

No.F.6(23)-E.III/62  
Government of India  
Ministry of Finance  
(Department of Expenditure)

New Delhi-2, the 22nd June, 1962.

OFFICE MEMORANDUM

Subject:- Delegation of additional powers to  
Ministries in matters relating to pay.

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The undersigned is directed to state that the President is pleased to delegate to the Ministries of the Government of India, powers as shown in the enclosed Annexure in regard to the following types of cases :

- 1) Fixation of pay of Government servants promoted/transferred from one officiating post to another or re-appointed after retrenchment, including fixation of pay of temporary Government servants on transfer from higher to a lower post or from a lower to higher post or from one post to another equivalent post.
- 2) Fixation of pay of quasi-permanent Government servants appointed to officiate in other posts and the grant of arrears consequent upon such fixation.
- 3) The grant of benefit under the "next below rule".
- 4) Protection of special pay drawn in a previous post on promotion to another post.
- 5) Treatment of special pay as part of basic pay for pay fixation.
- 6) Continuance of special pay (originally sanctioned with the concurrence of this Ministry) attached to a post, the extension of which has been sanctioned by the competent authority.

2. The main principles which should be observed in the exercise of the powers in respect of the above items are indicated in Column 3 of the Annexure for the guidance of the Ministries.

3. Full powers are delegated in the matter of allowing arrears of pay as a result of fixation of pay of quasi-permanent Government servants appointed to officiate in other posts vide item 2(b) of the Annexure. Arrears arising from fixation of pay under other items of the Annexure also may be allowed in respect of cases which are not more than three years old on the date of issue of orders of re-fixation of pay.

4. These orders will have effect from the date of issue but outstanding cases can be dealt with in

accordance with these orders.

5. The powers already delegated to the Ministries of Commerce & Industry, Information and Broadcasting, Community Development Panchayti Raj and Co-operation and the Department of Food in this Ministry's Office Memorandum No.F.10(15)-E(Co-ord)/61 dated the 29th September 1961 and Office Memorandum No.F.7(109)-E.III/61 dated the 12th February 1962 and extended vide Office Memorandum No.F.10(15)-E(Coord)/61 dated the 13th March 1962 will be treated as having been replaced by this Office Memorandum.

*R.P. Padhi*

(R.P. Padhi)

Joint Secretary to the Govt. of India.

To

All Ministries/Departments of the Government  
of India.

C.S.  
17/6/62

SCHEDULE OF ADDITIONAL POWERS DELEGATED TO MINISTRIES OF  
THE GOVERNMENT OF INDIA.

Annexure

S.No.	POWERS DELEGATED	REMARKS
(1)	(2)	(4)
PRINCIPLES TO BE OBSERVED IN EXERCISING THE POWERS		(3)
1.	<p>Fixation of pay of Government servants promoted/transferred from one officiating post to another or re-appointed after re-trenchment, including fixation of pay of temporary Government servants on transfer from higher to a lower post and from a lower to a higher post etc. (including transfer from one post to another post).</p>	<p>Pay will be fixed under F.R. 27 and personal pay, if any, will be allowed under F.R.9(23)(b).</p>
	<p>(a) <u>TEMPORARY GOVERNMENT SERVANTS TRANSFERRED FROM A HIGHER TO A LOWER POST :-</u></p> <p>Completed years of service in the higher post will count for purposes of advance increments in the lower post to which he is appointed or reverted. But initial pay should not exceed pay last drawn in the higher post.</p>	
	<p>(b) <u>TEMPORARY GOVERNMENT SERVANTS TRANSFERRED FROM ONE POST TO ANOTHER EQUIVALENT POST :-</u></p> <p>Benefit similar to (a) above of completed years of service should be given.</p>	
	<p>(c) <u>TEMPORARY GOVERNMENT SERVANTS TRANSFERRED FROM ONE POST TO ANOTHER POST CARRYING IDENTICAL SCALE OF PAY :-</u></p> <p>Benefit as admissible under F.R. 22 for transfers in the same time scale should be given.</p>	

(4)

(3)

(2)

(1)

(d) PROMOTION/TRANSFER FROM ONE OFFICIATING POST TO ANOTHER :

In the case of promotions/transfers from an officiating post to another but higher officiating post, pay in the higher post should be fixed on the analogy of F.R.22(a)(i) at the stage next higher than pay in the lower post if the following conditions are fulfilled :

- (i) Promotion should be in direct line of appointment;
- (ii) the Government servant should have worked in the lower post for more than 3 years (including any period of interruption on account of leave, deputation or foreign service or appointments to higher or equivalent posts during which he would have continued in that post);

(iii) the lower post or cadre continues to exist on a long term basis; and

(iv) the Government servant would have continued to work in the lower post or cadre but for his promotion to the higher post.

