसार जांच करके आगे की कार्रवाई हेतु इस मुख्यालय कार्यालय को ऑडिट रिपोर्ट सौंपेंगे जिसमें कि वेतन सुरक्षा के लिए सभी शर्तों के पूरे होने संबंधी पूर्ण ब्योरा दिया जाएगा ।

रक्षा लेखा वरिष्ठ संयुक्त महानियंत्रक (प्रशासन) के अनुमोदन से जारी।

(राजीव रंजन कुमार)
र.ले.उ.म.नि. (प्रशा.)

प्रतिलिपि:

1. प्रभारी अधिकारी प्रशा.-वेतन अनुभाग (स्थानीय)
2. प्रभारी अधिकारी लेखापरीक्षा-समन्वय (स्थानीय)
3. प्रभारी अधिकारी सू.प्रौ.एवं प्र. विंग- (स्थानीय)- इस परिपत्र को र.ले.महानियंत्रक की वेबसाइट में अपलोड करने हेतु
4. सैंट्रल, बरार स्केयर, दिल्ली छावनी
5. प्रभारी अधिकारी पुस्तकालय अनुभाग (स्थानीय)
6. एमएनबी, प्रशा-14 अनुभाग (स्थानीय)
7. महा सचिव, एआईडीए (सीवी) पुणे – र.ले.प्र.नि. (अ.) पुणे के माध्यम द्वारा
8. महा सचिव, एआईडीए (मुख्यालय) कोलकाता – र.ले.नि. (फै.) कोलकाता के माध्यम द्वारा

(प्रदीप कुमार)
लेखा अधिकारी (प्रशा.)

F. No. 12/2/2017-Estt(Pay-I)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi
Dated: 5th August, 2020

OFFICE MEMORANDUM

Subject: Protection of pay to the Central Government Servant consequent to appointment to a new post in different service or cadre in Central Government, through direct recruitment where either higher duties and responsibilities are involved or not, as the case may be, under FR 22-B(1), in the 7th CPC Scenario-regarding.

The undersigned is directed to say that consequent to various references received from Ministries/Departments on protection of pay under FR 22-B(1), a need has been felt to issue guidelines on the manner of fixation of pay in respect of the Central Government Servant who after technical resignation, is appointed to new post in the different service or cadre in Central Government through direct recruitment where either higher responsibilities are involved or not, as the case may be, in 7th Central Pay Commission scenario.

2. Provisions of FR 22-B(1) *inter-alia* provide as under :-

"F.R. 22-B.(1) Notwithstanding anything contained in these Rules, the following provisions shall govern the pay of a Government servant who is appointed as a probationer in another service or cadre, and subsequently confirmed in that service or cadre-

(a) during the period of probation, he shall draw pay at the minimum of the time scale or at the probationary stages of the time scale of the service or post, as the case may be:

Provided that if the presumptive pay of the permanent post on which he holds a lien or would hold a lien had his lien not been suspended, should at any time be greater than the pay fixed under the clause, he shall draw the presumptive pay of the permanent post;

(b) on confirmation in the service or post after the expiry of the period of probation, the pay of the Government servant shall be fixed in the time-scale of the service or post in accordance with the provisions of Rule 22 or Rule 22-C, as the case may be:....."

3. Consequent upon the implementation of 7th CPC Report and CCS (RP) Rules, 2016, the President is pleased to allow protection of pay in the light of the provisions laid down under FR 22-B(1) to Central Government employee who is appointed as probationer in another service or cadre either carrying higher responsibilities or not, as the case may be and subsequently confirmed in that service or cadre, in the manner as illustrated below:

(P) Bahree
05/08/20
1/5

(A) MANNER OF FIXATION OF PAY OF GOVERNMENT SERVANT UNDER FR 22-B(1) CONSEQUENT TO HIS APPOINTMENT IN LOWER POST THROUGH DIRECT RECRUITMENT, WHERE HIGHER DUTIES AND RESPONSIBILITIES ARE NOT INVOLVED

A Central Government Employee on his appointment to a post in lower Level in different service or cadre in Central Government which does not carry duties and responsibilities of greater importance than those attached to the post held earlier by him on regular basis before such appointment and having a provision of probation period in new post, may during probation draw the presumptive pay of the post held earlier by him on regular basis, if it is higher than the minimum of the Time Scale of the new post. He would also draw annual increments on such presumptive pay. However, it is to be ensured that during probation, presumptive pay should always be greater than the pay of the new post after drawl of increment(s). Subsequently, on successful completion of his probation, his pay will be fixed under FR 22(l)(a)(2).

Protection of Pay in the above manner should not, at any of these stages, exceed the maximum of the Level of the new post in Pay Matrix.

Illustration

An officer was drawing pay of Rs.78,500 in Cell 6 in Level 11 (with DNI 01.07.2018) before his appointment to a post in Level 10 on 01.04.2018 which does not carry duties and responsibilities of greater importance than those attached to the post held earlier by him before such appointment. There is a provision of 2 years probation period in new post.

