

207

No. 12/1/94-Estt. (Pay. I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, the 24th March, 1994

OFFICE MEMORANDUM

Subject:- Fixation of pay of State Government employees on their appointment in the Central Government.

The undersigned is directed to refer to Ministry of Finance O.M.No. F 2(55)-E.III(A)/63 dated the 30th July, 1966 and O.M. No.F.1(62)-E.III(A)/75 dated the 17th November, 1975 on the above mentioned subject and to say that when a State Govt. servant drawing pay in the revised scale (after merging of dearness allowance) under the State Government is appointed to a post under the Central Government and the post carries duties or responsibilities of greater importance than those attaching to the post held by him under the State Government, the initial pay of the official in the Central Government post should be fixed under FR 22-C with reference to this basic pay only, and the provisions contained in para (ii)(a) and (b) of the above order will not apply in such cases. It has been further clarified that the term 'basic pay only' would mean only the basic pay in the state scales after first revision on the pattern of the recommendations of the second Pay Commission for Central Government employees and not the basic pay after the second or subsequent revisions of the State scales, if any.

2. The two above mentioned OMs were challenged by an Emergency Divisional Accountant of the Office of A.C. Rajasthan in the Central Administrative Tribunal, Jodhpur Bench and the CAT vide their judgement in OA No. 546/87 dated 25.5.1993 set aside the provisions contained in the aforesaid OMs and directed to issue fresh instructions in the matter after considering the relevant orders issued in similar cases.

3. The matter has now been reviewed and the President is pleased to decide that the application of OMs dated 30.7.66 and 17.11.75 *ibid* will hold good in respect of appointments of State Govt. employees appointed as Emergency Divisional Accountants made before 1.1.1973. The President has further been pleased to decide that "in cases of appointment after 1.1.1973 for pay fixation of the State Government employees appointed as Divisional Accountants/Emergency Divisional Accountants first basic pay equivalent to the Central Scale will be determined by reducing the element of DA/ADA/Interim Relief etc. granted by the State Government after 1.1.1973 (beyond CPI 200) and after calculating the basic pay in the aforesaid manner the pay would be fixed under the normal rules i.e. FR 22(a)(ii) or FR.22-C (now FR. 22(I)(a)(2) and FR 22(I)(a)(i) as the case may be."

Contd.....2/-

Similarly, cases of appointment after 1.1.86 or thereafter will be regulated by adjustment of DA/ADA/Interim Relief merged in the revised scale beyond CPI 603 and granted by the State Government after this date and thereafter the pay fixation will be done under the normal rules.

4. This issues in modification of the above mentioned O.M. dated the 30th July, 1966 and O.M. dated the 17th November, 1975.

5. In so far as the employees serving in the Indian Audit and Accounts Department are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

6. Hindi version will follow.

Handwritten signature
(Mrs. Revathy Iyer)
Deputy Secretary to the Govt. of India

To

All Ministries/Departments of the Govt. of India etc.
(As per standard mailing list).

Copy to: Office of the Comptroller and Auditor General
of India, 10, Bahadur Shah zafar Marg, New Delhi.