

F.No. 11030/17/93-AIS(II)
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Personnel & Training

...
New Delhi, the 11th April, 2001.

To

The Chief Secretaries of all the State Governments
and Union Territories,

All Ministries and Department of Government of India.

**Subject : IAS(Pay) Rules 1954 – fixation of pay of IAS officers
appointed as Directors/Joint Secretaries or equivalent in the
Central Government – regarding.**

Sir,

I am directed to refer to this Department's letter No.14021/5/97-AIS(II) dated 19th December, 1997 whereby IAS officers appointed as Directors or equivalent in the Central Government subsequent to their promotions in the Supertime Scale in their cadres are allowed to draw maximum of the Selection Grade of the IAS (Rs.15100-400-18300) i.e. Rs.18300/-. Further, the Central (Deputation on Tenure) Allowance is also admissible to such IAS officers. Instructions have also been issued *vide* this Department's letter no. 11030/3/98-AIS(II) dated 13th May 1998 whereunder IAS officers appointed as Joint Secretaries or equivalent at the Centre subsequent to their promotion in the scale of Rs.22400-525-24500 in their cadres are allowed to draw the maximum of the Supertime Scale of Rs.18400-500-22400, i.e. Rs.22400/-, with the prior approval of this Department. In both the above type of cases, only those officers are allowed the ~~said~~ benefit who had actually started drawing pay in the higher grades in their cadres. In other cases where the officers were not promoted in the respective higher grades in the cadres prior to or at the time of their coming on Central deputation, their pay at the Centre is fixed on the basis of their grade pay in the cadre.

2. Instances have been brought to notice where a senior officer comes to hold a post in the rank of Director/Joint Secretary in the Central Government without being promoted in the respective higher grade in his cadre. As per the above explained position, in such cases, his pay at the center is fixed at the same stage of the grade in which he has been drawing pay in his cadre. Subsequently, another officer junior to him in the cadre happens to get promoted in the next higher grade (when his senior already at the Centre is also cleared for promotion) and is then deputed to the Central Government at the same level in which he was serving in his cadre prior to his promotion. In such a case, under the provisions contained in our letters dated 19.12.97 and 31.5.98 referred to above, his pay is fixed at

the maximum of the grade in which he is so appointed at the Centre. This leads to a situation when the junior officer who had been promoted in the next higher grade in his cadre starts getting more pay than his senior who has already been holding a post at the same level in the Central Government even though he had also been cleared for promotion in the next higher grade in his cadre in his absence. The seniors in such cases cannot get the benefit of maximum of the grade in which they are appointed at the center for the reason that they had not actually drawn pay in the higher grade in their cadres. This leads to an anomalous position whereby the senior officers keep getting lesser pay than their juniors so long as they remain in the Central Government and do not revert to their cadres to get the notional benefits of their proforma promotion.

3. The 5th Central Pay Commission had recommended *inter-alia* that :
(i) Instead of restricting the CDTA only to those appointed to posts of Director and below, the allowance may also be extended to those officers appointed to posts of Joint Secretary and above; and (ii) such of those officers appointed as Joint Secretary and above but are in receipt of pay in a higher pay scale in their parent organization may be permitted to exercise an option to draw either their grade pay in their parent organization without any restriction or the grade pay of the deputation post along with the CDTA.

4. Government has carefully considered these recommendations and has decided not to accept the recommendation relating to CDTA to officers appointed to posts of Joint Secretary and above. It has also been decided not to accept the recommendation relating to protection of pay admissible in parent cadres on proforma promotion while on Central deputation as this would result in officers becoming entitled to the pay of a higher post while discharging the duties of a lower post and would be contrary to the well-recognised principle that no officer should be allowed the pay of a post, the specified duties and responsibilities of which are not actually discharged by him. However, in order to rectify the anomalies as pointed out at para 2 above, it has been decided that IAS officers who are approved for proforma promotion to the Super time scale and above Super time scale in their State cadres while on Central deputation may be permitted to draw their pay at the maximum of the scale applicable for the lower deputation post with effect from the date on which they are granted proforma promotion to higher scales of pay in their parent cadre. In other words, the pay of officers appointed to posts of Director and equivalent in the Central Government shall be fixed at the stage of Rs. 18,300/- in the pay scale of Rs.15100-400-18300 on their proforma promotion to the Super time scale in their parent cadres. Similarly, the pay of officers appointed to posts of Joint Secretary and equivalent shall be fixed at the stage of Rs.22400/- in the pay scale of Rs.18400-500-22400 on proforma promotion to the Above Super time Scale in their parent cadres. Upon such pay fixation, officers appointed to posts of Joint Secretary and equivalent shall also be entitled to stagnation increments as per the conditions prescribed in Para 2 of this Department's orders of 13-5-98, cited above.

5. Fixation of pay at the maximum of the applicable scale of pay shall be subject to the following conditions:

- a) Pay scale of the central deputation posts should be lower than the scale of pay in the parent cadre to which the officer had been promoted on proforma basis under the 'Next Below Rule'.
- b) The proforma promotion in the parent cadre should have been approved strictly in accordance with the relevant rules and instructions.
- c) The officer concerned should have been promoted in his cadre only after having fulfilled the eligibility criteria for promotion to the higher grade as prescribed in the relevant AIS rules and instructions.

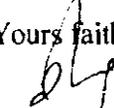
6. These orders shall be effective from the date of issue. However, in cases of officers who are already on central deputation on the date of issue of these orders, the benefit of pay fixation at the maximum of the pay scale of the lower deputation post may be extended from the date of the grant of proforma promotion to the higher scales of pay in their State cadres. Past cases where the central deputation has already ended and the officers have since reverted to their cadres, would **not** be covered by this dispensation. The other conditions as contained in this Department's orders dated 19-12-97 and 13-5-98, as referred to at Para 1 above, shall also remain valid.

7. These instructions would equally apply in the cases of members of the Indian Police Service and Indian Forest Service with suitable modifications in the light of our letter no.16017/1/98-AIS(II) dated 17th July 2000 relating to their pay fixation on their central appointments at the Director level.

8. It is requested that the contents of this letter may be brought to the notice of all concerned.

Hindi version will follow.

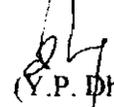
Yours faithfully,


(Y.P. Dhingra)

Under Secretary to Government of India

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2. Ministry of Home Affairs, IPS-II (With 20 spare copies)
3. Ministry of Environment and Forest, IFS-II (with 20 spare copies)
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(Y.P. Dhingra)

Under Secretary to Government of India