

Ministry of Information & Broadcasting
B(D) Section

No. 310/46/95-B(D)

New Delhi, dated 22.07.96

Sub: Pay fixation in the grade of EA, SEA and AE consequent upon revision of pay scale of EA w.e.f. 1.1.78/1.1.86 - Representation regarding.

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Consequent upon issue of this Ministry's O.M. No. 310/46/95-B(D) dated 7.6.96 on the subject mentioned above, Ministry have been receiving representations from Associations/employees seeking clarifications on the various points relating to fixation of pay scale of EA w.e.f. 1.1.78/1.1.86.

The issues raised have been examined in consultation with CCA and the following clarifications are hereby furnished:-

1. Where pay is fixed at the minimum of the revised scale of pay, the next increment in the revised pay scale is to be drawn on the normal date of increment in the old scale. This ruling is upheld by the Supreme Court of India in its judgement dated 21.1.91 (Case No. 7 of chapter 13 - Pay & Allowances pages 116-117 of Swaney's Case Law Digest Vol.IV (1991). Ministry of Finance have not amended existing rules in pursuance of the judgement. In such cases only the appellant would get the benefit of the judgement.
2. Where there is no stage in the new scale, the pay is fixed at the stage next higher in the new scale. This ruling came into effect on 1.1.86 vide GOI Order No. 26(2) (1) below FR-22. The pay is to be fixed at the stage next higher in the new scale in case of fixation w.e.f. 1.1.86 and after-wards. In case of pay fixation prior to 1.1.86, however, GO(5) under FR-23 will apply.

3. On promotion to SEA, the pay may be fixed without allowing the benefit under FR-22(1)(a)(i) till a final view is taken in consultation with DOP&F. However, no re-fixation or recoveries may be effected, for the time being, in cases where pay has already been fixed by giving this benefit.

1. Pay of EA/SEA as on 1.1.86 may be fixed from Rs. 550-900 (old) to Rs. 2000-3200 (revised) with the application of CCS (Revised Pay) Rules, 1986.

No recovery of OPA/Bonus etc. should be effected from the arrears of pay consequent upon revision of pay scale of EA.

The Ministry have, vide Memo of even no. dated 19.6.96 issued orders asking DG:AIR/DG:DD not indulge in re-fixation exercises or to effect recoveries in cases where pay has already been fixed by giving benefit under FR-22(1)(a)(i) till the matter is decided in consultation with DOP&F. As regards fresh cases, fixation may be done without allowing benefit of FR-22(1)(a)(i) till a final view is taken by DOP&F.

It is implied that the pay as on 1.1.86 is to be fixed in accordance with the CCS (Revised Pay) Rules, 1986.

OPA/Bonus etc. may not be recovered as per interim orders of CAT, P. Bench CAT, New Delhi dated 13.12.95 till this matter is decided in consultations with Ministry of Finance/DOP&F.

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Income-tax relief may be computed by DDOs on arrears of pay according to the provision of Section 89(1), 192(2A) and Rules 21A.

The Heads of offices and PAO(IRLA) may give the benefit as laid down in the Income Tax Act, 1961 provided the officers concerned furnish requisite particulars.

(Shyanalima Banerjee)
Under Secretary (BD)

Copy to:-

1. DG:DDn (Sh. K.N.Pandey, ADG(A)) It is requested that immediate
2. DG:AIR (Sh. S.K.Chattopadhyay,) action may be taken and necessary
- DDG(A)) instruction may be issued to all
3. CCA, Min. of I&B) concerned office Stations/Kendras
- (It is requested that
- necessary instructions may be
- issued to all P&AOs)
4. DS(BD)/US Fin (I)/US Fin (III)
6. B(A)/IV(A)/Fin.I/Fin.III/B&A Sections.
7. ARTEE (Sh. P.N. Kohli, President)