Subject: Orders issued for option of date for fixation of pay on promotion - clarifications - recording.

The undersigned is directed to refer to the provisions contained in this Department 0.M. No. 7/1/80-Ext. P.I., dt. 26th Sept., 1981 on the above subject, and to say that doubts have been raised by various Departments on the application of the above provisions in different cases. The various points have been examined in consultation with the Min. of Finance. The position is clarified as follows:

Point of doubt

1. Whether the option is to be exercised by the employee on promotion or it is to be obtained by the Admin. from the employee concerned.

2. Whether the option may be allowed in all cases of appointment to higher post involving fixation of pay under FR 23-C.

3. Whether the stipulation for embargo on promotion in respect of an officer refusing promotions, as per para 3 of the OM dt. 26th Sept., 1981, would also be effective from 1-8, 1981.

Clarification

In the order promoting the Govt. servant it may be mentioned that he has to exercise the option within one month. On his promotion, the pay should be first fixed under FR 22-C and in case he exercises an option in terms of para 2(b) of O.M. dt. 26th Sept., 1981 within the prescribed period of one month, his pay should be reduced under FR 22-C(d) with effect from the date of his promotion and then under FR 23-C only with effect from the date of accrual of next increment in the order post.

The option is to be allowed only in cases of promotion to higher posts in the normal line in a cadre/department. The O.M. will not be applicable in cases of appointment by transfer on deputation and the like.

As already clarified in this Department O.M. No. 7/1/30-Ext. P.I., dt. 22nd Jan., 1982, the provisions for embargo of one year will be allowed only in cases of promotions off scale or after 1-10-81, and rest of the options should be dealt with under the existing orders on the subject.

Note: 1/2.
4. Whether the option is to be restricted only to cases of promotions where there is an impending necessity on eventual promotion of junior person in due course, in terms of para 1 of the O.M.

5. Whether the option may be allowed in cases of ad hoc promotions also.

6. Whether the option may be allowed in cases where the initial fixation of pay in the scale of the higher post in the manner provided under Rule 22(a)(i) and the one under Rule 22-C, both happens to be the same.

7. In cases of promotions from Class II posts to Senior Class I scale posts in certain services, the method of pay fixation under O.M. dt. 14-11-1975 involves notional fixation in Class I Junior scale under Rule 22-C initially on pay fixation to Senior Scale. Can the option be allowed in such cases?

8. Whether fixation of pay under the fourth proviso to Rule 22-C will be permissible in cases where the pay fixation in promotion is regulated in terms of the second option as contained in para 1(b) of the O.M. dt. 28-9-1981.

The option may be allowed in respect of all promotions effected on or after 1.6.1981 where the fixation of pay is to be made under Rule 22-C irrespective of the fact whether there is an impending necessity or not.

No, the option is not admissible in respect of ad hoc promotions. However, in cases where such a promotion is followed by regular appointment to the higher post without break, the option may be allowed as from the date of initial appointment to the higher post to be obtained within one month from the date of such regular appointment.

No, the option may be allowed in cases where it can be exercised in cases, where the initial fixation of pay under the two rules happen to be obtained and pay has to be fixed only under the normal rules.

No, the fixation of pay under Concurrent Rules dt. 1-1-1976 do not provide for reflection of pay in the senior scale from a date other than the date of actual promotion. The option O.M. dt. 28-9-1981, therefore, be allowed in such cases.

No, the protection of official pay drawn during casual or availability under the fourth proviso to Rule 22-C dt. 1-1-1976, not be applicable in cases where it bears to the aforesaid O.M. dt. 28-9-1981.
2. In so far as the establishments under the I.A.& A.J. are concerned, these clarifications issue with the concurrence of the Controller and Auditor General.

3. Ministry of Finance etc., are requested to bring the above points of clarification to the notice of all officers concerned for necessary guidance.

4. Hindi version is enclosed.

(S. Harihara Ram)

Under Secretary to the Government of India.

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