

## **AGENDA ITEMS FOR THE MEETING OF NATIONAL ANOMALY COMMITTEE**

### **ITEM NO.1**

#### **PAY FIXATION IN CASE OF MERGER OF PREREVISED PAY SCALE.**

In para 2.2.19 (vii) page 45 of the VI CPC report the Commission has stated that this merger has been done by extending the existing minimum prescribed for the highest pay scale with which the other scales have (are being ) merged.

However, the pay in the pay band in respect of the pre-revised Pay Scale of Rs.5000-8000 has been fixed at Rs.9300 (i.e. Rs.5000X1.86) and that of the pre revised Pay Scale Rs.5500-9000 at Rs.10230 (i.e. Rs.5500X1.86).

In Rule 7(1) (A) of the Central Civil Services (Revised Pay) Rules, 2008, it has been laid down that:-

- i) The pay in the pay band / pay scale will be determined by multiplying the existing basic pay as on 1.1.2006 by a factor of 1.86 and rounding off the resultant figure to the next multiple of 10.
- ii) If the minimum of the revised pay band/pay scale is more then the amount arrived at as per (i) above, the pay shall be fixed at the minimum of the pay band / pay scale.

Since the pre-revised pay scale of Rs.5000-8000, Rs.5500-9000, Rs.6500-6900 and Rs.6500-10500 have been merged with the Pay Scale of Rs.6500-10500 its pay in the pay band should have been revised as *Annexure-1*.

### **ITEM NO. 2**

#### **DENIAL OF MONITARY BENEFIT IN THE MATTER OF FIXATION OF PAY WHILE GRANTING HIGHER REPLACEMENT SCALE.**

Railway Boards vide their letter No. Pc-VI/2008/1/RSRP/1 dated 25.9.2008 have issued clarification that where all posts in a particular grade have been granted higher replacement pay scale / grade pay, their fixation will be done with reference to their fitment table corresponding to the pre-revised pay scale instead of upgraded pay scale. This provision denied the due benefit of fixation of pay in the upgraded scale.

According to the existing practice when a post is upgraded, say from Rs.6500-10500 to Rs.7450-11500/- the pay is fixed with reference to the fixation table provided for Rs.7450-11500/-.

It is urged that when a post is upgraded the fixation of pay should be done on the basis of the upgraded pay scale.

### **ITEM NO. 3**

#### **FIXATION OF PAY IN REVISED PAY SCALE**

The VI CPC in para 2.2.19 (vii) has indicated that where pre revised pay scales have been merged it has been done by extending the existing minimum prescribed for the highest pay scale with which the other scales are being merged. Accordingly it has also been stipulated in 7(1) (A) of the CCS (Revised Pay)

Rules, 2008 that if the minimum of the Revised Pay Band / Pay Scale is more than what is determined by multiplying the existing basic pay as on 1.1.2006 by a factor of 1.86 and rounding of the resultant figure to the next multiple of 10, the pay shall be fixed at the minimum of the revised Pay Band / Pay Scale. Note 2B below Rule 7, ibid and illustration 4B given in the Explanatory Memorandum to the Revised Pay Rule apply to cases of merger of Pay Scales. Note 2 B states that pay in the revised Pay Bands will be fixed in the manner prescribed in accordance with Clause (A) (i) And clause (A) (ii) of Rule 7. In illustration 4B a case of an employee in the pre revised pay scale Rs.5000-8000 drawing Rs.5600 as on 1.1.2006 in the pay scale of 6500-10500 has been indicated with which the pay scale of Rs.5000-8000 stands merged.

Taking these into account the pay in the Pay Band in the case of all employees in the Pay Scales of Rs.5000-8000 and Rs.5500-9000 has to be fixed at Rs. 6500 multiplied by 1.86 i.e. Rs.12090. The fixation tables for pay scales 5000-8000 and 5500-9000 may therefore be modified fixing the pay in the pay band at Rs.12090 wherever it is less than that amount.

Illustration 4B in the explanatory memorandum to the Revised Pay Rules 2008 may be modified as under:-

Existing Scale of Pay	5000-8000
Pay Band PB-2	9300-34800
Merged with Pay Scale	6500-10500
Existing Basic Pay as on 1.1.06	Rs.5600
Pay in the PB-2	$Rs.5600 \times 1.86 = 10420$
	As per Clause (A) (i) of Rule 7(i) of Revised Pay Rules 2008
Pay in the PB-2	$Rs.6500 \times 1.86 = 12090$
	As per Clause (A) (ii) of Rule 7 (i) of Revised Pay Rules 2008
Grade Pay	Rs.4200
Revised Basic Pay	Rs.16290

#### **ITEM NO.4**

#### **FIXATION OF PAY FOR NEW RECRUITS IN THE GRADE PAY OF RS.4200/-**

The Sixth Pay Commission recommended the merger of the Pay scales of Rs.5000-150-8000 and 5500-175-9000 with the pay scale of Rs.6500-200-11500 with the intension of giving benefit to the earlier two scales. However, while issuing the notification of CCS (revised Pay) Rule 2008, the scales of 5500-175-9000 and 6500-200-11500 were brought down and merged with the scale of Rs.5000-150-8000. Consequently the entry pay for direct recruits of the Grade Pay of Rs.4200 has been revised by multiplying  $5000 \times 1.86 = 9300 + 4200$  total Rs.13500/- in place of multiplying  $6500 \times 1.86 = 12090 + 4200$  total Rs.16290/- which is contrary to the Sixth Pay Commission recommendation.

Rectification of this anomaly should be done by multiplying 6500 by 1.86 which comes to Rs.12090/- in place of Rs.9300/- ( $5000 \times 1.86$ ) in order to give the desired benefit to the merged scales.

## **ITEM NO. 5**

### **ON REVISED PAY RULES. 2008**

#### **(i) Option**

it has been mentioned under sub rule 4 thereof that the option once exercised shall be final and should be exercised within three months from the date of notification of the rule vide Sub rule I thereof. Since it is very difficult to comprehend and assess the implication of such option, we propose that the first option exercised within three months may not be treated as final and the employees be permitted to revise the option within six month of the date of exercising the first option.

(ii). Special allowance and qualification pay which are taken for fixation purposes on promotion should be doubled with effect from 1.1.2006 and not from 1.9.2008 as it cannot be construed to be an allowance. If this is not done, senior employees will suffer loss in emoluments, in case of persons who are promoted during the period between 1.1.2006 and 1.9.2008.

(iii). Clarification No. 6(ii) issued vide O.M. No. F.1.1.2008-IC dated 13.9.2007 is in conflict with the mode of fixation as given in illustration 4A in the explanatory memorandum to the Revised Pay Rules, 2008 referred to in Note 2A to Rule 7. In the case of upgraded Pay Scale the pay is to be fixed in the manner prescribed in accordance with A (i) and (ii) of Rule 7 by multiplying the existing Basic Pay as on 1.1.2006 by a factor i.e. 1.86 and rounding the resultant figure to the next multiple of ten. The clause A (ii) of Rule 7 stipulates that it the minimum if the revised pay Band / Pay scale is more than the amount arrived at by multiplying the existing Basic Pay by a factor of 1.86 and rounding to the next multiple of ten, the pay shall be fixed at the minimum of the revised pay Band / Pay scale. In other words the revised Pay Band arrived at with reference to the existing Basic pay should not be less than the minimum of the upgraded Pay Scales. This aspect has been ignored in the clarification No.6 (i) of the OM dated 13.9.2008. Therefore this may be withdrawn.

(iv). **Rule 8 of the Revised Pay Rules.** On going through the table for fixation given for new entrants and the existing employees in the same stage (especially at the minimum of the scale of pay) we find that the new entrants are fixed at a higher stage compared to the existing employees as per illustration given **Annexure-2.**

(v) **Rule 9. Date of next increment:** It is seen after going through the stipulation in the above rules that a person whose increment falls on 1.1.2006 will get the increment on 1.1.2006 in the pre revised pay scale and will get the next increment in the revised pay structure on 1.7.2006 i.e. on expiry of six months. Similarly those, whose next increment is between 1<sup>st</sup> July 2006 and 1<sup>st</sup> December, 2006 would also be granted next increment in the revised pay structure on 1.7.2006. On the other hand, the persons whose increment dates are between 1<sup>st</sup> Feb. 2006 and 1<sup>st</sup> June 2006 have to wait for more than 12 months to get the next increment on 1.7.2006. This is quite anomalous. In the case of those who retire during the period between 1<sup>st</sup> Feb. and 30<sup>th</sup> June, they will suffer a loss of one increment perpetually thus affecting their pension. It is, therefore proposed that the persons whose increment falls between 1<sup>st</sup> February and 1<sup>st</sup> June, 2006 may be given one increment on 1.1.2006 as a one time measure.

**Tax deduction from salary:** Spread over of the arrears of salary is permissible under section 89 (a) of the I.T. Act. No tax will thus become payable by Group D employees on account of receipt of arrears eventually. Therefore, executive instructions may be issued not to deduct any tax from the arrears payment pertaining to the Group D employees. In respect of others, they may be allowed to exercise option to tax the arrears either on receipt basis or accrual basis.

**Temporary Status Casual Labourers** As per existing scheme the employees who are afforded temporary status are paid the wages computed with reference to the minimum of the corresponding scale of pay of regular employees. In the case of Group D temporary status employees, it will become necessary that they are afforded the requisite training if they are non-matriculantes.

#### **ITEM NO. 6**

##### **BENEFIT ON PROMOTION**

It is an accepted proposition that an employee when promoted to a higher post involving higher responsibility should get a suitable raise in his salary. It was on this consideration that FR 22-C was framed whereby the promote was first granted an increment in the lower Pay Scale and then fixed at the appropriate (next) state in the higher grade.

At the time of V CPC it was agreed that minimum increase in salary on promotion shall not be less than Rs.100/- There are certain grades in which, on promotion, a hike of Rs.650/- is being allowed with reference to pre-revised pay scale.

In these circumstances grant of only one increment in the lower Pay Band / Pay scale and difference in grade pay, if there be any, being granted on promotion is certainly inadequate. We therefore propose that minimum benefit on promotion should not be less than 10% of the Pay+Grade Pay of the feeder post.