Since the first Cell Value in Level 10 (Rs.56,100) is less than the Last Basic Pay i.e. Rs. 78,500/- in Level 11. Hence during probation, he will draw the presumptive pay i.e. Rs.78,500/- in Level 11 and would also draw annual increments according to the pay drawn in his previous post in Level 11.

On 01.04.2018-	Rs. 78,500 (Level 11)
On 01.07.2018-	Rs. 80,900 (Level 11)
On 01.07.2019-	Rs. 83,300 (Level 11)

On successful completion of his probation period and on confirmation w.e.f. 01.04.2020, the pay of the officer would be fixed under FR 22(l)(a)(2). Since no such Cell of Rs. 83,300/- is available in Level 10, his pay would be fixed at next higher cell i.e. Cell 15 in Level 10 at Rs. 84,900 with next date of increment 01.01.2021.

(B) MANNER OF FIXATION OF PAY OF CENTRAL GOVERNMENT EMPLOYEE UNDER FR 22-B(1) CONSEQUENT TO HIS APPOINTMENT TO A POST IN HIGHER LEVEL THROUGH DIRECT RECRUITMENT, WHERE HIGHER DUTIES AND RESPONSIBILITIES ARE INVOLVED

A Central Government Employee on his appointment to a post in higher level in different service or cadre in Central Government carrying duties and responsibilities of greater importance than those attached to the post held earlier by him on regular basis before such appointment and having a provision of

probation period in new post, may during probation draw the presumptive pay of the post held earlier by him on regular basis if it is higher than the minimum of the Time Scale of the new post. He would also draw annual increments on such presumptive pay. However, it is to be ensured that during probation presumptive pay should always be greater than the pay of the new post after drawl of increment(s). Subsequently, on successful completion of his probation, his pay will be fixed under FR 22(l)(a)(1).

Protection of Pay in the above manner should not, at any of these stages, exceed the maximum of the Level of the new post in Pay Matrix.

Illustration

An officer was drawing pay of Rs.58,600 in Cell 10 of Level 7 before his appointment on 01.04.2018 in Level 10 (with DNI 01.07.2018) which carries duties and responsibilities of greater importance than those attached to the post held earlier by him on regular basis before such appointment. There is a provision of 2 years probation period in new post.

Since the first Cell Value of Level 10 (Rs. 56,100) is less than the Last Basic Pay drawn in Cell 10 of Level 7 i.e. Rs. 58,600/-, hence during probation, he will draw the presumptive pay of the post held earlier by him on regular basis and would also draw annual increments in the Level 7 of his previous post as shown below:-

On 01.04.2018-	Rs. 58,600 (Level 7)
On 01.07.2018-	Rs. 60,400 (Level 7)
On 01.07.2019-	Rs. 62,200 (Level 7)

On successful completion of his probation period and on confirmation w.e.f. 01.04.2020, the pay of the officer would be fixed under FR 22(l)(a)(1) read with Rule 13 of CCS (RP) Rules, 2016. Accordingly, an increment will be added in his pay in Level 7 and his pay will reach at Rs. 64,100/-. Since, there is no cell value equal to Rs. 64,100 available in Level 10, his pay will be fixed in Level 10 in Cell 6 at Rs. 65,000/- with next date of increment 01.01.2021.

(C) MANNER OF FIXATION OF PAY OF CENTRAL GOVERNMENT EMPLOYEE UNDER FR 22-B(1) CONSEQUENT TO HIS APPOINTMENT TO A POST IN EQUIVALENT LEVEL POST THROUGH DIRECT RECRUITMENT, WHERE HIGHER DUTIES AND RESPONSIBILITIES ARE NOT INVOLVED

A Central Government Employee on his appointment to a post in Equivalent Level in different service or cadre in Central Government through direct recruitment where higher duties and responsibilities are not involved and having a provision of probation period in new post, may during probation draw the presumptive pay of the post held earlier by him on regular basis. He would also get his increments on such presumptive pay. On successful completion of his probation, his pay will be fixed under FR 22(l)(a)(2). However, Protection of Pay in the above manner should not, at any of these stages, exceed the maximum of the Level of the new post in Pay Matrix.

RB Sharma
05/08/2020

Illustration

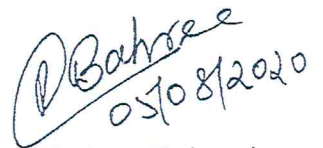
An officer was drawing pay of Rs. 58,600 in Cell 10 of Level 7 before his appointment on 01.04.2018 in the same Level 7 (with DNI 01.07.2018). There is a provision of 2 years probation period in new post.

