

रक्षा लेखा महानियंत्रक, उलान बटार मार्ग, पालम दिल्ली छावनी-110010
CGDA, Ulan Batar Road, Palam, Delhi Cantt-110010

No. AN/XIV/14164/7th CPC/Corr/Vol-II

Dated: 18/10/2017

To

All PCsDA/CsDA
PCof A(Fys) Kolkata

Subject: Fixation of Pay and grant of increment in revised pay structure clarification-regarding.

The matter regarding fixation of pay under 7th CPC in respect of employees promoted between 1st day of January and the date of notification of CCS(RP)Rules 2016 and methodology to be adopted in such cases has already been furnished by HQrs vide letter bearing No. AN/XIV/14164/7th CPC/Corr/Vol-I dated 8.09.2016. Further, on receipt of Dept of Expenditure OM dated 29.09.2016, the same was circulated to all controllers for necessary action regarding refixation of pay in such cases. Also, references on above subject received from Controllers was suitably replied in the light of above orders.

3. Of late, this HQrs has been receiving various references regarding application of the orders issued by AT-II Section of this office vide their letter No. AT/II/2703/Clar dated 28.04.2017 thereby seeking clarification regarding availability of option to switch over to 7th CPC from 07/2016 in cases where the official has been promoted between 1st January 2016 and the date of notification.

The matter was referred to MoD(Fin.) DAD Coord for taking up the matter with Ministry of Finance (Dept. of Expenditure) for issuing necessary clarification in this regard.

4. In reply, Ministry of Finance, Department of Expenditure vide their No. 300346981 dated 14.09.2017 received under MoD(Fin) ID No. 1333/C/2017 dated 18.09.2017 have clarified that –“the option to switch over to the revised pay structure either on 01.01.2016 or the date of next increment is applicable under Rule 5 of CCS(RP)Rules 2016 in case of post held on 01.01.2016.

Further, they have clarified that if the date of next increment on 01.07.2016 for a post held on 01.01.2016 falls after the date of promotion, then the date of next increment for the post held on 01.01.2016 has no relevance for option. Thus, the option cannot be exercised from 01.07.2016 to switch over to revised pay structure. (copy attached)

5. This is for information and necessary action.


(Kavita Garg)
Sr.Dy.CGDA(AN)

Copy to:

- | | | |
|-----------------------------------|------|---|
| 1. AN-IV Section (Local) | --- | This disposes of your UO No. AN/IV/4618/ PF/Vol-III dated 17.05.2017. |
| 2. The CDA
Secunderabad | --- | For information in continuation of this HQrs Letter of even no dated 13/07/2017 |
| 3. The PCDA(AF)
Dehradun | --- | For information in continuation of this HQr letter of even no dated 18/07/2017 |
| 4. The PCDA
G Block, New Delhi | ---- | For information in continuation of this HQrs letter of even no dated 8/05/2017. |

5. The PCDA(O) Pune --- For information in continuation of this HQrs letter of even no dated 5/07/2017.
6. AT-II Section (local)
7. The IT & S Wing (local) - For uploading on CGDA website
8. The CENTRAD, Brar Square-
9. The MNB (Local)
10. The Library (Local)
11. Secretary General , AIDAA(CB) Pune [through PCDA(O) Pune]
12. Secretary General , AIDAEA(HQ) kolkata [through PCA(Fys) Kolkata]


(Kavita Garg)
Sr.Dy.CGDA(AN)

Ministry of Defence (Finance)
DAD-Coord
Room No. 24-A, South Block, New Delhi

Subject: Fixation of Pay under CCS (RP) Rules 2016: Clarification regarding.

CGDA's office UO Note No. AN/XIV/14164/7th CPC/Corr /Vol-II dated 30.06.2017 on the above subject placed at pages-1-2 ante may kindly be perused.

2. Rule 5 of CCS(RP) Rules 2016 prescribes that

- i) A Government servant may elect to continue to draw pay in the existing pay structure until the date on which he earns his next increment in the existing pay structure or until he vacates his post or ceases to draw pay in the existing pay structure.
- ii) Provided further that in cases where a government has been placed in higher pay or scale between 01.01.2016 and the date of notification of these rules (25.07.2016) on accounts of promotion or up-gradation, the Government servant may elect to switch over to the revised pay structure from the date of such promotion or up-gradation, as the case may be.

3. The relevant detail of the instant case is appended below:

- (i) Shri Vinod Anand, IDAS (Retd) was promoted from Junior Time Scale to Senior Time Scale with effect from 03.06.2016. His pay was fixed on his promotion as under:

As on	Pay in 6 th CPC (PB-3 & GP 5400)	Pay in 7 th CPC (in pay matrix level 10 & 11)	Remarks
1.01.16	Rs.30190/-+ Rs. 5400/-	Rs.92,700/-	Promoted from JTS to STS wef 03.06.2016 and opted for fixation on accrual of next increment wef 01.07.16
3.06.16	-----	Rs.92,700/-	
1.7.16	-----	Rs.99,500/-	

- (ii) However, Shri Vinod Anand, IDAS (Retd) has submitted that his pay should be fixed as per the clarification of MoD D(Civ-I):