#### **ITEM NO.7**

##### **FIXATION OF PAY ON PROMOTION**

The minimum Entry pay with Grade Pay in the revised pay structure for direct recruits appointed on or after 1.1.2006 has been specific vide first Schedule, Part –A, Section II of the Gazette Notification of the Govt. of India, Ministry of Finance No. G.S.R. 622 (E) dated 29.8.2008.

On promotion, the pay of the promotees should not be less than the direct recruits.

In VI CPC structure there is no pay scale and new concept of grade pay has been inducted, which should determine the status. As such the following provisions need to be inserted below clarification 2. ‘The method of Fixation of Pay on promotion on or after 1.1.2006.

“on promotion to the higher grade pay of an employee should be fixed appropriately and in any case it should not be less than the entry Pay in the revised pay structure for direct recruits appointed on or after 1.1.2006 for the post.” further, on promotion to the next higher grade pay an employee should be fixed by adding 10% of pay, plus the grade pay as demanded by NC/JCM in its memorandum submitted to the Chairman, NC/JCM/Cabinet secretary on 8.4.2008.

#### **ITEM NO. 8**

##### **REFIXATION OF PENSION / FAMILY PENSION**

Para 9 of the Ministry of Personnel, Public Grievances and Pension’s O.M. No. F.No. 38/37/08-P&PW (A) dated 1.9.2008 states as under:-

“The consolidated pension / family pension as worked out in accordance with provisions of para 4.1 above shall be treated as final basic pension with effect from 1.1.2006 and shall qualify for grant of Dearness Relief sanctioned thereafter.”.

This has left uncovered the provision made in para 4.2 of the same OM, which lays down as under:-

“The fixation of pension will be subject to the provision that the revised pension in no case, shall be lower than fifty percent of the minimum of the pay in the pay band plus the grade pay corresponding to the pre-revised pay scale from which the pensioner had retired. In the case of HAG + and above scales, this will be fifty percent of the minimum of the revised pay scale.”

Since re-fixation of pension has been allowed both under paras 4.1 and 4.2, they should both be covered in para 9 of the OM. It is requested that para 9 of the said OM may be revised including both paras 4.1 and 4.2 thereof.

### **ITEM NO. 9**

#### **ANOMALY IN PENSION FOR GOVERNMENT SERVANTS WHO RETIRED/DIED IN HARNESS BETWEEN 1.1.2006 AND 1.9.2008**

The Sixth Central Pay Commission lays down inter-alia that once an employee renders the minimum pensionable service of 20 years, pension should be paid at 50% of the average emoluments received during the past 10 months or the pay last drawn, whichever is more beneficial to the retiring employee.

As per the Ministry of Personnel, Public Grievances and Pension O.M. F.No. 38/37/08-P&P(W)(A) dated 2<sup>nd</sup> September 2008, these orders shall come into force with effect from the date of issue of this OM, namely 2<sup>nd</sup> September 2008 and shall be, applicable to all Government Servants becoming entitled to pension after rendering the minimum qualifying service of 20 years or on completion of 10 years qualifying service in accordance with rule 49(2) of the CCS (Pension) Rules, 1972.

However, the Govt. servants who have retired on or after 1.1.2006 but before the date of issue of this OM (2.9.2008) have been debarred from this benefit. They will be governed by the rules/ orders which were in force immediately before coming into effect of these orders. In other words their pension will be calculated on average emoluments received during the last 10 months and not on the actual pay last drawn. It is requested that this discrimination should be removed.

### **ITEM NO. 10**

#### **COMMUTATION OF PENSION**

The minimum period of service for eligibility for pension is 10 years. For appointment to Government Service the minimum age is 18 years. In view of this, if a person is appointed at the age of 18 years he cannot become eligible for pension unless he has served for a period of at least 10 years and attained the age of 28 years i.e. when his birthday falls in the 29<sup>th</sup> years.

The table adopted a per the Ministry of Personnel, Public Grievances and Pension's OM No. 38/37/08-P&PW (A) dated 2.9.2008 shows the minimum age of next birthday after retirement as 20 which is not understood. It is requested that suitable amendment to the table referred to may be notified.

**ITEM NO. 11**

**GRANT REVISED ALLOWANCES WITH EFFECT FROM 1.1.2006**

Allowances form part of wages. That being so, allowances too should be revised with effect from the same date from which Revised Pay Scales have been implemented i.e. 1.1.2006. There is hardly any justification for granting revised allowances with effect from 1.9.2008 i.e. after a lapse of 32 months. Certain Special Pay like Qualification Special Pay, which has now been treated as Special Qualification Allowance, is also being revised with effect from 1.9.2008. Since this Allowance is treated as pay for the purpose of fixation of pay on promotion to higher posts, senior employees, who might be promoted during the period from 1.1.2006 to 31.8.2008, would be fixed at a lower stage due to pre revised Special Qualifying Allowance than those junior hands who are promoted to higher posts on or after 1.9.2008, creating an anomaly. It is, therefore, necessary that such Qualification (Pay) Allowance is revised with effect from 1.1.2006.

In case of HRA and other allowances, which are paid as a percentage of pay, even on the pre revised pay, have to be paid as a percentage of the revised pay for the period from 1.1.2006 to 31.8.2008 and not on the prerevised pay which ceases to exist on and after 1.1.2006. No orders to do so have so far been issued. The Family Planning Increment has to be granted at the rate of revised Increment with effect from 1.1.2006. Instead it has been sanctioned as Family Planning Allowance with effect from 1.9.2008 at flat rates. During the period from 1.1.2006 to 31.8.2008 orders to regulate it at the rate of increment in the Revised Pay Scales have also not been issued.

For all these reasons, we demand that all allowances may be granted at the revised rates with effect from 1.1.2006.

## **ITEM NO. 12**

### **TRANSPORT ALLOWANCE**

The scheme of Transport Allowance was recommended by the V Central Pay Commission. Even at that time it had been pointed out that the rates of Transport Allowance had not been fixed rationally. Group C & D employees, who reside at far away places from their offices, have been given very low rates but the officers, who reside in Govt. accommodation very near their offices, have been given 8 times higher rates than the low paid employees. The matter had gone for arbitration and the Board of Arbitration had given an award increasing the rates of Transport Allowance, which has not yet been implemented though more than 3 years have since elapsed.

On these considerations there is a case for upward revision in the rates of Transport Allowance for low paid employees now belonging to PB-1. We, therefore, demand that Transport Allowance for employees below the Grade Pay of Rs.4200 should also be revised to Rs.1600+DA for the A-1/A towns and Rs.1200/- + DA for other towns.

There are employees who remain on long tour duties as in the Audit Deptt., or field duties on survey sites during a long field season of more than 4-5 months. Since the CCA which was earlier admissible to them has been subsumed in the Transport Allowance, they are not getting any Transport Allowance while on tour for more than a month or for many months during which the field season lasts and they are, therefore, losing even the part of Transport Allowance which represents CCA.

It is, therefore, demanded that the condition of absence for more than a month for disentitling the employees for Transport Allowance may be done away with. During the survey season these employees have to roam the entire area which is being surveyed. The ground Water Board Staff have to go from their tents etc. to places where water availability is to be explored. Therefore they are also entitled to Transport Allowance during the field season. Since CCA was being included in wages for the purpose of revising the OTA rates, 50% of Transport Allowance may be counted as wages for determining the Overtime rates.

## **ITEM NO.13**

### **INCREASE OF TA (TRANSPORT ALLOWANCE) AT PER WITH PB – 3**

Total amount of TA and CCA for A1 cities in PB – 3 with grade pay of Rs.5400 and above were Rs.1100. The new TA rate for these categories is Rs.3200, 2.9 times the sum of the pre revised TA and CCA. The total amount of TA and CCA for A1 cities in pre revised scale of Rs.6500-10500 and 7450 – 11500, which are now placed in PB -2 with grade pays of Rs.4600 and 4200, were Rs.700. The new TA rate for these categories is Rs.1600, only 2.28 times the sum of the pre revised TA and CCA. TA should be increased at a uniform rate for all the categories since the purpose and elements for increase are the same for all levels. Transport Allowance should also be uniform all over the country as the cost of fuel is nearly the same – irrespective of the class or category of a city.

The rate of Transport Allowance should be increased 2.9 times the sum of the pre-revised TA & CCA, as in the case of PB-3.

## **ITEM NO.14**

### **REVISION OF EXISTING ALLOWANCES**

There are certain allowances which are to be withdrawn and replaced by new schemes like Insurance for Risk Allowance, Patient Care Allowance etc. These schemes have so far not been formulated. When formulated, these will have to be discussed in the JCM for a before these are implemented. For the intervening period from 1.9.08 to the date on which these alternate schemes are implemented, the rates of these allowances may be doubled and implemented.

#### **ITEM NO. 15**

#### **PARITY IN PENSION OF ALL PRE 1996 RETIREES WITH THOSE WHO RETIRED ON OR AFTER 1.1.96**

The Government have already accepted in principle that there shall be parity in pension amongst pensioners irrespective of the date from which they had retired.

Accordingly pension of all pre 1986 retirees was revised with effect from 1.1.96 by first determining the notional pay which would have been fixed as on 1.1.86 (treating as if the employees were in service on that date) and then the Notional Pension was updated by applying the same fitment formula which was applied to serving employees.

We, therefore demanded that the notional pay of all pre 1996 retirees may be fixed as on 1.1.96 in terms of Revised Pay Rules, 1996 and the notional pension as on 1.1.96 may be revised w.e.f. 1.1.06 by applying the same fitment formula which is applied in the case of serving employees i.e. by multiplying the notional pension as on 1.1.96 by 1.86 + the Grade Pay of the Pay Scale (V CPC) from which they would have retired.

The revision of pension has been done by applying the formula of Basic Pension as on 1.1.96 + Dearness Pension (50% of Basic Pension) + Dearness Relief on Basic Pension + Dearness Pension+40% of Basic Pension.

This is not the same that has been granted to serving employees. In whose case the Grade Pay which is the fitment benefit is 40% of the maximum of the Pre-revised Pay Scale.

As such the Pensioners should also be granted 50% the of Grade Pay of the Pay Scale from which they had retired by way of fitment benefit and not 40% of Basic Pension.

#### **ITEM NO.16**

#### **ANOMALY IN REVISED PENSION TO PRE 2006 RETIREES.**

It has been observed that the pension of the pre 2006 retirees having been fixed in terms of different sets of rules from those who retired on and after 1.1.2006 is fixed at a lower rate than that of those who are in identical pay scale at the same stage of pay but retiring on or after 1.1.2006.