Since the first Cell Value of Level 7 (Rs. 44,900) is less than the Last Basic Pay i.e. Rs. 58,600/- in Level 7 drawn by Government Servant, hence during probation, he will draw the presumptive pay and also get his increments in the same Level of his previous post as shown below:-

On 01.04.2018-	Rs. 58,600 (Level 7)
On 01.07.2018-	Rs. 60,400 (Level 7)
On 01.07.2019-	Rs. 62,200 (Level 7)

On successful completion of his probation period and on confirmation w.e.f. 01.04.2020, the pay of the officer would be fixed under FR 22(I)(a)(2). Since no increment would be admissible under FR 22(I)(a)(2), there will be no change in his pay on the date of confirmation i.e. 01.04.2020. Accordingly, his pay in Level 7 on 01.04.2020 would be Rs. 62,200 (Level 7) with next date of increment on 01.07.2020, as Level remains same.

4. The above mentioned pay protection under FR 22-B(1) will be available to the Government servant if he holds a lien on his previous permanent post.
5. No stepping up of pay of senior Government servant shall be allowed on the basis of the pay protection granted under FR 22-B(1) to junior Government servants of that particular service/cadre.
6. This order takes effect from 01.01.2016.
7. In their application to the employees of Indian Audit and Accounts Department, these orders are issued after consultation with the Comptroller & Auditor General of India, as mandated under Article 148(5) of the Constitution.
8. Hindi version will follow.


05/08/2020

(Rajeev Bahree)

Under Secretary to the Government of India

To

All Ministries / Departments of Government of India.

Copy also forwarded to:

1. The Comptroller & Auditor General of India.
2. Secretary General, Supreme Court of India.
3. Controller General of Accounts / Controller of Accounts, Ministry of Finance.

4. Union Public Service Commission / Lok Sabha Sectt. / Rajya Sabha Sectt. / Cabinet Sectt. / Central Vigilance Commission / President's Sectt./ Vice-President's Sectt. / Prime Minister's Office / Niti Aayog.
5. Governments of all States and Union Territories.
6. Department of Personnel and Training (AIS Division) / JCA / Admn. Section.
7. Secretary, National Council of JCM (Staff Side), 13-C, Feroz Shah Road, New Delhi.
8. All Members of Staff Side of the National Council of JCM / Departmental Council.
9. All Officers / Sections of Department of Personnel and Training / Department of Administrative Reforms & Public Grievances / Department of Pensions & Pensioners' Welfare / PESB.
10. Joint Secretary (Pers), Department of Expenditure, Ministry of Finance.
11. Additional Secretary (Union Territories), Ministry of Home Affairs.
12. JD (OL), DoPT, North Block, New Delhi- for Hindi version of this OM.


05/08/2020
(Rajeev Bahree)

Under Secretary to the Government of India

(1) *Officiating pay not protected.*—Since a temporary Government servant does not have a lien on any post, at the time of completion of probation, it is hereby clarified that, on completion of probation, when such a Government servant is confirmed in the service or post, his pay will not be refixed under FR 22 or FR 22-C with reference to the pay that he would have drawn in the previous post which he was holding in a temporary capacity, but he will continue to draw pay in the scale of pay of the service or post. Similarly, in the case of a permanent Government servant holding a higher officiating post at the time of appointment as probationer, the pay will not be refixed with reference to the pay that he would have drawn in the higher officiating post.

[G.L. M.F. O.M. No. F 1 (37)-E. III (A)/64, dated the 6th November, 1965.]

(2) *Technical Resignation on Pay Protection, eligibility of past service for reckoning of the minimum period for grant of Annual Increment.*—In cases of appointment of a Government servant to another post in Government on acceptance of technical resignation, the protection of pay is given in terms of the Ministry of Finance O.M. No. 3379-E.II (B)/65 dated the 17th June, 1965 read with proviso to FR 22-B. Thus, if the pay fixed in the new post is less than his pay in the post he holds substantially, he will draw the presumptive pay of the pay he holds substantially as defined in FR-9 (24). Past service rendered by such a Government servant is taken into account for reckoning of the minimum period for grant of annual increment in the new post / service / cadre in Government under the provisions of FR 26 read with Rule 10 of CCS (RP) Rules, 2016. In case the Government servant rejoins his earlier post, he will be entitled to increments for the period of his absence from that post.

[Para. 2.4 of G.L. Dept. of Per. & Trg., O.M. No. 28020/V/2010-Est. (C), dated the 17th August, 2016.]

B.G. P. & T'S INSTRUCTIONS

Benefit of FR 22-B (2) admissible to Quasi-permanent Government servants.—It is clarified in consultation with Ministry of Finance and Department of Personnel and Training, that the benefits under FR 22-B (2) may be extended to the Government servants who were holding the previous post in Quasi-permanent capacity and are appointed as probationers.

[G.L. Dept. of Telecom, Letter No. 4-10/88-PAT, dated the 14th February, 1989.]

ADDT' INSTRUCTIONS

See *Audit Instruction (1) below FR 9 (6)*.

FR 22-C. Deleted.

1. Deleted by G.L. Dept. of Per. & Trg., Notification No. 1/16/89-Est. (Pay-1), dated the 30th August, 1989, published in the Gazette of India, as G.S.R. 679, dated the 16th September, 1989.

