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TO BE PUBLISHED IN THE GAZETTE OF INDIA PART II
SECTION 3 SUB-SECTION (i)

No.1/10/89-Estt.(Pay-I)
Government of India
Ministry of Personnel, Public Grievances &
Pensions
(Department of Personnel & Training)

....

New Delhi, the 30th August, 1989.

NOTIFICATION

(G.S.R....) In exercise of the powers conferred by the proviso to Article 309 read with clause (5) of Article 148 of the Constitution, and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Fundamental Rules, namely:-

1. (1) These rules may be called the Fundamental (3rd Amendment) Rules, 1989.
- (2) They shall come into force on the date of their publication in the Gazette of India.
2. In the Fundamental Rules, (hereinafter referred to as the said rules) for rule 22 the following rule shall be substituted, namely,

"22 I. The initial pay of a Government servant who is appointed to a post on a time scale of pay is regulated as follows:-

(a)(1) where a Government servant holding a post, other than a tenure post, in a substantive or temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity as the case may be, subject to the fulfilment of the eligibility conditions as prescribed in the relevant Recruitment Rules, to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him, his initial pay in the time scale of the higher post shall be fixed at the stage next above the notional pay arrived at by increasing his pay in respect of the lower post held by him regularly by an increment at the stage at which such pay has accrued or rupees twenty five only, whichever is more.

.....2/-

Save in cases of appointment on deputation to an ex-cadre post, or to a post on ad-hoc basis, the Government servant shall have the option, to be exercised within one month from the date of promotion or appointment as the case may be, to have the pay fixed under this rule from the date of such promotion or appointment or to have the pay fixed initially at the stage of the time scale of the new post above the pay in the lower grade or post from which he is promoted on regular basis, which may be refixed in accordance with this rule on the date of accrual of next increment in the scale of the pay of the lower grade or post. In cases where an ad-hoc promotion is followed by regular appointment without break, the option is admissible as from the date of initial appointment/promotion, to be exercised within one month from the date of such regular appointment:

Provided that where a Government servant is, immediately before his promotion or appointment on regular basis to a higher post, drawing pay at the maximum of the time scale of the lower post, his initial pay in the time scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post held by him on regular basis by an amount equal to the last increment in the time scale of the lower post or rupees twenty-five, whichever is more;

(2) When the appointment to the new post does not involve such assumption of duties and responsibilities of greater importance, he shall draw as initial pay, the stage of the time scale which is equal to his pay in respect of the old post held by him on regular basis, or, if there is no such stage, the stage next above his pay in respect of the old post held by him on regular basis.

Provided that where the minimum pay of the time scale of the new post is higher than his pay in respect of the post held by him regularly, he shall draw the minimum as the initial pay.

Provided further that in a case where pay is fixed at the same stage, he shall continue to draw that pay until such time as he would have received an increment in the time scale of the old post; in cases where pay is fixed at the higher stage, he shall get his next increment on completion of the period when an increment is earned in the time scale of the new post.

On appointment on regular basis to such a new post, other than to an ex-cadre post on deputation, the Government servant shall have the option, to be exercised within one month from the date of such appointment, for fixation of his pay in the new post with effect from the date of appointment to the new post or with effect from the date of increment in the old post.

(3) When appointment to the new post is made on his own request under sub-rule (a) of rule 15 of the said rules, and the maximum pay in the time scale of that post is lower than his pay in respect of the old post held regularly, he shall draw that maximum as his initial pay.

(b) If the conditions prescribed in clause (a) are not fulfilled, he shall draw as initial pay on the minimum of the time scale

Provided that, both in cases covered by clause (a) and in cases, other than those of re-employment after resignation or reversion or dismissal from the public service, covered by clause (b), if he:

(1) has previously held on a regular basis:-

(i) the same post; or

(ii) a permanent or temporary post on the same time scale; or

(iii) a permanent post or a temporary post (including a post in a body, incorporated or not, which is wholly or substantially owned or controlled by the Government) on an identical time scale; or

(2) is appointed subject to the fulfilment of the eligibility conditions as prescribed in the relevant recruitment rules to a tenure post on a time scale identical with that of another tenure post which he has previously held on regular basis;

then the initial pay shall not, except in cases of reversion to parent cadre, governed by proviso (1)(iii) be less than the pay, other than special pay, personal pay or any other emoluments which may be classed as pay by the President under rule 9(21)(a)(iii) which

he drew on the last occasion, and he shall count the period during which he drew that pay on a regular basis on such last and any previous occasions for increment in the stage of the time scale equivalent to that pay. If, however, the pay last drawn by the Government servant in a temporary post had been inflated by the grant of premature increments, the pay which he would have drawn but for the grant of these increments shall, unless otherwise ordered by the authority competent to create the new post, be taken for the purposes of this proviso to be the pay which he had held on a regular basis. The service rendered in a post referred to in proviso (1)(iii) shall on reversion to the parent cadre, count towards initial fixation of pay, to the extent and subject to the conditions indicated below:-