The Supreme Court in the case of D.S. Nakara [ (1983)25CR 165] has laid down the following principles.

- i). The date of retirement cannot constitute a valid criterion for determination of pension and any classification or division made on such basis will be violative of Article 14 of the Constitution.



- ii). Where all relevant considerations are the same i.e. persons holding identical posts cannot be treated differently in the matter of their pay while service, so also they cannot be treated different, when they have retired.
- iii). In the matter of determination of pension the object sought to be achieved is not to create a class within a class, but to ensure that benefits of pension are made available to all persons of the same class equally.

In the latest judgment of the Supreme Court, in the case of S.P.P. Vain (J T 2008(10) SC 399) it has been further held that the pensioner's pay is to be fixed notionally at the rate given to similar serving employee on the cut off date and thereafter the quantum of pension is to be determined from that date.

These principal have not been kept in view while framing the rules for fixation of pension. By laying down different rules in respect of Pre 2006 retirees, Pre 2<sup>nd</sup> September 2008 retirees and post 2<sup>nd</sup> September retirees, three classes of pensioners have been envisaged which is violative of the principles laid down by the Apex Court. The following anomalies have arisen:-

#### **I Junior getting more pension**

Mr. A an Additional Secretary in the Pay Scale of Rs.22400-24500 retiring on 31.12.2005, drawing pay of Rs.24500 is fixed at 50% of Rs.37400 + Grade Pay of Rs.12000/-, which is Rs.24700.

Mr.B Joint Secretary (working under Mr. A) in the Pay Scale of Rs.18400-22400 retiring on 31.1.2006 drawing Rs.18400 gets pension of Rs.27350 because his revised Pay is fixed on 1.1.2006 at Rs.54700, 50% of which is 27350.

#### **II Two identically Placed Officers getting different pensions**

Mr. A and B both are Additional Secretaries and have been drawing Rs.24500 i.e. maximum of their pay scale Rs.22400-24500. Mr. A retires on 31.12.2005 and get pension of Rs.24700 as on 1.1.2006. Mr B retires on 31.1.2006 and his pension is fixed as on 1.2.2006 at Rs.35190 i.e. more than Rs.10000/- (Rs.100490) than the former.

The VI CPC has recommended that pension will be subject to the provision that revised pension, in no case, shall be lower than 50% of the sum of the (minimum pay in the pay band and the grade pay thereon corresponding to the prerevised pay scale from which the pensioner had retired. This recommendation has been accepted by the Government vide para 4.2 of O.M.No.38/37/08-P&PW (A) dated 1.9.2008. The Government of India vide their OM. No.38/37/08 P&PW (A) Pt I dated 3.10.2008 reiterated vide their OM F No. 38/37/08-P& PW (A) dated 11.2.2009 have modified and ordered that the Pension calculated at 50% of the minimum of the Pay in the Pay Band Plus Grade Pay would be calculated at the minimum of the pay in the Pay Band (irrespective of the prerevised scale of pay) plus the Grade Pay corresponding to the prerevised Pay Scale. By so doing the 50% of pay in the Pay Band has been brought down to the minimum of the lowest Pay Scale in the Pay Band. In other words minimum pay in the Pay Band of PB 1 has been fixed at Rs.5200 in respect of all the pay scale of that Pay Band, PB 2 has been fixed at Rs.9300 in respect of Pay Scales of that Pay Band.

Mr. A who is in the prerevised Pay Scale of Rs.7500-12000 will be getting Rs.7050/- by way of 50% of minimum of Pay in the pay band rs.7050 (i.e. 50% of 9300+4800) and not Rs. 9380 (Rs.7500 X 1.86 + Rs.4800) Qualifying the term " minimum pay in the pay band" by the clause "irrespective of prerevised scale of Pay" is, therefore, a modification in the Government decision taken and conveyed vide OM dated 1.9.2008. By doing this the very objective of ensuring at least parity in pension in respect of those retiring

at the minimum of the prerevised Post revised Pay Scales / Pay Band has been distorted. All employees have been brought to the level of minimum of Pay Band. This distortion in the Government decision has to be rectified appropriately.

#### **ITEM NO.17**

#### **DISPARITY IN PENSION/FAMILY PENSION BETWEEN PRE AND POST PENSIONERS / FAMILY PENSIONERS**

An anomaly has arisen due to the application of two different fitment weightage, one for those who retired on or before 31.12.2005 and the other for those who were in service on 1.1.2006 but retired subsequently. The former got 40% of their basic pension as per para 4.1 of notification dated 1.9.2008 while the later got more than 60% of the minimum pay of the pre-revised scale in the form of distinct 'Grade' pay under rule 7 of CCS (R.P) Rules 2008 as additional benefit.

Similarly pre-2006 Family Pensioners also are affected by this discriminator / fitment weightage. In short the benefit of new scale has not at all been extended to the pre 2006 pensioners / family pensioners except the provision under para 4.2 of the said notification stating that in no case, the revised pension shall be less than 50% of the minimum pay in the pay band plus grade Pay. This provision is of no help for most of the pre 2006 pensioners as the pay band plus grade pay in respect of most of the pre-revised pay scales is less than 200% of the pre-revised minimum pay unlike IV and V CPCs which had increased the minimum basic pay to more than 300% in all cases to avail of this provision effectively and meaningfully. The claim of the VI CPC that this is consistent with the fitment weightage being allowed in case of existing employees is contrary to the fact.

It would not be out of place to mention here the recommendation of the V CPC stating that the process of bridging the gap in pension of the past pensioners had already been set in motion by the IV CPC and the same had to be continued. This recommendation had been accepted by the Govt. in toto. Accordingly the pay of all the pre 1986 pensioners had been notionally fixed in IV CPC scales on 1.1.1996 allowing the same fitment weightage for both pre and post 1996 retirees. With this, there was no disparity in the pension among pre and post 1996 pensioners in the implementation of V CPC. Whatever parity ensured by the IV and V CPCs has been negated by the notification-dated 1.9.2008.

This is a clear infringement of the Fundamental Right guaranteed under article 14 of the Constitution as held by the Honorable Supreme Court in 1983 1 SCC 305 Constitution bench - O.S. Nakara and Others Vs Union of India stating in no uncertain terms that the case of retirement of an employee cannot form a valid criterion for classification, for if that is the criterion, those who retired by the end of the month will form a class by themselves, that the fixation of a cut-off date as a result of which equals were treated as unequals, was wholly arbitrary and that the class of pensioners could not be decided for the purpose of entitlement and payment of pension into those who retired by a certain date and those who retired thereafter and holding such division is both arbitrary and unprincipled which did not stand the test of Article 14 of the Constitution.

Therefore it is urged that the fitment weightage given to the pre 2006 pensioners and family pensioners may be modified by extending the benefit of the new pay scales given effect to from 1.1.2006 and fixing their pay notionally on par with the employees who were in service on 1.1.2006 as was done in the case of pre 1986 pensioners to maintain and ensure parity of pension among all pensioners and family pensioners irrespective of the date of retirement or the death of the pensioners.

#### **ITEM NO. 18**

**ANOMALY IN PENSION TO THOSE RETIRING WITHIN FIRST 9 MONTHS OF 2006 NOT FULLY RECTIFIED.**

The Department of Pension & Pensioners Welfare, in their Clarificatory O.M. F.No. 38/37/08-P&PW (A) Pt II dated 3.10.2008, at Sl.No. 5 (para 12), have stipulated that, for the purpose of computing average emoluments in the case of Government servants who have opted for fixation of pay in the revised Pay Band and retire within 10 months from the date of coming over to the Revised Pay Band, basic pay for the 10 months period preceding retirement shall be calculated by taking into account pay as follows:

- i) For the period during which pay is drawn in the revised Pay Structure – pay drawn in the prescribed Pay Band plus applicable grade pay or the pay in the Pay Scale in case HAG + & above:
- ii) For the remaining period during the which pay is drawn in the pre-revised pay scale:-
  - a) Basic Pay + Dearness Pay and actual D.A. appropriate to the basic Pay at the rates in force on 1.1.2006 drawn during the relevant period.
  - b) Notional increase of basic pay by applying the fitment benefit of 40% on the basic pay in pre-revised Pay Scale

The average emoluments so computed would not fully rectify the anomaly as because those who have retired on 31.10.2008 and thereafter will get their average emoluments for all the 10 preceding months in the prescribed Pay Band plus applicable grade pay i.e. Basic Pay in pre-revised Pay Scale multiplied by 1.86+Grade Pay which is 40% of the maximum of the pre-revised pay scale or even more than that in the case of S-16 onwards. On the other hand what has been allowed as per above clarification in the case of these retiring within 10 months is

Basic Pay in pre-revised Pay scale multiplied by 1.74 plus 40% of basic pay in the pre-revised pay scale.

With a view to remove the anomaly it is demanded that for the period preceding 10 months during which prerevised pay is drawn, the pay of those retiring between 1.1.06 and 30.9.06 should be taken as under:-

- a) Basic Pay multiplied by 1.86

Plus

- b) Notional increase in the basic pay by the Grade Pay applicable and not 40% of basic pay in the pre-revised Pay Scale.

**ITEM NO. 19**

**REVISION OF PENSION OF THOSE WHO RETIRED DURING THE PERIOD 1.1.2006 TO 1.9.2008.**

The recommendation of VI CPC for grant of full pension @ 50% of average emoluments received during last 10 months or the pay last drawn whichever is more beneficial to all employees rendering minimum of 20 years of service has been accepted.

Rule 49 (2) (a) of CCS (Pension) Rules, 1972 shall have to be revised by providing 20 years for 33 years and Rule 34 of the CCS(Pension) Rules 1972 will also undergo a change by including the last pay down if it is more beneficial as emoluments for the purpose of fixing pension.