For references to FRs 22, 22-C, 30 and 31, see the corresponding provisions in the new FR 22.

FR. 23. The holder of a post, the pay of which is changed, shall be treated as if he were transferred to a new post on the new pay:

Provided that he may at his option retain his old pay until the date on which he has earned his next or any subsequent increment on the old scale, or until he vacates his post or ceases to draw pay on that time-scale. The option once exercised is final.

GOVERNMENT OF INDIA'S ORDERS

(1) *Meaning of expression "old pay".*—In connection with the application of Fundamental Rule 23 and Audit Instruction (1) below it, a question was raised whether an official officiating in a higher scale on the date from which different posts on different scales in the same cadre were merged in a common scale, could exercise under Fundamental Rule 23 the option of retaining his officiating pay on old higher scale when all the posts of the different categories were on the same new scale from that date and no higher responsibility was involved.

It has been decided with the concurrence of the Comptroller and Auditor-General that the words "his old pay" in the proviso of the rule should be held to include not only the rate at which the individual was drawing his officiating pay on the crucial date but also the time-scale of pay in which he was drawing that pay. Thus for the period of option, the old scale of pay in which he was drawing his officiating pay should be treated as continuing for the individual concerned and since he is entitled to retain his old pay during that period, his drawing of that pay under the option need not depend on whether the constructive officiating appointment after the crucial date does or does not involve the assumption of duties and responsibilities of greater importance. The option, however, ceases to operate once the individual concerned constructively ceases to officiate in the post or ceases to draw pay in the particular scale in which he was drawing the officiating pay.

Both the substantive part of Fundamental Rule 23 and its proviso cannot be operative at one and the same time. For the period during which the option exercised under the proviso operates, the substantive portion of the rule remains inoperative. Failure to exercise the option from whatever cause arising entails forfeiture of the benefit of the rule.

[G.L. F.D., Letter C. No. 246-Admn. I.T./142, dated the 30th September, 1942.]

(2) *Exercise of option while under suspension.*—See Government of India's Order (2) below FR 53.

(3) *Fresh option not necessary when date of next increment revised.*—A question was raised whether the option exercised by a person under FR 23 could remain operative, if his date of next increment changes due to refixation of his pay under the orders issued by the competent authority subsequently. It has been decided that, if a person permanent or otherwise earns increment earlier than or after the original date on which he was supposed to get it at the time of exercise of option under FR 23, due to revision of the date of increment, his pay should automatically be refixed with effect from the revised date of increment

(5) No stepping up of pay in the case of passing Incentive Examination by a Junior S.A. after 1-1-1996.—A reference is invited to this Office Circular No. 10 of 1998 No. 768-Exam/27-88, dated 9-8-1988 read with circular No. 59-Exam. 27-88, dated 26-2-1990 [*CAG's Decision No. (2) below FR 27*] regarding Incentive Examination for Senior Auditors / Senior Accountants, under which candidates securing fifty per cent marks and above are granted one advance increment in the scale of Senior Auditor / Senior Accountant with effect from first of the month in which the examination is held. Consequent upon implementation of recommendations of Fifth Central Pay Commission, anomalies in pay have arisen in some cases in the cadre of Senior Auditors / Senior Accountants as a result of passing the Incentive Examination by a senior before 1-1-1996 and a junior after 1-1-1996. The matter was referred to Government for considering rectification of such anomalies.

Ministry of Finance, after consultation with DoP & T have held that such type of anomalies have not arisen due to direct application of FR 22-C [*Now FR 22 (1) (a) (1)*]. In such cases, anomaly has arisen due to grant of increment at a higher rate to the junior. In this connection, Government have drawn attention to various orders relating to stepping up of pay, issued right from 4-2-1996. Para. (c) of these orders provides that anomaly should be as a result of application of FR 22-C and in case where a junior is drawing higher pay than a senior by virtue of grant of advance increment, no benefit of stepping up of pay will be allowed to the Senior Officer. In the past, DoP & T have been agreeing to step up pay in such cases in relaxation of normal rules. However, after judgment of Hon'ble Supreme Court of India in the case of *R. Swaminathan and others*, Dept. of Per. & Tryg. have been taking a consistent stand not to allow benefit of stepping up of pay of senior in cases where anomaly is not due to direct application of FR 22-C [*Now FR 22 (1) (a) (1)*].

In view of the position explained above, it is clarified that anomalies in pay which have arisen in the Senior Auditors / Senior Accountants cadre as a result of passing Incentive Examination by a senior before 1-1-1996 and junior after 1-1-1996 are not rectifiable.

[C & AG of India, Cir. Lr. No. 606/NGE (Emt.)/28-2000, dated the 2nd August, 2000.]

FR. 22-A. Not printed.

FR. 22-B. (1) Notwithstanding anything contained in these Rules, the following provisions shall govern the pay of a Government servant who is appointed as a probationer in another service or cadre, and subsequently confirmed in that service or cadre—

- (a) during the period of probation, he shall draw pay at the minimum of the time-scale or at the probationary stages of the time-scale of the service or post, as the case may be:

For references to FRs 22, 22-C, 30 and 31, see the corresponding provisions in the new FR 22.

