

No. 11012/11/2018-Estt.A-III
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training
(Establishment A-III Desk)

North Block, New Delhi – 110001
Dated 28th October, 2022

OFFICE MEMORANDUM

Subject: Implementation of second penalty imposed during the currency of first penalty – regarding

It has come to the notice of this Department that the Departments are facing difficulties in implementation of second penalty (or multiple penalties) on **servicing** charged officers during the currency of first penalty.

2. The issue has been considered in this Department and it has been decided that all the Disciplinary Authorities **should clearly indicate in the punishment order whether the two penalties (or multiple penalties) would run concurrently or consecutively**, while awarding second or subsequent penalties during the currency of earlier penalty/penalties. It is, however, clarified that where, such a specific mention has not been made, the two/ all penalties should run concurrently and the higher penalty, even though ordered later, should be implemented immediately and after expiry of its period, if the currency of the period of earlier punishment still continues, the same may be implemented for the balance period. In this context, a few illustrations are also annexed for ease of comprehension.

3. Ministries/ Departments are requested to ensure that these instructions are conveyed to all concerned.

4. Hindi version follows.


(A K Gopal)

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To

All Ministries / Departments of the Government of India

Illustration 1

A Government servant was drawing Basic Pay of Rs.65,200/- in Level 9 (Cell No.8) with next date of increment being 1st July, 2019.

1st Penalty: Vide Order dated 13.08.2018 a penalty of reduction to a lower stage by one stage in the time-scale of pay for a period four years, with further directions that the Government servant shall earn increment of pay during the period of such reduction and on the expiry of such period, the reduction will not have the effect of postponing his future increments was imposed. (Penalty period w.e.f. 13.08.2018 to 12.08.2022).

2nd Penalty: Vide Order dated 10.12.2018, penalty of reduction to a lower time-scale of pay [Level 8] for a period of two years is imposed with further direction that the period of reduction to time scale of pay shall not operate to postpone future increment of his pay. (Penalty period w.e.f. 10.12.2018 to 09.12.2020).

Event	Basic Pay	1 st Penalty	2 nd Penalty
Pay immediately before imposition of 1 st penalty i.e. on 12.08.2018	Rs.65,200/- [Level 9 (Cell No. 8)]	-	-
Pay w.e.f. 13.08.2018 on imposition of 1 st penalty	-	Rs.63,300/- Level 9 (Cell No.7)	-
Pay on imposition of 2 nd penalty w.e.f. 10.12.2018 *	-	-	*Rs. 62,200/- Level 8 (Cell No.10)
Pay on 01.07.2019 -Annual Increment	Notional Rs.67200/- Level 9 (Cell No.9)	Notional Rs.65,200/- Level 9 (CellNo.8)	Rs.64,100/- Level 8 (Cell No.11)
Pay on 01.07.2020 – Annual Increment Till 09.12.2020	Notional Rs.69,200/- Level 9 (Cell No.10)	Notional Rs.67,200/- Level 9 (Cell No.9)	Rs.66,000/- Level 8 (Cell No.12)
Pay on 10.12.2020 – (end of 2 nd penalty and continuation of 1 st penalty)	-	Rs.67,200/- Level 9 (Cell No.9)	-
Pay on 01.07.2021	Notional Rs.71,300/-	Rs.69,200/-	-

	Level 9 (Cell No.11)	Level 9 (Cell No.10)	
Pay on 01.07.2022 Till 12.08.2020	Notional Rs.73,400/- Level 9 (Cell No.12)	Rs.71,300/- Level 9 (Cell No.11)	-
Pay on 13.08.2022 (on end 1 st penalty)	Rs.73,400/- Level 9 (Cell No.12)	-	-

* Assuming that the Government servant was promoted from Level 8 to Level 9 w.e.f. 10.10.2016 and his pay was fixed on promotion under F.R. 22 (I) (a) (1).

Regulation of his pay on imposition of 2nd penalty:

Date	Pay in Level 8	Pay in Level 9
09.10.2016 (immediately prior to his promotion) Level 8 (Cell No.8)	Rs.58,600/-	-
10.10.2016 on promotion to Level 9	Rs.58,600/- (Notional)	Rs.61,500/-
01.07.2017 – Annual Increment	Rs.60,400/- (Notional)	Rs.63,300/-
01.07.2018 – Annual Increment	Rs.62,200/- (Notional)	Rs.65,200/-
Pay as on the date of 2 nd penalty i.e. 10.12.2018	Rs.62,200/-	

Illustration 2

A Government servant was drawing Basic pay in Level 11 in Pay matrix at the stage Rs.83,300/- with next date of increment being 1stJuly, 2018.