It is, therefore, not correct to state that qualifying service of 20 years and average emoluments or the last pay drawn are not separable (vide Deptt. of Pension & Pensioners Welfare clarification NO. 1 in O.M.F.No.38/37/08-P&PW(A) Pt.II dated 3.10.2008)

The Commission's recommendation that payment of full pension on completion of 20 years of qualifying service may take effect prospectively i.e. from 2.9.2008 which has been accepted by the Govt. vide their O.M. dated 2.9.2008 is to say the least unconstitutional in the light of the judgment dated 17.12.82 of the Hon'ble Apex Court what is popularly known as the Nakara Judgment. They have ruled as under:-

That by introducing an arbitrary eligibility criteria : being in service and retiring at a subsequent date for being eligible for the liberalization in Pension Rules (or any other liberalization in Pension Rules) and thereby dividing a homogeneous class (Pensioners-past, present and future), this classification being not based on any discernable rational principle and having been found wholly unrelated to the object sought to be achieved by grant of such liberalization and the eligibility criteria being thoroughly arbitrary, we are of the view that eligibility for the Liberalized Pension Scheme of being in service on the specified date and retiring subsequent to that date violates Article 14 of the Constitution and is unconstitutional and is struck down

With due respect to the VI CPC, it is, therefore, stated that the above recommendations vide para 5.1.33 of their Report from a prospective date (vide para 6.5.3 of VI CPC Report) is ultra vires of Art 14 of the Constitution and may therefore be rejected. Not only those who have retired between 1.1.2006 and 1.9.2008 but even those who retired prior to 1.1.2006 may be granted full pension if they had rendered 20 years of service i.e. 50% of the average emoluments for the last 10 months or the last pay if that be more beneficial.

## **ITEM NO.20**

### **ALLOWANCE**

#### **Daily Allowance on Tour**

The DA rates may be revised with regard to those drawing Grade Pay of 4200 to 4800 and below 4200 in the following manner.

Rs.4200 to 4800 – Reimbursement of hotel accommodation of upto Rs.1000/- per day; reimbursement of travel charge upto Rs.150/- per diem for travel within city and reimbursement of food not exceeding Rs.200 per day. The reimbursement of travel and food charges may be made on self-certification or on assumption that the prescribed amount has been opted.

Below Rs.4200 – Reimbursement of hotel accommodation of upto Rs.700/-per day; reimbursement of travel charges upto Rs.150 per diem for travel within city and reimbursement of food not exceeding Rs.200 per day. The reimbursement of travel and food charges may be made on self-certification or on assumption that the prescribed amount has been spent.

This is being demanded because it is not the practice to get bill/receipt for fare charged by the Autoriksha or to insist for bill for tea/snacks/meals from dhaba/restaurant. The traveling employees (at least some of

them) have arrangements to cook their meals etc while on tour and stay in places other than hotels having tariff rates etc in their case obtaining receipts for stay, etc., is not even called for.

It is, therefore demanded that a fixed Daily allowance rate for stay, local travel, food etc may also be prescribed has been done before we propose the following rates of D.A:

**Grade Pay 4800 to 4200**

50% of hotel rates i.e.Rs.500/- plus 350/- for local Travel and food i.e.Rs.850/-

**Below 4200**

50% of hotel Rates i.e. Rs.350/-+Rs350 i.e. Rs.700

There are many employees in surveys Departments like Survey of India, Geological Survey of India etc and Ground Water Board who go on field duties, live in tents, cook their meals and travel to the areas being surveyed by them from their tents etc. there are no hotel / dhabas etc even available etc even available to them.

**The above rates may be treated as alternate available to any touring employees.**

**ITEM NO.21**

**50% OF REVISED PAY BAND + GRADE PAY NOT CORRECTLY DETERMINED.**

A Table has been appended to Para 4 of Department of P & P W O.M.No.38/37/08 P&PW (A)Pt I dated 14.10.2008 showing 50% of the sum of the revised Pay Band and Grade Pay. It is seen that the Pay Band worked out @ 1.86 of the minimum of the pre revised Pay Scale has been adopted for all pay scales in each band which is not what the commission has recommended and Govt. had accepted.

The relevant recommendation of the VI CPC (vide para 5.1.47 page 339 of VI CPC Report) is as under:-

“The fixation as per this table will be subject to the provision that the revised pension, in no case, shall be lower than fifty percent of the sum of the minimum of the pay in the Pay Band and the Grade Pay thereon corresponding to the prerevised Pay Scale from which the pensioner had retired.

The phrase “minimum of the pay in the Pay Band corresponding to the prerevised pay scale from which the pensioner had retired” is different from the minimum of the Pay Band worked out on the basis of minimum of the lowest Pay scale in each Pay Band which is Pay Band Minimum adopted by the commission in their Scheme of Pay Bands. The minimum Pay in the Pay Band has been shown in the fitment tables appended with the Department of Expenditure O.M.F.No.1/1/2008-IC dated 30.8.2008. This minimum pay in the Pay Band corresponding to the pre-revised Pay Scale from which the pensioner had retired should have been adopted in the table appended with the above P&PW OM dated 14.10.2008.

The revised Table worked out on the above basis is enclosed herewith which may be adopted.

**ITEM NO.22**

**REVISION OF PENSION OF THOSE WHO ARE RECEIVING TWO PENSIONS.**

Para 5.1 of Office Memorandum No. F.No. 38/37/08/P&PW (A) dated 1.9.2008 lays down that where the consolidated Pension / Family Pension in terms of para 4 thereof works out to an amount less than Rs.3500/,-, the same shall be stepped up to Rs.3500/- and that will be regarded as Pension / Family Pension with effect from 1.1.2006. In the case of pensioners who are in receipt of more than one pension, the floor ceiling of Rs.3500 will apply to the total of all pensions taken together.

This is a clear retrograde step from the existing position whereby in terms of the Department of P&PW OM No.42/2/2004 P&PW (G) dated 21.6.2004, when a pensioner receives two pensions both are treated separately for the purpose of consolidation and not taken together.

It is therefore requested that status quo ante should be restored by issuing orders, in supersession of para 5.1. ibid, laying down that minimum floor ceiling should apply separately to each pension and not to the total of the pension taken together.

### **ITEM NO.23**

#### **SPECIAL PROVISION FOR THOSE WHO RETIRED ON OR AFTER 1.1.2006 BUT RETAIN PRE-REVISED SCALE OF PAY.**

The provisions made in para 13 of O.M. dated 2.9.2008 in respect of above category of employee are against the principle of natural justice and is arbitrary in as much as they have neither been retiree nor post 1.1.2006 retiree.

To meet end of justice their pension should be computed as in clause (ii) of para 13 with reference to emoluments defined in FR-9(21)(a)(i) after inclusion of Dearness Pay and DA paid as on 1.1.2006 (on basic pay plus dearness pay) and pension computed with out notional increase of the basic pay by applying the fitment benefit of 40% on the basic pay in the pre-revised scale. Similarly Family Pension is to be calculated at 30% of basic pay after adding dearness pay as drawn fitment weightage of 40% of basic pay and DA as admissible on 1.1.2006 (on BP+DP). The provisions made in para 13 are highly discriminatory and anomalous as pension / family pension to those retired / died prior to 1.1.2006 with the same pay in pre revised scale.

Although such cases may be very few who will be opting to continue to draw pay in the pre-revised structure, but to avoid discriminatory treatment and to protect that their pension / family pension is not less than what an employee gets on his retirement / death on 31.12.2005, the provision made in para 13 needs further suitable amendment / amplification.

### **ITEM NO.24**

#### **COMMUTATION OF ADDITIONAL PENSION OR RETROSPECTIVE REVISION OF PENSION IN RESPECT OF POST 31.12.2005 RETIREES**

The recommendation made by the sixth CPC in para 6.5.3 of its report as mentioned at Sl. No.5 of the resolution dated 29.8.2008 and accepted by the govt. of India, is against the provisions of rule 10 of CCS (Commutation of Pension) Rules, 1981. Neither the govt. nor the pensioners are at liberty to alter/refuse the contract of commutation of pension after it becomes "absolute". Since Govt. servant who retired on or after 1.1.2006 and have commuted a portion their pension which has now been retrospectively revised, he has to be allowed the commutation of additional pension now becoming due to the same percentage which he has applied earlier for commutation with reference to the purchase value for age next day which was taken in to account at the time (date on which commutation become absolute) – initial commutation.

The recommendation of the Sixth CPC is also against the spirit of rule 8 of CCS (Commutation of Pension) rules. Had the commutation Table consisting of purchase value with reference to age has gone up, then the govt. would have applied rule 10 ibid for commutation of additional pension and not with reference to revised upward rate. The department of P&PW cannot choose the better provision by subverting the statutory Rule 10 of CCS (Commutation of Pension) Rules 1981. The recommendation of the Sixth CPC in this regard is friendly to govt. and not to the retiring employees. It was for the govt. not to accept the recommendation of Sixth CPC as contained in para 6.5.3 of their report and status-quo as per rule 10 of CCS (Commutation of Pension) rules, 1981 continued as was allowed while implementing 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> CPC recommendations.

We, therefore, request the Govt. to maintain status quo by applying the provisions of rule 10 of CCS (Commutation of Pension) Rules, 1981 for commutation of pension becoming due as a result of revision of pay/pension and modify the acceptance of recommendation as appearing against Sl.No.5 of Resolution and provisions made in para 9.3 of O.M. dated 2.9.2008.

#### **ITEM NO.25**

#### **APPLICATION OF NEW COMMUTATION FACTOR RECOMMENDED BY VI CPC – CONTRARY TO RULES AND JUDICIAL DIRECTIONS**

Additional commutation arising out of VI CPC Pay Revision for employees who have retired / superannuated between 1.1.2006 and 2.9.2008 shall be computed at the revised Table of Commutation value for pension in terms of para 9.3 of the Department of Pension & Pensioners Welfare O.M. F.No. 38/37/2008-P&PW (A) dated 2.9.2008 as clarified in O.M. F.No. 38/79/2008P&PW(G) dated 16.2.2009.

This is not only contrary to the existing orders and the provisions of Rules 5,6 and 10 of CCS (Commutation) Rules 1981, but is also violative of judicial pronouncements.

It is therefore demanded that the additional commutation arising as a result of revision of pay and pension in respect of employees retiring between 1.1.2006 and 2.9.2008 should be at the same factor of the existing Table of Commutation value at which his pension was initially commuted.

It has also been observed that some Pension Sanctioning authorities are deducting the additional commuted pension retrospectively from the date it was initially commuted. This is also contrary to Rule 10 of CCS (Commutation of Pension) rules 1981. It should be deducted from the date it was paid. Suitable clarificatory orders in this respect may also be issued.

#### **ITEM NO.26**

#### **COMMUTATION OF REVISED PENSION**

Instructions have been issued by the Government in the Department of Pension & Pensioners Welfare OM F.No. 38/37/08 P&PW (A) dated 2.9.2008 wherein it is stated that in respect of post 31.12.2005 pensioners who have already commuted their pension, the revised commutation Table should be used only to compute the amount of pension that has become additionally commutable on account of retrospective revision of pension.