Provided that if the presumptive pay of the permanent post on which he holds a lien or would hold a lien had his lien not been suspended, should at any time be greater than the pay fixed under this clause, he shall draw the presumptive pay of the permanent post;

- (b) on confirmation in the service or post after the expiry of the period of probation, the pay of the Government servant shall be fixed in the time-scale of the service or post in accordance with the provisions of Rule 22 or Rule 22-C, as the case may be:

Provided that the pay of Government servant shall not be so fixed under Rule 22 or Rule 22-C with reference to the pay that he would have drawn in the previous post which he was holding in a temporary capacity, but he shall continue to draw the pay in the time-scale of the service or post.

(2) The provisions contained in sub-rule (1) shall apply *mutatis mutandis* to cases of Government servants appointed on probation with definite conditions against temporary posts in another service or cadre where recruitment to permanent posts of such service or cadre is made as probationers, except that in such cases the fixation of pay in the manner indicated in Clause (b) of sub-rule (1) shall be done under Rule 31 of these Rules immediately on the expiry of the period of probation and on regular Rules immediately on the expiry of the period of probation, in the officiating appointment to a post, either permanent or temporary, in the service or cadre.

(3) Notwithstanding anything contained in these Rules, a Government servant appointed as an apprentice in another service or cadre shall draw—

- (a) during the period of apprenticeship, the stipend or pay prescribed for such period, provided that if the presumptive pay of the permanent post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended, should at any time be greater than the stipend or pay fixed under this clause, he shall draw the presumptive pay of the permanent post.

- (b) on satisfactory completion of the apprenticeship and regular appointment to a post in the service or cadre, the pay as fixed in the time-scale of the service or post under Rule 22 or 22-C or 31, as the case may be, of these Rules:

Provided that the pay of the Government servant shall not be so fixed under Rule 22 or Rule 22-C with reference to the pay that he would have drawn in the previous post which he was holding in a temporary capacity, but he shall continue to draw the pay in the time-scale of the service or post.

For references to FRs 22, 22-C, 30 and 31, see the corresponding provisions in the new FR 22.

AUDIT INSTRUCTIONS

(16) *Period of training before appointment to be treated as 'duty' for eligibility to sit for departmental examinations.*—The Staff Side of the National Council (JCM) had suggested *inter alia* that the service rendered by an employee during the training period before his regular appointment to the grade be treated as duty for eligibility to sit for the departmental examination.

2. The request made by the Staff Side of the National Council (JCM) has been examined and it has been decided that in all cases where pre-service training is considered necessary before actual appointment to the post, the period spent by an officer on training immediately before such appointment would count as qualifying service for the purpose of eligibility for appearing in departmental examinations, even if the officer is not given the scale of pay of the post but only a nominal allowance.

[G.L. M.H.A. (D.o.P. & A.R.) O.M. No. 14034/5/81-Estt. (D), dated the 8th March, 1983.]

(17) *Period of training before appointment to be treated as 'duty' for increments.*—See GIO (1) below FR 26.

(18) *Period of training before appointment to Groups 'C' and 'D' posts counts as qualifying service for pension.*—See GID (1) below Rule 22, CCS (Pension) Rules, 1972—*Swamy's Pension Compilation*.

(19) *Period of participation in National/International Sports events and pre-participation coaching camps is treated as duty.*—See Appendix-11 in this compilation.

(20) *Period of waiting on joining from leave for posting orders to be treated as duty.*—Mr. N, an Executive Engineer, while officiating as Superintending Engineer, was granted leave on average pay on medical certificate for 4 months and 12 days expiring on the 25th August. After receipt of a medical certificate of fitness, the question of his posting was taken up on the 16th August, and it having been finally decided to post him as officiating Superintending Engineer, orders for his posting were issued on the 26th September. Mr. N, joined duty on the forenoon of the 4th October. The question arose how the period from 26th August to 3rd October should be treated.

The circumstances of the case are similar to those referred to in FR 9 (6) (b) (iv), inasmuch as in both cases the essential point is the compulsory waiting by the officer concerned for orders of Government posting him to a particular post. Accordingly, the Government of India, with the concurrence of the Auditor-General, ordered that the period of waiting in the case of Mr. N and in other similar cases should be treated as duty as in the case mentioned in FR 9 (6) (b) (iv).

[G.L. F.D., No. F. 192-C.S.R. 25, dated the 20th June, 1925 to the Accountant-General, Madras.]

AUTHORS' NOTE.—Though the sub-rule referred to in the decision no longer exists, the spirit of the decision is still applicable. Such cases may have to be dealt with under CCS (Joining time) Rules, 1979.

(1) (a) The term "Probationer" does not cover a Government servant who holds substantively a permanent post in a cadre and is appointed 'on probation' to another post.

