

No. 18/7/98-Estt. (Pay I)
GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL PUBLIC GRIEVANCES & PENSIONS
DEPARTMENT OF PERSONNEL & TRAINING

New Delhi, the 15th Dec., 1998

OFFICE MEMORANDUM

Subject - Restriction of officiating pay under FR
35 - Clarification - Regarding -

The undersigned is directed to say that in terms of the provisions contained in Fundamental Rule 35, the Central Government may fix the pay of an officiating Government Servant at an amount less than that admissible under the Fundamental Rules. Accordingly, orders have been issued from time to time indicating the circumstances and the extent to which provisions of FR 35 would apply. This Department's OM No. 18/26/86-Estt. (Pay I) dated the 29th July, 1987 lays down the ceilings based on the pay scales sanctioned by the Government on the recommendation of the Fourth Central Pay Commission. The question of revising these ceilings consequent upon the revision of pay scales of the Central Government employees on the basis of the recommendations of the Fifth Central Pay Commission has been considered by the Government and the President is pleased to decide that in cases of appointments on promotion in the normal time within the cadre but which are not on regular basis, the pay under FR 35 shall be restricted so as not to exceed the basic pay in the revised scales by more than the amounts shown below :-

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|---|---|
| (a) For employees in receipt of basic pay above Rs. 8000/- p.m. | 12 1/2% of the basic pay subject to a maximum of Rs.1000/- p.m. |
| (b) For employees in receipt of basic pay upto Rs. 8000/- p.m. | 15% of the basic pay subject to a maximum of Rs. 1000/- |

2. The new rates will be applicable with effect from the date an employee draws pay in the revised scale of pay applicable in accordance with the Central Civil Services (Revised Pay) Rules, 1997.

3. It has also been decided that in the cases where the pay in the manner indicated above is fixed at more than the minimum or at the minimum of the promotional post, the employee concerned will be allowed pay at the minimum of the scale and that the restriction of officiating pay under FR 35 will not be invoked in respect of regular cadre promotion where the employee who becomes due for promotion falls within the zone of consideration and fulfils all the conditions of eligibility prescribed in the Recruitment Rules for promotion.

4. In so far as persons serving in the Indian Audit & Accounts Department are concerned, these orders issue in consultation with the comptroller & Auditor General of India.

[Signature]
15.12.98
(J. WILSON)

DEPUTY SECRETARY TO THE GOVT. OF INDIA

To

All Ministries/Department of
Govt. of India as per standard
list attached

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Copies also forwarded to:

1. The Comptroller & Auditor General of India and all States under his control (with 400 spare copies)
2. Registrar General, Supreme Court of India.
3. Secretaries to Union Public Service Commission/ Election Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission / President's Secretariat / Vice President's Secretariat/Prime Minister's Office/Planning Commission.
4. Controller General of Accounts/Controller of Accounts, Ministry of Finance.
5. Department of Personnel & Training (AIS Division)/JCA/Admn. Section.
6. Additional Secretary (Home), Ministry of Home Affairs.
7. Joint Secretary (Union Territories), Ministry of Home Affairs.
8. Secretary, National Council (Staff Side), 13-C, Feroz Shah Road, New Delhi.
9. All Officers/Sections of the Department of Personnel & Training/Department of Administrative Reforms & Public Grievances/Department of Pension & Pensioner's Welfare.
10. Joint Secretary (Per.) Ministry of Finance, Department of Expenditure.
11. 300 Spare sets.

(J. WILSON)

Deputy Secretary to the Govt. of India