which he last drew in the temporary post

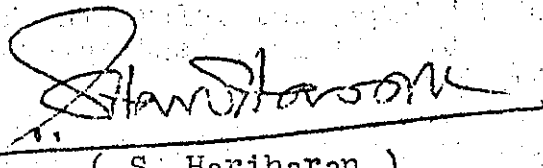
- (a) The Government servant should have been approved for appointment in the particular grade or post in which the previous service is counted;
- (b) all his seniors, except those as unfit for such appointment, serving in posts carrying the pay in which benefit is to be or in higher posts, whether Department itself or elsewhere, least one junior was holding in that Department carrying the of pay in which the benefit is allowed; and
- (c) the service will count from the date his junior is promoted on a regular basis and the benefit will be granted to the period the Government servant would have held the post in the parent cadre had he not been appointed to the ex-cadre post.

(II) The President may specify posts outside the ordinary line of service the holder of which may be appointed to such posts on such conditions as the President may prescribe, but the authority competent to order promotion may thereupon be granted the same pay whether or not the holder of the post would have received it still in the ordinary line of service.

(III) For the purpose of this rule, the appointment shall not be deemed to involve the assumption of duties and responsibilities of greater importance if the post to which it is made is on the same scale of pay as the post, other than a tenure post, which the Government servant holds on a regular basis at the time of his promotion or appointment or on a scale of pay identical therewith.

(IV) Notwithstanding anything contained in this rule, where a Government servant holding an ex-cadre post is promoted or appointed regularly to a post in his cadre, his pay in the cadre post will be fixed only with reference to his presumptive pay in the cadre post which he would have held but for his holding any ex-cadre post outside the ordinary line of service by virtue of which he becomes eligible for such promotion or appointment."

3. Rules 22 C, 30 and 31 of the said rules shall be omitted.



(S. Hariharan)
Under Secretary to the Government of India

To

The Manager,
Government of India Press,
Mayapuri,
New Delhi.

Note: These rules were amended earlier as per details below:

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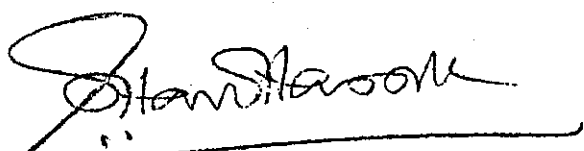
1. Ministry of Finance Notification No.2(a)-E.III/61 dated 1-2-1963.
2. Ministry of Finance Notification No.1(1)-E.III(i)/65 dated 20.2.65.
3. Ministry of Finance Notification No.1(25)-E.III(a)/64 dated 30.11.65.
4. Ministry of Finance Notification No.f.I(25)-E.III(A)/64 dated 1.10.66.
5. Ministry of Finance Notification No.1(3)-E.III(a)/64 Pt.II dated 18.7.67(18th July, 1967).
6. Ministry of Finance Notification No.1(6)-E.III(A)/68 dated 26.4.68.
7. Ministry of Finance Notification No.1(25)-E.III(A)/64 dated 27.5.1970.
8. Ministry of Finance Notification No.18(13)-E.IV(A)/70 dated 29.1.71.
9. Ministry of Finance Notification No.1(a)-E.III(A)/74 dated 30.10.1974.
10. Ministry of Home Affairs Notification No.1(6)-P.U.I/79 dated 23.11.1979.
11. Ministry of Finance Notification No.F.1(8)-P.U.I/80 dated 29.1.1981.
12. Ministry of Home Affairs Notification No.1/9/79-Estt.(Pay-I) dated 6.10.1983.
13. Ministry of Home Affairs Notification No.13/5/84-Estt.(Pay-I) dated 17.8.1984.
14. Department of Personnel & Training Notification No.13/5/84-Estt.(Pay-I) dated 24.9.1985.
15. Department of Personnel & Training Notification No.11/1/85-Estt.(Pay-I) dated 24.4.1986.

No.1/10/89-Estt.(Pay-I) New Delhi, the 30th August, 1989.

All Ministries/Departments of the Government of India.

Copy also forwarded to:-

1. Controller General of Accounts/Controller of Accounts, Ministry of Finance.
2. Secretaries to Union Public Service Commission/ Supreme Court of India/Election Commission/Lok Sabha Sectt./Rajya Sabha Sectt./Cabinet Sectt./ C.V.C/President's Sectt./Vice President's Sectt./ Prime Minister's Office/Planning Commission.
3. Deptt. of Personnel & Training (AIS Division/JCA/ Admn. Section).
4. Addl. Secretary (Union Territories), M.H.A.
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7. Secretary, National Council (Staff Side), 13-C, Ferozeshah Road, New Delhi.
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10. Ministry of Finance, D/Expenditure(E.V. Branch).
11. Legislative Department, Ministry of Law & Justice with reference to their U.O. No.2929/89 dt.31.7.89.
12. Official Language Wingh (Legislative Deptt.), Bhagwan Das Road, New Delhi.
13. 200 spare Copies.



(S. Hariharan)

Under Secretary to the Government of India