(b) No person appointed substantively to a permanent post in a cadre is a probationer, unless definite conditions for probation have been attached to his appointment, such as the condition that he must remain on probation pending the passing of certain examinations.

(c) The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribe otherwise.

(d) The instructions in Clauses (a) and (b) above are to be taken as complementary and not as mutually exclusive. Taken together, they contain the essence of the tests for determining when a Government servant should be regarded as a 'probationer' or as merely 'on probation', irrespective of whether he is already a permanent Government servant or is merely a Government servant without a lien on any permanent post. While a probationer is one appointed in or against a post substantively vacant with definite conditions of probation, a person on probation is one appointed to a post (not necessarily vacant substantively) for determining his fitness for eventual substantive appointment to that post. There is nothing in these Audit Instructions to prevent a Government servant substantive in one cadre (e.g., a First Division Assistant holding a lien on a post borne on the Central Secretariat Service, Group 'B') from being appointed (either through selection by a departmental committee or as a result of competitive examination through the Union Public Service Commission) as a 'probationer' in or against a post borne on another cadre (like the Indian Audit and Accounts Service, the Indian Customs Service and the Income Tax Service, Group 'A'), when definite conditions of probation such as the passing of departmental examinations are prescribed. In such a case, the Government servant should be treated as a 'probationer', and (subject to specific rules, if any, to the contrary) allowed only, as initial and subsequent pays, the rates of pay prescribed for the probationary period, irrespective of whether those rates are actually included in or shown separately from, the time-scales of the services concerned. The case of departmental candidates of the same department promoted by selection [e.g., SAS (Central Service, Group 'C', Superintendent or an Accounts Officer of the Indian Audit Department promoted by selection to the Indian Audit and Accounts Service within the quota for such promotion] is, however, different. If the Departments of the Government of India concerned consider it expedient, these 'promoted' men may properly be put 'on probation' for a period to see if they make good in the actual work of a Group 'A' Officer and have liens (active or suspended) retained for them on their former posts meanwhile to provide for their possible reversion; but, whatever the departmental arrangements be to test their capacity, etc., during the 'on probation' period, their

initial pay should be fixed under the operation of the normal rules regulating pay fixation.

[Para. 3 (7), Chap. II, Sec. 1 of Manual of Audit Instructions (*Reprint*).]

(2) The leave of apprentices during the period of apprenticeship is governed by SR 292 [cf. Rule 33 of CCS (Leave) Rules, 1972], and on confirmation they cannot count their apprentice period for leave as if it had been service rendered substantially in a permanent post.

[Para. 3 (7), Chap. II, Sec. 1 of Manual of Audit Instructions (*Reprint*).]

(3) The periods spent in training and on the journey to and from the place of training by the reservists of the Indian Army and the Indian Navy in Civil Government employ, when called up for periodical military and naval training respectively, will be treated as duty for purposes of civil leave and increments of civil pay.

[Para. 4 (1) Chap. II, Sec. 1 of Manual of Audit Instructions (*Reprint*).]

(4) See item (4) of the Audit Instructions below FR 26.

(5) The time reasonably required for the journeys between the place of training and the stations to which a Government servant is posted immediately before and after the period of training should be treated as part of that period. This ruling is not intended to apply to probationers, holding "training posts", which they may be considered as taking with them on transfer. Such probationers are entitled to joining time when transferred.

[Para. 1-A, Chap. XI, Sec. 1 of Manual of Audit Instructions (*Reprint*).]

COMPTROLLER AND AUDITOR-GENERAL'S DECISION

See C. & A.G. Decisions below SR 130 for treatment as duty of the period spent in the journey and the dates of examination in the case of (i) serving Stenographers appearing for the proficiency test conducted by the Staff Selection Commission at a place other than the place of duty and (ii) graduate Group 'D' officials appearing in the departmental examination for Auditors.

(6-A) *Fee* means a recurring or non-recurring payment to a Government servant from a source other than the Consolidated Fund of India, or the Consolidated Fund of a State or the Consolidated Fund of a Union Territory whether made directly to the Government servant or indirectly through the intermediary of Government, but does not include—

- (a) unearned income such as income from property, dividends, and interests on securities; and
- (b) income from literary, cultural, artistic, scientific or technological efforts and income from participation in sports activities as amateur.

AUTHORS' NOTE.—For orders see under SR 12.

(7) *Foreign Service* means service in which a Government servant receives his pay with the sanction of Government from any source other

than the Consolidated Fund of India or the Consolidated Fund of a State or the Consolidated Fund of a Union Territory.

(8) *Deleted*.

(9) *Honorarium* means a recurring or non-recurring payment granted to a Government servant from the Consolidated Fund of India or the Consolidated Fund of a State [or the Consolidated Fund of a Union Territory] as remuneration for special work of an occasional or intermittent character.