In this connection it may be stated that

1. The date of effect of the revised table of commutation in respect of the pensioners, who had retired on or after 1.1.2006 and before 2.9.2006 is vague.

2. The said pensioners are governed by the commutation rules as these existed on the date of retirement. The table of value has been prescribed on the date on which the commutation becomes absolute.
3. The revised instructions conveyed vide para 9.3 of the OM dated 2.9.2008 are contrary to rule 5, 6 & 12.
4. Rules 5 & 6 do not envisage a second option as defined by the courts of law.
5. As per rule 12 an employee is eligible to commute a fraction not exceeding 40% of his pension. Such eligibility is partially denied by the revised instructions for which the following options are prescribed

**Option 1 “I hereby do not opt for commutation of additional pension becoming due owing to retrospective revision of pension.”**

By this option, the automatic benefit of Rule 10 is completely denied.

**Option 2. “I hereby do not opt for commutation of same percentage (as already commuted ) of the revised pension becoming due owing to revision of pension”.**

By this option, the entitlement of 40% on revised pension as per rule 5(1) & 5 (2) is denied.

6. On the basis of the option and by using the revised table of commutation, the pension and the commuted fraction are divided as two as indicated in the illustration below.

### **Illustration**

- a. Pre – revised pension Rs.3000/-
- b. Revised Pension Rs.6780/-

A Government servant is entitled to get 40% of the commuted value on the revised pension of Rs.6780. But according to para 9.3, a Government servant will receive only 17.3% of the commuted value on the revised pension under the pre revise table and 22.7% of the commuted value on the revised pension under the revised table. Applying two factors for a single event of commutation is not fair.

It is, therefore, demanded that 40% of the revised pension may be commuted as per the extant Table which was in force when the employee had retired i.e. prior to 2.9.2008.

The instructions issued may be suitably revised.

### **ITEM NO.27**

#### **CONSTANT ATTENDANCE ALLOWANCE**

The Sixth CPC in its reports in para 5.1.44 (not 5.1.42 as mentioned against Sl. No. 10 of Resolution dated 2.9.2008) recommended Constant Attendance Allowance to civilians who are granted disability pension under CCS (Extra Ordinary Pension) Rules, 1939 for the first time as a new element on the lines existing to the Defence Forces. Here neither the rate of Constant Attendance Allowances payable nor conditions attached to its payment has been detailed. However, while recommending constant



Attendance Allowance to Defence Forces in para 5.1.68, the commission recommended Rs.3000/-p.m. as increased by 25% every time the dearness allowance payable on revised pay band goes up by 50%.

It is regretted that Deptt. Of P&PW while notifying acceptance of the recommendations of the Sixth CPC by the Govt. in its Resolution dated 29.8.2008 at Sl. No. 10 did not link the recommendations of the commission as available in para 6.1.68 in regard to allowing increase by 25% of constant Attendance Allowance when Dearness Allowance goes up by 50% it is a deliberate concealment of fact by the Deptt. Of P&PW, which is bad. Even if the Govt. was not inclined to increase the Constant Attendance Allowance as and when DA increases by 50% it would have been proper not to accept that portion of recommendation in the Resolution. As the Ministry of Defence does not issue any Resolution on Pensionary matters and they follow the Governments' acceptance the Ministry, the omitted part of recommendation of Sixth CPC (para 6.1.68) regarding increase in Constant Attendance Allowance as and when DA increases by 50% will not find place in Ministry of Defence letter notifying revised Pensionary provisions in respect of Armed Forces as the same has neither been accepted nor denied by the Government. This requires necessary correction / amendment.

### **ITEM NO. 28**

#### **GRANT OF GRADE PAY OF RS.5400 IN PB-2 FOR ASSTT.ACCOUNTS/AUDIT OFFICERS.**

Whereas the VI CPC had recommended that the post of Asstt. Accounts/Audit Officers and Accounts/Audit Officers should, therefore, (because as a result of upgradation of the post of section officers (Accounts / Audit) in pay scale of Rs.7500-12000, the posts of section officers and Asstt. Accounts / Audit Officers had been placed them in an identical Pay Scale) be merged in the pay band PB-2 to Rs.8700 (9300) – 34800 along with grade pay of Rs.4800, the Govt. have placed Audit/Accounts officers in the pay band PB-2 with upgraded Grade Pay of Rs. 5400 (Corresponding to the prerevised Pay scale of Rs.8000-13500).

This has given rise to the following anomaly:-

- i) Asstt. Accounts/Audit Officers are Group B Gazetted whereas Section Officers are Group B Non Gazetted. As such a Group B Gazetted post has been merged with a Group B Non Gazetted post.
- ii) Since Asstt. Accounts officer is a promotional post for section Officer, the merger of these posts has resulted in no fixation of pay on promotion in view of Rule 13 (i) of CCS (RP) Rules, 2008. The Ministry of Railway vide their Notification No. PC VI/19 dated 23.9.2008. (RBE No.128/2008) has however extended the Pay Band of PB-2 with grade pay of rs.5400 to Asstt. Accounts Officers (group 'B' Gazetted).

It is therefore proposed that the post of assistant accounts /audit Officers in all organized accounts & Indian audit & accounts department may also be granted the upgraded grade Pay of rs.5400 in PB-2.

As a corollary to this the Accounts & Audit Officers may be placed in the Pay Band PB-3 with upgraded Grade Pay of rs.5400 considering the fact that this is a promotional post with higher functional responsibilities and Sr. Audit/Accounts Officers may be given pay band PB-3 with Grade Pay of Rs.6600 for the same reason.

It may also be pointed out that the observation VI CPC (vide para 7.56 of their report) that “upgrading the Sr. Audit/Accounts Officers pay scales any further will place them in a higher level than the entry grade of IA&AS which is a promotion post” is not correct. The senior Accounts/Audit Officers are not promoted to the entry grade of IA&AS. They have been promoted to S-19 post which has now been

granted Grade Pay of Rs.6600. That is why the post of Sr. Audit/Accounts Officer may be given Pay Band PB-3 with grade pay of Rs.6600.

### **ITEM NO.29**

#### **REVISION OF BASE INDEX FOR D.A.**

12 monthly average index of 536 (AICPI-IW) 1982 series corresponds to 74.97% increase over the base index of 306.33 prescribed by V CPC. Since 74% increase in D.A. has only been merged in emoluments (Pay Band), this increase corresponds to 12 monthly average index of 533.02 of cost of living Index (1982=100) series.

The base index for the VI CPC. Pay Scale should therefore be 533.02 of 1992 index i.e. 115.12 in (2001=100) series.

It is, therefore, proposed that the base index in (2001=100) series for the computation of D.A. in pay scale of VI CPC may be taken as 115.12 and not 115.76.

### **ITEM NO.30**

#### **BENCH MARK IN AICPI SCHEME FOR GRANT OF DA / DR WEF 1.1.2006 ON CPC VI LEVEL PAY / PENSION RESTRUCTURING.**

The Government of India have been following the AICPI Index (IW) ever since the time of CPC I, chaired then by Justice Varadachariar. In CPC I, it was 1939=100 base. CPC II Justice Jagannath Das Commission also based their recommendations on 1960=100 base. CPC V ordered DA / DR to be on 1982 =100 Base. CPC VI have preferred 2001=100 base.

Successive Pay Commissions have been suggesting a separate AICPI for white collar workers as different from the skilled / unskilled factory / industrial workers. They had pleaded for a different basket of inputs since the basic needs of a wage earner in a factory or an industrial worker are different from clerks / supervisors / operatives / management level employees (white collar workers). But the Government of India have not taken a decision although some sort of an index has been evolved by the Statistical Department of the Central Government Hence on date this AICPI (IW) is the base for fixing the bench mark for Government salaries as well.

All along, based on AICPI (IW) 1982= 100 base the Government had sanctioned DA / DR at 74% of the 1.1.1996 level wages. (1.1.96 wages were on 306.33, average point). In the Government of India arrangement of DA / DR grant decimal increases in percentage are not considered. At 536 point the actual percentage is not 74% but more, namely 74.844 say 74.84. And we reach 74% when the AICPI (IW) reaches  $306.33 \times 0.74 = 533.01$ . Hence when 74% is included as salary on 31.12.2005, the start for the 1.1.2006 salary structure should be only 533.01 and not 536. This when converted to 2001 = 100 base by the factor 4.63 we get  $533.01 / 4.63 = 115.1209$  say 115.12. It is therefore proposed that D.A. increases be computed on the basis of AICPI (IW) 115.12 and not 115.76.

### **ITEM NO.31**

**CHILD CARE LEAVES IN RESPECT OF CENTRAL GOVERNMENT WOMEN EMPLOYEES AS A RESULT OF SIXTH PAY COMMISSION REPORT.**

On the basis of the recommendation of the Sixth CPC, Child Care Leave (CCL) was introduced by the Govt. This facility for the women employees in facta landmark recommendation by the Pay Commission in the area of reform under modern work culture. The decision by the Govt. to accept this recommendation is also equally historical which has been wide publicity by all sections of the print and electronic media. Child Care Leave is one of the right steps towards the welfare of women employees which will bring diversified results in the area of small family norms. It would definitely be a great relief to women employees having girl children, particularly having a single girl child. No.doubt a single girl child requires more attention and presence of her mother.

However ignoring all the above social issues, DoPT has issued the latest clarification which has taken away the spirit and enthusiasm of the women employees. As per the clarification issued by the DoPT vide its OM No.13018/2/2008-Estt(L) dated 18 Nov. 2008 this landmark facility has become as good as withdrawn as one of the conditions in the clarificatory orders clearly stipulates the **CCL can be availed only if the employee concerned has no Earned Leave at her credit.**

It is proposed that the above clarification order may kindly be withdrawn as the VI CPC had not indicated that the leave will be available only in the event of there being no leave at the credit.

**ITEM NO. 32**

**CUMULATIVE LOSS IN WAGES AS A RESULT OF NEW FIXATION FORMULA ON PROMOTION TO THE NEXT HIGHER GRADE.**

As per extant rules and procedure the pay of a person on promotion is fixed taking into account the number of increments drawn plus one additional increment and in any case the minimum pay in the next higher scale was assured and granted. As on example, staff in scale Rs.3050-4590/-, when promoted to scale Rs.4000-6000/- / 4500-7000/- his pay is fixed taking into the account the number of increments drawn plus one additional increment under Rule FR-22/C and in any case not less than the minimum of the pay in the promoted scale i.e. rs.4000/4500. As per clarification No.2, of the order under reference the same provision is absent.