If the Government servant has held the lower post for less than 3 years but the other conditions are fulfilled or if the promotion is not in the direct line but the other conditions are fulfilled, his pay may be fixed on the analogy of F.R.22(a)(ii).

(1) (2) (3) (4)

2. (a) Fixation of pay of quasi-permanent Government servants appointed to officiate in other posts.

(b) Allowing arrears of pay as a result of (a) above.

Issue of declaration under the second proviso to F.R. 30(1) (next below rule) and protection of officiating pay while an officer is holding a post 'outside the ordinary line of his service'.

In the case of promotions made on or after 1.4.61 upto Class I level, pay will be fixed under Ministry of Finance O.M. No.F.2(9)-Est.III/61 dated 20.3.61.

Pay to be regulated under F.R. 22, F.R. 22-A and F.R. 31 as if pay drawn in the quasi-permanent post is substantive pay.

In the case of promotions made on or after 1.4.61 upto Class I level, the pay will be fixed under Ministry of Finance O.M. No.F.2(9)-Est.III/61 dated 20.3.61.

Full powers.

Sanction to fixation of pay to be issued under F.R.27 and personal pay, if any, to be allowed under F.R.9(23)(b).

(i) The benefit under 'next below rule' shall not be admissible to Government servants deputed to regularly constituted ex-cadre posts abroad, such cases will be regulated under the Ministry of Finance O.M. No.F.2(10)-Est.III/60 dt. 17.10.60.

(ii) The grant of benefit under the 'next below rule' is subject to the fulfilment of the conditions enumerated in the late Finance Department letter No. F.2(25)-Est.III/46 dated the 2nd April 1947 (copy enclosed).

(iii) In case of Gazetted Officers, a notification relating to the proforma officiating promotion has to be issued as envisaged in Ministry of Home Affairs O.M. No.13/2/57-Est.(A), dated 24.10.57.

(iv) The Ministries may grant benefit of higher pay under the 'next below rule' for any period so long as the pay admissible under the same does not exceed the maximum of the time-scale of the post actually held by the Government servant concerned. Where it exceeds such maximum, the person concerned should be reverted to his parent cadre within six months from the date from which the pay admissible under the 'next below rule' exceeds the maximum. In this connection

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attention is invited to the provisions contained in para. 1(iv) of the Ministry of Finance O.M. No.F.10(24)-E.III/60 dated 4.5.61.

and(vii)

4. Protection of special pay drawn in a post on promotion to another post.

Subject to the conditions mentioned below special pay granted for specific additions to duty or for arduousness of work will be protected on promotion by granting a personal pay equal to the difference between pay plus special pay drawn in the lower and the pay due in the higher post on the basis of the basic pay in the lower post. Special pay granted in the following instances among others, fall within this category:

(a) Cashiers, and (b) Machine Operators.

The conditions are:

- (i) It must be certified that but for his appointment to the other post the Government servant would have continued to draw special pay.
- (ii) The protection will only be for so long as the Government servant would have drawn the special pay.
- (iii) The personal pay will be absorbed in subsequent increases of pay.

5. Treatment of the special pay as a part of basic pay for fixation of pay.

Special pay granted in lieu of a separate higher scale of pay may be treated as basic pay for purpose of fixation of pay. Special pays which are shown in the relevant pay schedules will be deemed to be basic pay. Special pays granted to stenotypists & Clerks-in-charge will also be treated likewise. Other special pays will be dealt with under S.No.(4) above. Doubtful cases may be referred to the Ministry of Finance.

6. Continuation of special pay originally sanctioned with the concurrence of the Finance Ministry).

Full power in cases where special pays are granted on the basis of well-defined yard-sticks or are granted at a specified rate to a Category of officials in general, provided it is certified the consideration for which the special pays were sanctioned continue to exist.

Sanction to personal pay will be issued under F.R. 9(23)(b).

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