

F.No. 14021/5/2008-AIS-II  
Government of India  
Ministry of Personnel, Pensions and Public Grievances  
Department of Personnel and Training

North Block, New Delhi-01,  
the 16<sup>th</sup> December, 2008

To

Chief Secretaries of all  
State Governments and Union Territories

Subject: Implementation of Sixth Central Pay Commission recommendations-clarifications - regarding.

Sir,

I am directed to say that after the issue of IAS (Pay) Second Amendment Rules, 2008, this Department has been receiving references from the State Governments as well as the offices of State AGs (A&E) seeking clarifications with regard to various provisions made in the revised rules. Various points of doubt raised by the States and clarifications thereon are submitted as follows :

	Point of Doubt / Query	Clarification / Position
1.	Under Rule 4(6) of IAS pay Rules amended vide IAS (Pay) Second Amendment Rules 2008, whether, the two additional increments computed on $37400+8700$ are to be allowed after fixation of pay at the minimum of Pay Band 4 on promotion of IAS Officers to Selection Grade of IAS.	Yes. In such a case, pay in the pay band 4 shall not be less than the pay Rs.40180 arrived at by granting two additional increments computed @ 3% of the sum of pay in the pay band and grade pay Rs.8700 i.e. Rs.2780/- (Rs.1,390/- each).
2.	Under rule 5(c) of IAS (Pay) 2 <sup>nd</sup> Amendment 2008, does it mean that one increment on notional basis equal to 3% of the sum of the pay in the Pay Band and the existing grade pay rounded off to the next 10 is to be added to the existing pay in the Pay Band for Senior Time Scale and then two additional increments at the prescribed rates be added for fixation of pay on promotion to JAG?	Yes.

3.	<p>The pay of SCS officers appointed to IAS after 01/01/2006 was fixed by taking into account the assumed pay / actual pay drawn by them in the State scales of pay effective from different dates after 1.1.1996. In some States, the pay-scales for the State services have been revised for the second time too after 1.1.1996 but there is no concept of pay structure namely Pay Bands and Grade Pay in the said revision. Whether, the pay already fixed in the Senior Time Scale/JAG/Selection Grade in respect of IAS officers promoted from SCS after 1/1/2006 shall be considered for fixation of pay in terms provisions contained Rule 3A.</p>	<p>In case the pay scale of State Service has not been revised to the new pay structure with effect from the 1<sup>st</sup> January, 2006, on the basis of recommendations of the Sixth Central Pay Commission, the pay of the officer shall first be fixed in the pre-revised IAS scale and thereafter shall be revised as per the fitment tables, prescribed under rule 4 of the IAS (Pay) Second Amendment Rules, 2008 and forwarded vide this Department's letter dated 29<sup>th</sup> September, 2008. The grade pay may be granted as per the criterion prescribed in rule 10 of the IAS(Pay) Second Amendment Rules, 2008.</p> <p>The pre-revised pay scales of SCS/non-SCS shall be the pay scales effective w.e.f. 1.1.1996, on the basis 5<sup>th</sup> CPC recommendations.</p>
4.	<p>Whether the pay already fixed by the Government of India in respect of non-SCS may be considered for revision of pay as per IAS (Pay) 2<sup>nd</sup> Amendment Rules, 2008 or whether the details of pay drawn by them in State Pay scales are to be furnished to Central Government for revision of their pay.</p>	<p>In cases where the pay of non-SCS officers appointed to IAS <u>after 1.1.2006</u> has already been fixed by the Central Government in the pre-revised Senior scale of IAS, it may be revised by the State Government as advised in respect of SCS officers in point 3 above.</p>
5.	<p>After fixation of pay in the revised pay structure, pay of AIS Officers in the above Super Time Scale i.e. in Pay Band 4 with Grade Pay 12000 when increments are sanctioned on 01.07.2006, 01.07.2007, the pay in pay band goes beyond 67000. In such a contingency whether pay in pay band is to be restricted to 67000 i.e. minimum Band Pay of Pay Band 4.</p>	<p>It has already been clarified vide this Department's letter no. 14021/5/2008-AIS-II, dated 29<sup>th</sup> September, 2008 that pay in Pay Band 4 plus grade pay shall, in no case, exceed Rs. 79000/- . In such a case the pay in pay band will be restricted to Rs.67000/-.</p>

6.	Para 2 of schedule 1 provides for re-fixation of pay of SCS/non-SCS officers appointed in IAS during the period of probation on account of enhancement of pay in State service due to increment, pay revision etc. in the same manner as the initial pay fixation on promotion as if the officer is promoted to the IAS with effect from the date of such enhancement.	In the revised pay structure, stepping up of pay of the officer on account of change in State pay during the period of probation, in terms of clause 2, Schedule-I of IAS (Pay) Rules 2007, can be considered, provided that it does not contravene point 3 above.
7.	City Compensatory Allowance to Central Government Employees have been abolished with effect from 01.09.08 vide O.M.No.2 (13) 2008 E II (B) dt.29.08.2008. However AIS Officers are entitled to the existing rates of City Compensatory Allowance, under State Rules since payment of City Compensatory Allowance is to be regulated under Rule 3 of AIS (Compensatory Allowance) rules 1954. In view of this, it may be clarified whether City Compensatory Allowance rates sanctioned by the State Government to their employees can be made applicable to AIS Officers working with the affairs of the State.	Rule 3 of AIS (Compensatory Allowance) rules 1954, states that the grant of a compensatory allowance admissible to a member of the Service and the conditions subject to which it may be granted shall be regulated by such general or special order of the Government under whom such member is for the time being serving as may from time to time be made by that Government. Therefore, in the States where CCA continues to exist, after its abolition at the Centre w.e.f. 1.9.2008, this allowance becomes an allowance specific to those States.

Yours faithfully

(Yash Pal)

Desk Officer

Copy to:

1. Accountants General (A&E) of all the States/UTs.
2. Accountants General (Audit) of all the States/UTs.

(Yash Pal)

Desk Officer