Para 12 (ii) of the Ministry of finance (Department of Expenditure) Notification .GSR 622 (E) dated 29.8.2008 is specific about this. Railway Board should amend their order (PC VI/2008/1/RSRP/1 dated 25.9.2008.

As per provision of the first scheduled, Part 'A' section II, the entry pay in the revised pay structure for direct recruits appointed on or after 1.1.2006 has been prescribed as follows:-

**PB-1(Rs.5200-20200)**

<b>Grade Pay</b>	<b>Pay in the Pay Band</b>	<b>Total</b>
1800	5200	7000
1900	5830	7730
2000	6460	8460

2400	7510	9910
2800	8560	11360

**PB-2(Rs.9300-34800)**

Grade Pay	Pay in the Pay Band	Total
4200	9300	13500
4600	12540	17140
4800	13350	18150

It is however seen that an existing employee in the ore revised Pay scale (S-6) rs.3200-4900 drawing pay of Rs.3455 (i.e. 4<sup>th</sup> Stage) will be fixed at Rs.8430/-p.m. whereas a fresh recruit in the same scale if appointed on or after 1.1.2006 shall be given Rs.8460.

Similarly an employee drawing Rs.4000 in the pre-revised pay scale (4000-6000) (S-7) will be fixed at Rs.9840 whereas a fresh recruit appointed on or after 1.1.2006 would be given Rs.9910.

An existing employee in pre-revised Pay Scale Rs.4500-7000 (S-8) will be fixed at 11,170 whereas a fresh recruit appointed on or after 1.1.2006 will be give Rs.11360.

It is proposed that it may be provided in the rules that pay of the existing employee shall not be fixed at a stage lower than the pay at which a fresh recruit appointed on or after 1.1.2006 is fixed.

**ITEM NO.33**

**NEW RECRUITS GETTING MORE PAY THAN PROMOTEEES IN THE SAME PAY BAND AND GRADE PAY**

In many cases, an individual promoted to Grade Pay of Rs. 4600 or Rs. 4800 (Pre Revised 7450-225-1150 and 7500-250-13000) after 01 January 2006 is drawing less pay than direct recruits who joined the service on or after 1 January 2006. The reason for this anomaly is that the CCS (Revised Pay) Rule 2008 do not protect the promotee to get the minimum entry pay determined for the direct recruits joining service on or after 1 January 2008. This is a serious anomaly and needs immediate rectification by suitable amendment in the CCS (Revised Pay) Rule 2008.

**ILLUSTRATION:-**

Mr. X joined as an Auditor at the pre revised pay scale of 4500-125-7000/- PM before 1 January 2006. On clearing Section Officer Grade Examination, he is promoted to Section Officer after 1 January 2006. On promotion his pay will be fixed as per rule 13 in PB 2 as follows:-  
Pay in the PB 2 = Rs.9300/-  
(if after granting one increment on previous Band Pay + Grade Pay in the PB 1 is less than Rs.9300/-  
Grade Pay = Rs.4800/-

Total Basic Pay = 14100/- on promotion

Whereas the entry level pay for direct recruit who joins the service after 1 January 2006 as Section Officer has been fixed at Rs. 18150. there is a difference of Rs.4050/-

### **SUGGESTION:-**

The CCS (Revised Pay) Rule 2008 should be amended immediately by inserting the sentence ‘ **subject to minimum entry pay in the revised pay structure for direct recruits joining service on or after 1 January 2006**’

### **ITEM NO 34**

#### **RE-OPENING OF OPTION FOR FIXATION OF PAY ON PROMOTION.**

As per the recommendation of the 6<sup>th</sup> CPC the revised pay scales have been introduced from 1.1.2006. Persons promoted in the later part of the year 2005/2006/2007 had already exercised option for fixation of pay from the date of their next increment in existing scale. As example;

- i. an employee in pay scale Rs.3050-4590 was promoted to the pay scale of Rs.4000-7000/- in the month of October, November or December 2005/2006/2007.
- ii. his next increment in the existing scale falls on say Feb./March/April /May/June 2006/2007/2008, and he had exercised option for fixing his pay in the promotional scale from his next date of increment in the existing scale.

In this case his increment in the revised pay scale will be from 1.7.2007 or 1.7.2008.

If, the orders for grant of increment on 1<sup>st</sup> July each year was (as per VI CPC) known to him, earlier he would have exercised option for fixing his pay from the date of his promotion and in that case he could draw his next increment from 1.7.2006, 2007 or 1.7.2008.

It is therefore requested that existing employees who have been promoted to the higher post during 2005, 2006 or 2007 or prior to 2.9.2008 may be allowed fresh option for fixation of their pay.

### **ITEM NO.35**

#### **REOPTION TO THOSE PROMOTED PRIOR 2.9.2008**

Some employees who were promoted either prior to 1.1.2006 or even after 1.1.2006 had given option for fixation under old FR 22-C from either their date of promotion or from the date they earned their next increment in the lower post failing on or after 1.1.2006. As a result of promulgation of CCS (Revised Pay) Rules 2008, it is seen that the option exercised by them is less advantageous. It is proposed that in such cases re-option may be allowed.

### **ITEM NO. 36**

#### **INCOME CRITERIA IN RESPECT OF PARENTS AND WIDOWED/DIVORCED/ UNMARRIED DAUGHTERS.**

It has been stipulated in Department of Pension & Pensioners Welfare O.M. No.45/51/97-P&PW (E) dated 5.3.98 (para 2), that the income Criteria in respect of (dependent) parents and widow / divorced daughters will be that their earning is not more than Rs.2550/- p.m.

Later on unmarried daughters have also been included in the list of those who are eligible for family pension on the death of the Pensioners / family pensioners. (vide Department of Pension & Pensioners Welfare O.M. No.1/19/03/ P&PW-E dated 6.9.2007)

The above amount of Rs.2550/- is double the minimum pension that was the minimum pay of serving employees in V CPC.

It is, therefore, requested that the earning criteria for the parents, widowed / divorced / unmarried daughters may kindly be fixed at Rs.7000/- which is double the minimum pension of Rs.3500/- or minimum pay of serving employees in VI CPC.

**ITEM NO. 37**

**WAIVER OF RECOVERY OF HIGHER DA /DR DRAWN DURING THE PERIOD FROM 1.1.2006 TO 31.8.2006**

It is seen the DA / DR payable for the period from 1.1.2006 to 31.8.2006 in terms of old rates is higher than what has become payable with reference to VI CPC. Accordingly the difference between the old DA drawn and new DA payable has been deducted in Due and Drawn statement while computing the arrears of salary for the period from 1.1.2006 to 31.8.2006.

Since the DA drawn and paid during the above period was at the duly sanctioned rates it has to be treated as bonafide payment which should not be recovered / adjusted retrospectively. The new rates of DA / D.R. may therefore be enforced only prospectively from 1.9.2008 or the date from which the new D.A. rates have been sanctioned and infact implemented, whichever is the later date (month).

**ITEM NO. 38**

**ANOMALY IN FIXING GRADE PAY**

VI CPC in para 2.2.21 (ii) has observed that the grade pay has been computed in fixation of pay in the revised pay bands at the rate of 40% of the maximum of the basic pay in each of the prerevised pay scales. Where two or more prerevised pay scales have been merged the maximum of the highest prerevised pay scale has been taken and 40% thereof is given as grade pay. The above formula has however been selectively modified by the Govt. while accepting the recommendations in the Department of Expenditure OM F.No. 1/1/08 – IC dated 29.8.2008 in its para (iii)

A comparative statement of the Grade Pay as recommended by VI CPC and the Grade Pay fixed by the Govt. is given below:-

Sl. No	Pre revised Pay Scale	Maximum of Prerevised Pay Scale	Grade Pay Recommended By VI CPC	Percentage of Maximum in fixing Grade Pay	Grade Pay fixed by Govt.	Percentage of maximum fixing Grade Pay	Remarks
1.	S-4	4400	1800	40.9	1800	40.9	Rounded to next multiple of 100
2.	S-5	4590	1900	41.4	1900	41.4	
3.	S-6	4900	2000	40.8	2000	40.8	
4.	S-7	6000	2400	40.0	2400	40.0	

5.	S-8	7000	2800	40.0	2800	40.0	
6.	S-9 S-10 S-11	10500	4200	40.0	4200	40.0	Due to Merger
7.	S-12	11500	4600	40.0	4600	40.0	
8.	S-13	12000	4800	40.0	4800	40.0	
9.	S-14-15 New Group A Entry Scale S-16,17	13500	5400	40.0	5400	40.0	
10.	S-18 S-19	15200	6100	40.13	6600	43.4	Due to merger
11.	S-20	15800	6500	41.1	6600	41.8	
12.	S-21	16500	6600	40.0	7600	46.1	
13.	S-22	16500	7500	45.5	7600	46.1	
14.	S-23	18000	7600	42.2	7600	42.2	
15.	S-24	18300	7600	41.5	8700	47.5	
16.	S-25	18300	8300	45.4	8700	47.5	
17.	S-26	20000	8400	42.0	8900	44.5	
18.	S-27	20900	8400	40.2	8900	42.6	
19.	S-28 S-29	22400	9000	40.2	10000	44.6	
20.	S-30	24500	11000	44.9	12000	49.0	
21.	S-31 S-32	26000	13000	50.0	No grade Pay fixed		

It is apparent that whereas Grade Pay has been recommended by VI CPC @ 40% of the maximum of the prervised Pay Scales from S-1 to S21, S-24 and 25-27, S-28, S-29 subject to rounding off to the next multiple of 100, the VI Pay Commission has fixed Grade pay of the following Pay Scales at a higher percentage of the maximum of the prervised Pay Scales:-

S-22	45.5
S-23	42.2
S-25	45.4
S-26	42.0
S-30	44.9
S-31 & 32	50.0

The Government by further hiking the Grade Pay has provided Grade Pay at the following percentages of the maximum of pre-revised pay scale as under:-

S-21 & S-22	46.1
S-24 & S-25	47.5
S-26	44.5
S-27	42.6

S-28 & S-29	44.6
S-30	49.0

The Grade pay which is virtually the fitment benefit has not been kept uniformly @ 40% of maximum of the prervised Pay Scale both by the Commission as also by the Government which by providing varying degree of fitment benefit is anomalous and should be rectified.