1st Penalty: Withholding of increments for a period of 3 years imposed on 15.03.2018. [Period of penalty 15.03.2018 to 30.06.2021]

2nd Penalty: Reduction to a lower stage in the time-scale of pay by three stages for a period of one-year w.e.f. 20.10.2018 with further directions that the Government servant will earn increments of pay during the period of such reduction and not having the effect of postponing the future increments of pay. (penalty w.e.f. 20.10.2018 to 19.10.2019)

Event	Basic Pay	1 st Penalty	2 nd Penalty
Pay immediately before imposition of 1 st penalty i.e. on 14.03.2018	Rs.83,300/- Level 11 (Cell No.8)	-	-
Pay w.e.f. 15.03.2018 on imposition of 1 st penalty	-	Rs.83,300/- Level 11 (Cell No.8)	-
Pay on 01.07.2018 (Date of annual increment)	Notional Rs.85,800/- Level 11 (Cell No.9)	Rs.83,300/- Level 11 (Cell No.8)	-
Pay on 20.10.2018 on imposition of 2 nd penalty	-	-	Rs.78,500/- Level 11 (Cell No.6)
Pay on 01.07.2019 (Date of annual increment) Till 19.10.2019	Notional Rs.88,400/- Level 11 (Cell No.10)	Notional Rs.83,300/- Level 11 (Cell No.8)	Rs.80,900/- Level 11 (Cell No.7)
Pay w.e.f. 20.10.2019 (on completion of 2 nd penalty and continuation of 1 st penalty)	-	Rs.83,300/- Level 11 (Cell No.8)	-
Pay on 01.07.2020 (Date of annual increment) and till 30.06.2021	Notional Rs.91,100/- Level 11 (Cell No.11)	Rs.83,300/- Level 11 (Cell No.8)	-
Pay on 1.07.2021	Rs.93,800/- Level 11 (Cell No.12)	-	-

Illustration 3

A Government servant was drawing Basic pay in Level 11 in Pay matrix at the stage Rs.83,300/- with next date of increment being 1stJuly, 2018.

1st Penalty: Withholding of increments for a period of 4 years imposed w.e.f. 15.03.2018. [Period of penalty 15.03.2018 to 30.06.2022]

2nd Penalty: Reduction to a lower stage in the time-scale of pay by three stages for a period of three-years w.e.f. 20.10.2018 with further directions that the Government servant will earn increments of pay during the period of such reduction and not having the effect of postponing the future increments of pay (penalty w.e.f. 20.10.2018 to 19.10.2021).

Event	Basic Pay	1 st Penalty	2 nd Penalty
Pay immediately before imposition of 1 st penalty i.e. on 14.03.2018	Rs.83,300/- Level 11 (Cell No.8)	-	-
Pay w.e.f. 15.03.2018 on imposition of 1 st penalty	-	Rs.83,300/- Level 11 (Cell No.8)	-
Pay on 01.07.2018 (Date of annual increment)	Notional Rs.85,800/- Level 11 (Cell No.9)	Rs.83,300/- Level 11 (Cell No.8)	-
Pay on 20.10.2018 on imposition of 2 nd penalty	-	-	Rs.78,500/- Level 11 (Cell No.6)
Pay on 01.07.2019 (Date of annual increment)	Notional Rs.88,400/- Level 11 (Cell No.10)	Notional Rs.83,300/- Level 11 (Cell No.8)	Rs.80,900/- Level 11 (Cell No.7)
Pay on 01.07.2020 (Date of annual increment)	Notional Rs.91,100/- Level 11 (Cell No.11)	Notional Rs.83,300/- Level 11 (Cell No.8)	Rs.83,300/- Level 11 (Cell No.8)
Pay on 01.07.2021 (Date of annual increment) to till 30.06.2022 (completion of 1 st penalty)	Notional Rs.93,800/- Level 11 (Cell No.12)	Rs.83,300/- Level 11 (Cell No.8)	Notional Rs.85,800/- Level 11 (Cell No.9) till 19.10.2021 i.e. end of 2 nd penalty)
Pay on 01.07.2022	Rs.96,600/- Level 11 (Cell No.13)	-	-