As on	Pay in 6 th CPC (PB-3 & GP 5400)	Pay in 7 th CPC (in pay matrix level 10 & 11)	Remarks
1.01.16	Rs. 30190/-+ Rs. 5400-	-----	Promoted from JTS to STS wef 03.06.2016 and opted wef 01.07.16
3.06.16	Rs. 30190/-+ Rs. 5400/-	-----	
1.7.16	Rs. 32360/-+ Rs. 6600/-	Rs.1,02,500/-	

- iii) Department has earlier referred the case to MoD D (Civ) [nodal wing of MoD dealing with pay matters] vide UO Note dated 28.02.2017 (P-9/c) duly supported with orders of pay fixation carried out by Ministry of Home Affairs and UPSC (P-5/C & overleaf). MoD D (Civ) clarified (P-10/C) that the provisions of Rule 5 of CCS (RP) Rules 2016 are very clear and opined that the pay fixation order of UPSC seems to be correct and in consonance with the provisions mentioned in CCS (RP) Rules. However, MoD D (Civ) also mentioned

that in case further clarification is required matter may be referred to Ministry of Finance, Department of Expenditure.

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(iv) CGDA's office after having re-examined the case in light the clarification of MOD D(Civ-I) has opined that that a Government servant who has already vacated the post before 01.07.2016 on account of promotion/up-gradation cannot continue in the pre-revised scale up to the date of increment 07/2016 and hence can either elect to switch over to revised pay structure from 01.01.2016 or from the date of such promotion as laid down under Rule 5 of CCS (RP) Rules (P-2/C).

3. Ministry has been requested to take up the matter with Ministry of Finance, Implementation Cell for clarifying whether the pay fixation order as affirmed by MoD(Civ-I) can be implemented for regulation of pay fixation under 7th CPC. The case has been sent with the approval of Jt. CGDA.

4. The matter has been examined and it appears that provisions contained in rule 5 of CCS(RPR) Rules, 2016 are not absolutely in agreement with each other since different interpretations have been made by various organizations viz. CGDA and MoD D(Civ.)/UPSC/Ministry of Home Affairs to deal with the cases of pay fixation where individuals granted promotions after 01.01.2016 have opted for benefit of pay fixation with effect from the date of next increment viz. 01.07.2016 in the existing pay structure and then wished to switch over to CCS(RPR) Rules, 2016. In the instant case if the case is strictly regulated in accordance with second proviso to rule 5 of CCS (RP) Rules, 2016, the same puts the individual to a considerable recurring loss in pay fixation as brought out in para 3(i) & (ii) above. Hence, the matter needs to be examined by the nodal ministry viz. Ministry of Finance, Department of Expenditure for issue of instructions with regard to manner of pay fixation in such cases.

5. In view of the position explained above, if kindly approved we may request Ministry of Finance, Implementation Cell to examine the issue and favour this Ministry with clarification as the matter is not free from doubt in regard to manner of fixation of pay in respect of officials promoted/upgraded during 01.01.2016 till the date of notification viz. 25.07.2016, who have opted to switch over to CCS(RP) Rules wef date of next increment viz 1.7.2016.

Anu Arora
(Anu Arora)
AFA (DAD-Coord)
Ph: 23792781

Addl. FA & JS(RK)
RK Kaano
27/7/17

Joint Secretary (Pers)
Ministry of Finance. in a mlg
MoD(Fin.) ID No. 1333/C/2017 dated 27.07.2017

Dr. (EITA) *S. P. Singh* *S. P. Singh*
19/7

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S. P. Singh
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भारत सरकार/Government of India
वित्त मंत्रालय/Ministry of Finance
व्यय विभाग/Department of Expenditure
(E.III.A Branch)

Reference: Notes in Ministry of Defence File No. 1333/C/2017

Ministry of Defence (MoD) may kindly refer to their preceding notes in File No 1333/C/2017 relating to fixation of pay for employee promoted between 01.01.2016 and the date of issue of CCS(RP) Rules, 2016.

2. The matter has been considered and it is informed that the option to switch over to the revised pay structure either on 01.01.2016 or from a later date than 01.01.2016 i.e., on the date of promotion or the date of next increment, is applicable under Rule 5 in case of post held on 01.01.2016. Thus, if the date of next increment on 01.07.2016 for a post held on 01.01.2016 falls after the date of promotion, i.e., 03.06.2016 in this case, then the date of next increment for the post held on 01.01.2016 has no relevance for option, as this post is no longer held on the date of next increment. Thus, option cannot be exercised from 01.07.2016 to switch over to the revised pay structure.

3. This issues with the approval of Joint Secretary (Personnel).



(Ram Gopal)
Under Secretary (E.III.A)
14.09.2017

AFA (DAD Coord), M/o Defence(Fin), South Block, New Delhi.
M/o Finance, D/o Expenditure, I.D. No. 300346981 dated 14.09.2017


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So (DAD -w)

The case file is returned hereunder for further
action please.

SAO (AN XIV)
Office of the CADA
Uttam Anand, Delhi (West)

MOB (Fin) ID NO. 1333/C/2017 dated 18.9.2017


18/9/17
(Rajesh Kumar)
So (DAD -w)

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