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Government of India
Ministry of Finance
Department of Expenditure
Implementation Cell

New Delhi, the 18 March, 1974.
27 Phalguna, 1895 (SAKA).

OFFICE MEMORANDUM

Subject:- Applicability of C.C.S.(R.P.)Rules, 1973 to persons re-employed in Government service after retirement and whose pay is debitible to Civil Estimates.

Persons re-employed in Government service after retirement have been excluded from the Purview of the C.C.S.(R.P.) Rules 1973, vide Rule 2(2) (h) thereof. The question of extention of the benefit of the revised pay rules to these persons and the procedure to be followed for fixing their pay in the revised scales has been under the consideration of the Government. The President, after consultation with the C.&A.G. of India in relation to persons serving in the Indian Audit & Accounts Department, has now been pleased to decide that in partial modification of Rule 2(2) (h) of the CCS (RP) Rules, 1973, the provisions of those Rules shall apply to such persons also who were in re-employment on 1-1-1973 subject to the orders hereinafter contained. This decision will cover all Government servants re-employed in Central Civil Departments other than those employed on contract whether they have retired with or without a pension and/or gratuity or any other retirement benefits, e.g., Contributory Provident Fund etc., from a Civil post or from the Armed Forces.

2(i) The initial pay of a re-employed Government servant who elects or is deemed to have elected to be governed by the revised scale from the 1st day of January, 1973 shall be fixed in the following manner, namely-

According to the provisions of Rule 7 of the C.C.S.(R.P.) Rules, 1973, if he is-

- (1) a retrenched Government servant;
- (2) a Government servant who retired without receiving a pension, gratuity or any other retirement benefit; and
- (3) a retired Government servant who received pension or any other retirement benefits but which were ignored while fixing his pay on re-employment.

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2(ii) The initial pay of a re-employed Government servant who retired with a pension or any other retirement benefits and whose pay was fixed on re-employment with reference to those benefits or ignoring a part thereof, and who elects or is deemed to have elected to be governed by the revised scale from the 1st day of January, 1973, shall in partial modification of rules 3 and 7 of the C.C.S.(R.P.) Rules, 1973, be fixed in the following manner, namely:-

The existing emoluments for pay fixation will be calculated taking into account:-

- (a) basic pay and special pay, if any, where reckonable in terms of rule 3(2) of the C.C.S.(R.P.) Rules, 1973 as on 1-1-1973;
- (b) that quantum of pension and/or pension equivalent or gratuity or other retirement benefits taken into account while fixing pay at the time of re-employment; and
- (c) dearness allowance, dearness pay and interim reliefs appropriate to the pay and pensionary benefits as detailed in (a) and (b) above admissible as on 1-1-73 under the relevant existing orders of the Ministry of Finance relating to grant of dearness pay/dearness allowance/interim reliefs to re-employed pensioners.

Five per cent on basic pay plus quantum of pension and/or pension equivalent of gratuity or other retirement benefits taken into account while fixing pay on re-employment, subject to a minimum of Rs.15/- and maximum of Rs.50/-, will be added to the existing emoluments and rounded off to the nearest rupee. Pay shall then be fixed in the revised scale at the stage equal to the amount so computed or if there is no such stage in the revised scale, at the stage next above the amount so computed.

- Explanation (i) If the amount so computed is less than the minimum of the revised scale, it will be fixed at the minimum,
- (ii) where the amount so computed is more than the maximum of the revised scale, it will be fixed at the maximum, and
- (iii) except in cases where the pay is fixed at the minimum of the revised scale, if the revised emoluments as determined above, exceed the existing emoluments by more than Rs.100, the initial pay will be fixed at the highest stage in the revised scale at which the revised emoluments payable do not exceed the existing emoluments by Rs.100 and the difference, if any, between the existing emoluments plus Rs.100 and the revised emoluments so payable shall be allowed as personal pay to be absorbed in future increases in pay.

From the pay thus fixed, the quantum of pension and/or pension equivalent of gratuity or other retirement benefits taken into account while fixing pay on re-employment will be deducted and the balance will be allowed as actual pay.

After pay in the revised scales is fixed in the manner indicated above, increments will be allowed at rates appropriate to the stage at which pay was fixed before deductions of pension or pension equivalent of gratuity or other retirement benefits.

3. Re-employed persons who become eligible to elect revised scales in accordance with these orders should exercise their option in the manner laid down in rule 6 of the C.C.S. (R.P.) Rules, 1973, within three months of the date of issue of these orders or in cases where the existing scales of pay of the posts held by them are revised subsequent to the issue of these orders within three months of the date of the orders/notification revising the scales.

4. Where a re-employed Government servant continues to draw his pay in the existing scale and is brought over to revised scale from a date later than the 1st day of January, 1973, his pay from the later date in the revised scale shall be fixed in accordance with the provisions of the Rule 9 of the C.C.S. (R.P.) Rules, 1973, except that in respect of re-employed pensioners mentioned in paragraph 2(ii) above, the term 'existing emoluments' occurring in that Rule shall have the same meaning as given in paragraph 2(ii) above.

5. These orders do not apply to re-employed Government servants in receipt of Non-Practising Allowance either before or after re-employment and to persons who have been/or are re-employed after 1-1-1973.

Hindi version of this Office Memorandum will issue separately.

Sd/-
(V.S. Rajagopalan)
Deputy Secretary to the Government of India.

To

All Ministries/Departments of the Government of India
(as per standard list with usual number of spare copies).

/Raju/