It is therefore demanded that the grade pay may be fixed @ 50% of maximum of the prervised Pay Scales.

**ITEM NO. 39**

**ANOMALY DUE TO NOT APPLYING INFORMLY THE MULTIPLICATION FACTOR OF 1.86 IN FIXING THE MINIMUM PAY IN ALL THE REVISED PAY BANDS APPLYING DIFFERENT.**

Adoption of the common multiplication factor of 3.00 for all Pay Scales proposed in order to maintain the established vertical relativities in minimum and maximum Pay Scales.

The VI CPC has recommended that fixation of pay in the revised running Pay Bands should be done by totaling the basic pay drawn as on 1.1.2006 in the exiting V CPC pay scales and dearness allowance at the rate of 74% (ignoring the merger of 50% dearness allowance) and then rounding it off to the next multiple of 10. In other words revised pay in the pay band will is arrived at by multiplying the existing prervised basic pay drawn as on 1.1.2006 by a factor of 1.74 rounded off to the next multiple of 10 (vide para 2.2.21 of VI CPC Report). The Government of India modified the above recommendation by revising the multiplication factor from 1.74 to 1.84 rounded off to the next multiple of 10. In other words the minimum pay in the revised pay band is to be fixed by multiplying the minimum of the prervised pay scale by a factor of 1.84 rounded off to next multiple of 10.

However this has not been strictly followed in devising a detailed fixation chart appended with the Department of Expenditure O.M. F.No.1/1/2008-IC dated 30.8.2008 which will be seen from the following table given below:-

Sl.No.	Prerevised Scale	Minimum pay in the Pay Band i.e. 1.86 of prerevised minimum rounded off next multiple	Revised Minimum Pay in the Pay Band as per fixation chart	The Multiplication factor used while fixing minimum pay in Revised Pay Band	Remarks
1. S-1	Rs.2550-3200	4750	5200	2.04	PB-1
2. S-2	Rs.2610-3540	4860	5200	1.99	PB-1
3. S-2	Rs.2610-4000	4860	5200	1.99	PB-1
4. S-3	Rs.2650-4000	4930	5200	1.96	PB-1
5. S-4	Rs.2750-4400	5120	5200	1.89	PB-1
6. S-5	Rs.3050-4590	5680	5880	1.93	PB-1
7. S-6	Rs.3200-4900	5960	6060	1.89	PB-1
8. S-7	Rs.4000-6000	7440	7440	1.86	PB-1



9. S-8	Rs.4500-7000	8370	8370	1.86	PB-1
10.S-9	5000-8000	9300	9300	1.86	PB-2
11.S-10	5500-9000	10230	10230	1.86	PB-2
12.S-11 S-12	6500-10500	12090	12090	1.86	PB-2
13.S-13	7450-11500	13860	13860	1.86	PB-2
14.S-14	7500-12000	13950	13950	1.86	PB-2
15.S-15	8000-13500	14880	14880	1.86	PB-2
16. New Group A Entry	8000-13500	14880	15600	1.95	PB-3
17.S-16 & S-17	9000-9550	16740	16740	1.86	PB-3
18.S-18	10325-10975	19210	19210	1.86	PB-3
19.S-19	10000-15200	18600	18600	1.86	PB-3
20.S-20	10650-15850	19810	19810	1.86	PB-3
21.S-21	12000-16500	22320	22320	1.86	PB-3
22.S-22	12750-16500	23720	23720	1.86	PB-3
23.S-23	12000-18000	22320	22320	1.86	PB-3
24.S-24	14300-18300	26600	37400	2.62	PB-4
25.S-25	15100-18300	28090	39690	2.63	PB-4
26.S-26	16400-20000	30510	39690	2.42	PB-4
27.S-27	16400-20900	30510	39690	2.42	PB-4
28.S-28	14300-22400	26600	37400	2.62	PB-4
29.S-29	18400-22400	34230	44700	2.43	PB-4
30.S-30	22400-24500	41660	51850	2.32	PB-4
31.S-31	22400-26000	41660	75500	3.37	PB-4
32.S-32	24050-26000	44740	77765	3.23	PB-4
33.S-33	26000 Fixed	48360	80000	3.08	PB-4
34.S-34	30000	55800	90000	3.00	PB-4

The multiplying factor of 1.89 has been applied by the Government in fixing the minimum revised pay band in S-4 as against 1.86 because Rs.5120 computed by multiplying Rs.2750 by 1.86 has been rounded off to the next multiple of 100 and not to the next multiple of 10. The reason for this may be to fix the minimum pay of Rs.7000 in whole thousand rupees. In PB-2 the minimum pay in the Revised pay band has been fixed strictly by applying the multiplying factor of 1.86 rounded off to next multiple of 10. In PB-2 multiplying factor for the New Group 'A' entry has been hiked to 1.95 as against 1.86 thus disturbing the vertical relativity between S-15 and this New Group A entry Pay Band. Rest of the minimum of S-16 to S-23 pay scale have been fixed by applying the multiplying factor of 1.86. Here after ends the consistency and in PB-4 the multiplying factor is linked to 2.62 (in S-24), 2.62 (in S-25), 2.42 (in S-26), 2.42 (in S-26 and 27) 2.62 (in S-28) 2.43 (in S-29) dipping to 2.43 (in S-30) and to 2.32 (in S-31).

From S-31 onwards, the multiplying factor suddenly jumps to 3.37 (in S-31) dipping to 3.32 (in PB-32) and 3.08 (in S-33) and concludes to 3.00 (in PB-34)

No explanation has been given in these high fluctuations in the multiplying factors in PB-4 ranging from 2.42 to 3.37. This has certainly widened the vertical relativities between PB-4 per se and as between the pay scales of PB-4 and the Pay Scales in other pay bands. This also has produced a very anomalous Pay Structure by not observing the multiplying factor of 1.86. The V CPC had fixed the minimum wage and the maximum wage by multiplying the pre-revised minimum and maximum by a factor of 3.25. Therefore,

to remove this anomaly in the pay structure, it is proposed that the minimum of the prerevised pay scales may be fixed by multiplying it by a factor of 3.00 rounded off to the next multiple of 10.

**ITEM NO. 40**

**GRANT OF NOTIONAL INCREMENT AS MAY BE DUE ON THE FIRST DAY OF JULY FOLLOWING THE SUPERANNUATION / DEATH IN SERVICE FOR COMPUTATION OF EMOLUMENTS / AVERAGE EMOLUMENTS FOR PENSIONARY BENEFITS.**

Under the provisions of CCS (Revised Pay) Rules, 2008 increment of employees is admitted from the first of the July each year and under the provisions of FR-56 (a) every Govt. servant retires from service on the afternoon of the last day of the month in which he attains the age of 60 years. A few Government employees increment falls due on the 1<sup>st</sup> day of July succeeding the month of June in which he superannuates (afternoon of last working day of the month). In such cases even though the employee has served for 12 months for which he has drawn full pay and allowances and thereby became entitled to earn increment, but for his superannuation on the last working day he could not get increment of pay which it is due on the next working day. Consequently the increment due on 1<sup>st</sup> of July is not reckoned either for computation of emoluments / average emoluments for pension family pension, death gratuity / retirement gratuity, and encashment of leave etc. These provisions evidently are quite harsh and unjustified as the individual retired by the close of the office on the last working day of the June but could not earn next increment due on 1<sup>st</sup> of the July but for his retirement / death even though he / she served for 12 months with pay and allowances and draws less pension equal to 50% of his last increment of pay.

It is requested that in relaxation of rule 33 and 34 of CCS (Pension), Rules, in the case of the Government servant who retires on the last working day of June or who dies in harness after the close of the office on the last working day of June, should be sanctioned notional increment of pay as due on 1<sup>st</sup> of July next and considered notionally qualifying for computation of emoluments / average emoluments for superannuation pension, family pension, retirement / death gratuity end encashment of leave under Rule 39 and 39-A of CCS (Leave) Rules.

Accordingly it is requested for grant of notional increment due on 1<sup>st</sup> of July to the retiree or the Govt. servant dying in harness on the last working day of June for calculation of average emoluments / emoluments for all purposes including pension / family pension and encashment of leave etc.

**ITEM NO.41**

**FIXATION OF PAY ON PROMOTION TO A POST CARRYING THE SAME GRADE PAY**

A person promoted from one post to another post is required allow a pay fixation to be fixed by grant of one increment in the lower Pay Band / Pay Scale and the Grade Pay of the higher post. There are certain feeder and promotion posts which carry the same grade pay and these have not been merged on functional considerations. The promotion of an employee from the feeder post to the promotion post is however not being treated as promotion and no fixation is being done. It is proposed that in such cases also one increment in the feeder post may be allowed and the Grade pay of the next post may be granted.

**ITEM NO.42**

**REMOVAL OF ANOMALIES IN MODIFIED ASSURED CAREER PROGRESSION SCHEME.**

The Government of India has introduced the ACP Scheme vide OM No.35034/1/97 – Estt (D) dated 9.8.1999 on the recommendation of the Fifth Central Pay Commission to provide ‘ Safety Net’ to deal

with the problem of genuine stagnation and hardship faced by the employees due to lack of adequate promotional avenues. As per instructions, the mobility under ACPS is to be allowed in the 'existing hierarchy'. Since the benefit of upgradation under ACPS are to be allowed in the existing hierarchy, the mobility under ACPS shall be in the hierarchy existing after merger of pay scales by ignoring promotions. For granting upgradation, if such cadre / hierarchy exists in the Ministry / Department concerned, the up gradation may be allowed in keeping with the pay scale of an analogous grade of a cadre / post in the same Ministry / Department. However, if no such grade exists in the Ministry / Department concerned comparison may be made with an analogous grade available in other Ministries / Departments.

The Government of India in their OM No.35034 /3/2008 Estt(D) dated 19.5.2009 has stipulated that. “(2) The MACPS envisages merely placement in the immediate next higher grade pay in the hierarchy of the recommended revised pay bands and grade pay as given in Section 1 Part – A of the first schedule of the CCS (Revised Pay) Rules, 2008. Thus, the grade pay at the time of financial up gradation under MACPS can, in certain cases where regular promotion is not between two successive grades, be different than what is available at the time of regular promotion. In such case, the higher grade pay attached to the next promotion post in the hierarchy of the concerned cadre / organization will be given only at the time of regular promotion”.