GOVERNMENT OF INDIA'S ORDERS

(1) *Scope of the term honorarium*.—The overtime allowance or overtime pay, pie money and extra duty allowance payable in the Indian Posts and Telegraphs Department should be treated as recurring honoraria as they are paid for laborious work of an occasional character within the meaning of this rule.

[F.A. P. & T.'s Endorsement No. 779-F/26, dated the 4th February, 1932.]

(2) *Conditions governing grant of honorarium*.—See Orders below FR 46.

(10) *Joining time* means the time allowed to a Government servant in which to join a new post or to travel to or from a station to which he is posted.

AUTHORS' NOTE.—See also definition in CCS (Joining Time) Rules, (Appendix-10).

(11) *Not printed*.

(12) *Leave salary* means the monthly amount paid by Government to a Government servant on leave.

(13) *Lien* means the title of a Government servant to hold on regular basis, either immediately or on the termination of a period or periods of absence, a post, including a tenure post, to which he has been appointed on regular basis and on which he is not on probation:

Provided that the title to hold a regular post shall be subject to the condition that the junior most person in the grade will be liable to be reverted to the lower grade if the number of persons so entitled is more than the posts available in that grade.]

GOVERNMENT OF INDIA'S ORDERS

(1) '*Lien*' represents only the right / title of a Government servant to hold a regular post.—The concept of lien as the title of a Government servant to hold substantively a permanent post will undergo a change. Lien will now represent only the right / title of a Government servant to hold a regular post, whether permanent or temporary, either immediately or on the termination of the periods of absence. The benefits of having a lien in a grade will thus be enjoyed by all officers who are confirmed in the grade of entry or who have

1. Substituted by G.I., Dept. of Per. & Trg., Notification No. 28020/1/96-Est. (C), dated the 9th February, 1998, published as GSR 44 in the Gazette of India, dated the 28th February, 1998.

- (b) *Not printed.*
 (c) *Not printed.*

NOTE.—In the case of a piece-worker in the Government of India Presses, when appointed to a post on a time-scale, 'pay' shall be deemed to be equivalent to two hundred times his hourly class rate.

GOVERNMENT OF INDIA'S ORDERS

(1) Wireless proficiency pay granted to the wireless operators will be treated as pay under Fundamental Rule 9 (21) (a) (ii).

I.F.A. (C's) Endorsement No. Es. B-401-23/39/A, dated the 10th February, 1943.]

(2) *Non-Practising Allowance attached to medical posts other than posts included in the Central Health Services (CHS).*—Consequent upon acceptance of recommendations of the Sixth Central Pay Commission by the Government, the President is pleased to decide that, in modification of the Ministry's O.M. No. 7 (25)/E.III (A)/97, dated 15-4-1998, the Non-Practising Allowance may continue to be paid at the existing rate of 25% of Basic Pay subject to the condition that the Basic Pay + NPA does not exceed ₹ 85,000.

2. The term "basic pay" in the revised pay structure means the pay drawn in the prescribed level in the Pay Matrix but does not include any other type of pay like special pay, etc. In the case of Government servants in the pay scales of HAG+ and above, basic pay means the pay in the prescribed scale.

3. The revised rate of NPA would be effective from the date an employee draws pay in the revised scale applicable to him in accordance with the provisions of the Central Services (Revised Pay) Rules, 2008.

4. The NPA should be restricted to those Medical Posts for which a Medical qualification recognized under the Indian Medical Council Act, 1956 or under the Dentists Act, 1948 has been prescribed as an essential qualification.

5. The Non-Practising Allowance will be treated as pay for the purpose of computing Dearness Allowance, entitlement of Travelling Allowance and other allowances as well as for calculation of retirement benefits.

6. These orders will not be applicable in respect of medical posts under the Ministries of Railways, Defence and Department of Atomic Energy for which separate orders will issue.

I G.I., M.F., F. No. 7 (19)/2008-E.III (A), dated the 30th August, 2008.]

NPA should be paid at the rate of 20 per cent of Basic Pay, subject to the condition that Basic Pay plus NPA should not exceed the average of Apex Level and the level of Cabinet Secretary.

I Para. 8.17.79 of VII CPC Report.]

(3) *Non-Practising Allowance attached to Veterinary Posts.*—Consequent upon acceptance of the recommendations of the Sixth Central Pay Commission

by the Government, the President is pleased to decide that, in modification of this Ministry's O.M. No. 7 (25)/E.III(A)/97, dated 15-4-1998, the Non-Practising Allowance may continue to be paid for Veterinary Posts at the existing rate of 25% of the Basic Pay subject to the condition that the Basic Pay + NPA does not exceed ₹ 85,000.

2. The term "basic pay" in the revised pay structure means the pay drawn in the prescribed pay band plus the applicable grade pay but does not include in any other type of pay like special pay, etc. In the case of Government servants in the pay scales of HAG+ and above, basic pay means the pay in the prescribed scale.

3. The revised rate of NPA would be effective from the date an employee draws pay in the revised scale applicable to him in accordance with the provisions of the Central Services (Revised Pay) Rules, 2008.

4. The NPA should be restricted only to those Veterinary posts for which minimum qualification of a Degree of B.V.Sc. & A.H. with registration in the Veterinary Council of India is required.

5. The Non-Practising Allowance will be treated as pay for the purpose of computing Dearness Allowance, entitlement of Travelling Allowance and other allowances as well as for calculation of retirement benefits.

6. These orders will not be applicable in respect of Veterinary posts under the Ministries of Railways, Defence and Department of Atomic Energy for which separate orders will issue.

I G.I., M.F., F. No. 7 (19)/2008-E. III (A), dated the 30th August, 2008.]

(22) *Permanent post means a post carrying a definite rate of pay sanctioned without limit of time.*

(23) *Personal pay means additional pay granted to a Government servant—*

- (a) *to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure; or*

(b) *in exceptional circumstances, on other personal considerations.*

GOVERNMENT OF INDIA'S ORDER

(1) *Reference to Finance Ministry necessary in case of grant of personal pay.*—In supersession of all previous orders on the subject, it has been decided that, all cases in which it is proposed to grant personal pay under Fundamental Rule 9 (23) (b) may be referred to the Government of India, Finance Department, through the Administrative Departments concerned. No case will be entertained which is not of an entirely exceptional character and in submitting cases for the grant of personal pay this should be carefully borne in mind.

I G.I., F.D., Letters No. F. 14-XXII-Ex. II, dated the 28th September, 1936 and No. F. 16 (14)-Ex. 1/38, dated the 16th August, 1938.]

(2) Hindi Personal Pay.— See Appendix-7 of this Compilation.

(2A) *Presumptive pay of a post, when used with reference to any particular Government servant, means the pay to which he would be entitled if he held the post substantively and were performing its duties; but it does not include special pay unless the Government servant performs or discharges the work or responsibility, in consideration of which the special pay was sanctioned.*

(25) *Special Pay means an addition, of the nature of pay, to the emoluments of a post or of a Government servant, granted in consideration of—*

(a) the specially arduous nature of the duties;

or

(b) a specific addition to the work or responsibility.

For orders regarding grant of Special Pay to various categories of Government servants and treatment thereof for the purpose of fixation of pay on promotion, see Appendix-8 in this Compilation.

For orders regarding grant of Special Pay in the name of Deputation (Duty) Allowance on the transfer of Central Government servants to other Government Departments, Companies, Corporations, etc., see Appendix-5 in this Compilation.

GOVERNMENT OF INDIA'S ORDERS

Delegation of powers to Ministers, etc.— It has been decided to delegate to the Ministers of the Government of India and the Comptroller and Auditor-General of India in respect of the staff of the Indian Audit and Accounts Department powers as shown below—

(a) *Protection of special pay drawn in a post on promotion to another post.—* Subject to the conditions mentioned below, special pay granted for specific additions to duty or for arduousness of work 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 in the lower post.

The conditions are—

(i) It must be certified that but for his appointment to the other post, the Government servant would have continued to draw special pay.

(ii) The protection will only be for so long as the Government servant could have continued to draw the special pay.

(iii) The personal pay will be absorbed in subsequent increases of pay.

NOTE 1.— 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.

[G.L., M.F., O.M. No. 8 (113)-E. III/62, dated the 29th July, 1963.]

NOTE 2.— It is clarified that the authority competent to fix pay of an official on promotion will also be competent to fix pay and grant personal pay under these orders. In such cases, the sanction of the Administrative Ministry is not necessary for the grant of personal pay unless it is the competent authority to fix pay on promotion.

[D.G., P. & T.'s No. 2-1/67-PAP, dated the 6th April, 1967.]

(b) *Continuation of special pay originally sanctioned with the concurrence of the Ministry of Finance.—* Full power in cases where special pays are granted on the basis of well-defined yardsticks or are granted at a specified rate to a category of officials in general, provided it is certified the consideration for which the special pays are sanctioned continues to exist.

[G.L., M.F., O.M. No. F. 6 (23)-E. III/62, dated the 22nd June, 1962, as modified by O.M. No. F. 6 (23)E. III/62, dated the 30th June, 1965.]

(26) Deleted.

(27) *Subsistence grant means a monthly grant made to a Government servant who is not in receipt of pay or leave salary.*

(28) *Substantive pay means the pay other than special pay, personal pay or emoluments classed as pay by the President under Rule 9 (21) (a) (ii), to which a Government servant is entitled on account of a post to which he has been appointed substantively or by reason of his substantive position in a cadre.*

NOTE 1.— In the case of a piece-worker in the Government of India Presses, when appointed to a post on a time-scale, "substantive pay" shall be deemed to be equivalent to two hundred times his hourly class rate.

NOTE 2.— In the case of a person with a lien on a permanent post under a State Government, "substantive pay" means the "substantive pay" as defined in the relevant rules of the State Government concerned.

(29) Deleted.

(30) *Temporary post means a post carrying a definite rate of pay sanctioned for a limited time.*