In such circumstances, the wish of the Government of India to grant 03 Financial Upgradations for betterment of its employees in thirty years service span will not be culminated through MACP Scheme as it is disadvantageous in comparison to erstwhile ACP Scheme particularly for the employees in Pay Band – 1.

This may be understood by the following example:-

ACP as per 5 <sup>th</sup> CPC recommendation	ACP as per 6 <sup>th</sup> CPC recommendation
Direct Recruitment in the post of LDC	Direct Recruitment in the post of LDC
Pay scale of initial recruitment Rs.(3050-4590)	Pay Scale of initial recruitment PB-1 (5200-20200) plus Grade Pay Rs.1900
Granted 1 <sup>st</sup> ACP after completion of 12 years service from initial recruitment in the existing hierarchy (i.e. UDC) Pay Scale of the UDC / 1 <sup>st</sup> ACP Rs.(4000-6000) i.e. PB-1 (5200-20200) plus Grade Pay Rs.2400/-	He may be granted 1 <sup>st</sup> ACP after completion of 10 years from initial recruitment in the pay scale of PB-1 (5200-20200) plus Grade Pay Rs.2000 i.e.Pre-revised Rs.(3200-4900)
Granted 2 <sup>nd</sup> ACP after completion of 24 years service from initial recruitment in the existing hierarchy (i.e. Assistant) Rs.(5000-8000) i.e. PB-2 (9300-34800) plus Grade Pay Rs.4200	He may be granted 2 <sup>nd</sup> ACP after completion of 20 years service from initial recruitment in the scale of PB-1(5200-20200) plus Grade Pay Rs.2400 i.e.Pre-revised Rs.(4000-6000)
	He may be granted 3 <sup>rd</sup> ACP after completion of 30 years service from initial recruitment in the pay scale of PB-1 (5200-20200) plus Grade pay Rs.2800 i.e. Pre-revised Rs.(4500-7000)

Further, para 28 A, (i), (ii), 28 B and 28 C of the OM ibid illustrates that the benefit of the MACPS in the same cadre may be different for the different employees.

Therefore it is requested to issue necessary instructions whereby the granting of benefit of ACP in vogue may be continued with modification that 03 financial upgradation will be granted on completion of 10,20 and 30 years in case such cadre / hierarchy exists in the Ministry / Department and if no such grade exists

in the Ministry / Department concerned, comparison may be made with an analogous grade available in other Ministries / Departments.

**ITEM NO.43**

**BEFORE THE 6<sup>TH</sup> PAY COMMISSION, THERE WERE 3 HAG SCALES OF PAY NAMEDLY:**

Ref. No.	Scale of Pay (in Rs.)	Minimum Pension (in Rs.) (1/2 of minimum of scale)
(a).	22,400 – 24,500	11,200
(b).	22,400 – 26,000	11,200
©.	24,050 – 26,000	12,025

Thus there was no difference in the minimum pension of (a) and (b) above, both being Rs.11,200/- (1/2 of scale of pay of Rs. 22,400/-). Only those who were in (c) above drew marginally 7% higher pension.

All these 3 scale were placed in pay band -4 by the 6<sup>th</sup> pay commission with the grade pay varying from Rs.11000/- to Rs.13000/-, a nominal variation. The Pay Commission therefore did not intend much difference in the pension of (a), (b) & (c) retirees, as indeed was also the case before 6<sup>th</sup> Pay Commission.

The Committee of Secretaries, however removed scales (b) & (c) above and placed them in HAG + in the scale of Rs.75,500 – 80,000/-.

The scale at (a), though having the same minimum as at (b), was not placed in HAG +.

The minimum pension of all employees retired before 1.1.1996 in the scales of pay (b) & (c) above has now been fixed at Rs. 37,750/- (1/2 of Rs.75,500/-), as against Rs.24700/- 1/2 (Rs.37,400 + 12,000 /-) for those who retired in scale Rs.22,400/- - 24,500/- i.e. scale (a) above, creating a difference of 50% in the pensions.

As mentioned above, the difference in the pensioners of the various HAG scales, (a) to ( c ) was 0-7% before the 6<sup>th</sup> Pay Commission. This would also have been the order of difference had the 6<sup>th</sup> Pay Commission recommendations not been tinkered with, by the Committee of Secretaries, by creating a separate scale of pay for (b & c). The difference (in persons who retired in scale Rs.22400 – 24500/- and those who retired in Rs.22400/- - 26,000/- and Rs.24050 – 26000) has widened from (0.7%) to more than 50% (Rs.37,750/- for (b) & (c) – Rs.24,700 for (a). This is an anomaly and needs to be rectified.

**Solution to the Anomaly**

Prior to the Fifth Pay Commission, Secretaries drew Rs.8000/- fixed per month and Cabinet Secretary drew Rs.9000/- fixed per month. The pay recommended for them by Sixth Pay Commission is Rs.80,000/- per month and Rs.90,000/- per month respectively. Thus multiplying factor of 10 has been applied.

The new HAG+ scale of pay in Rs.75,500 – 80,000/-. The corresponding scale of pay before the Fifth Pay Commission were Rs.7,300 – 8000/- and Rs.7,600 – 8000/-. Thus, here also a factor of 10 has been applied.

The HAG scale of pay left out in pay band 4 is Rs.22,400 – 24,500/-. The corresponding scale of pay before the Fifth Pay Commission was Rs.7,300 – 7,600/-. Applying the factor of 10, a new scale of pay

namely rs.73,000 – 76,000/- may be created for them in the interest of fair play and justice. This would remove the anomaly pointed out above.

**ITEM NO.44**

**ANOMALY IN THE PAY SCALE / PAY BAND AND GRADE PAY OF LIBRARY INFORMATION ASSISTANTS**

The Pay Scales recommended by different Pay Commissions to Trained Graduate Teachers, School Librarians and Library Information Assistants are indicated below:-

Post	Minimum Educational Qualification	Pay Scale		
		IV CPC Rs.	V CPC Rs.	VI CPC
Trained Graduate Teachers	Graduation + BEd (1 year Course)	1400-2600	5500-9000	PB-2 Rs.9300-34800 + Grade Pay Rs.4600
School Librarian	Graduation + B Lib. Science (1 Year course)	1400-2600	5500-9000	-do-
Library Information Asstt.	Graduation + B Lib. Science (1 Year Course)	1400-2600	5000-8000	PB-2 Rs.9300-34800 + Grade Pay Rs.4200

The Department of Expenditure had vide their OM FNo. 71/3/2001-IC dated 21.2.2002, revised the Pay Scale of Library Information Asstt. to Rs.5500-9000 w.e.f. 1.1.1996.

It appears that VI CPC did not take into account the orders issued on 21.2.2002 by the Department of Expenditure further revising the pay scale of Library Information Asstts. retrospectively with effect from 1.1.1996 to Rs.5500-9000 and, therefore, recommended PB-2 with grade pay of Rs. 4200 corresponding to the Prerevised Pay Scale of Rs.5000-8000.

The Library Information Asstt. in Departmental Libraries besides having the same educational qualifications as those of the School Librarian, carry much more responsible duties than the School Librarian.

It is therefore urged that the Library Information Assistants may be granted PB-2, Rs.9300-34800 with Grade pay of Rs. 4600.

**ITEM NO.45**

**ANOMALY IN PENSION OF THOSE IN RECEIPT OF STAGNATION INCREMENTS IN PREREVISED PAY SCALE.**

It is seen that persons who retired with the last pay being maximum of their prerevised pay scale + one to three stagnation increments prior to 1.1.2006 have been fixed at 50% of their maximum pay + stagnation increment plus 50% of the last pay drawn as D.P. + 36% of their last pay drawn as D.R. + 40% of the last pay drawn by way of fitment benefit.

At the same time one who was in service as on 1.1.2006 drawing the maximum of prerevised Pay Scale plus stagnation increments and had chosen to be fixed in his Revised Pay Band + Grade Pay (which is 40% of the maximum prerevised Pay Scale) have not been given 40% of stagnation increment in their

fixation. Such persons on retirement after 1.1.2006 have thus been deprived of 40% of their stagnation increment.

It is, therefore, urged that their Grade Pay should be increased by 40% of their stagnation increment to remove the above anomaly.

**ITEM NO.46**

**DISPARITY IN PAY SCALES AND STATUS: OFFICERS IN STENOGRAPHERS CADRE.**

Following two tables A & B will amply clarify the disparity in pay scales and status of officers in Stenographers cadre:-

**Table A: staff working in Sectt / Armed Forces HQ Stenographers Services**

Post	Pre – revised Scale	Revised Pay	
		Pay Band	Grade Pay
PS (Gp B)	Rs.7500-12000	PB -2	Rs.4800
	Rs.8000-13500 (on completion of four years service)	PB-3	Rs.5400
PPS (GP A)*	Rs.10000 – 15200	PB-3	Rs.6600

**Table B: Staff Working in AOC / Other Organizations outside Sectt.**

Post	Pre – revised Scale	Revised Pay	
		Pay Band	Grade Pay
PS (GP B)	Rs.6500-10500	PB-2	Rs.4200
SPS (Gp B)*	Rs.7500-12000	PB-2	Rs.4800

\* PPS and SPS are equivalent posts. Post is designated as PPS in Sectt and SPS in organization outside Sectt.

It may be noted that pay scales of Rs.6500-10500 in respect of PS of Sectt / AFHQSS has been upgraded to scale of Rs.7500-12000 and granted Grade Pay of Rs.4800 in the revised pay structure. They will also be granted the non-functional Grade Pay of Rs.5400 in PB-3 on completion of four years regular service. There are also cases wherein Group B officers working in some of the organizations have been granted the Grade Pay of Rs.5400 in PB-2 on non functional basis after four years of regular service in the Grade Pay of Rs.4800 in PB – 2.

The Pay Commission has, while advocating that the time has come to grant parity between similarly placed personnel employed in field officers and the Secretariat has extended this parity only up to the grade of Asstt. (prerevised Pay Scale of Rs.6500-10500) (vide para 3.1.3 of their report).

Since PS in field offices (Prerevised Pay Scale of Rs.6500-10500) is a Group B post, it may be upgraded to prerevised Pay Scale of Rs.7450-11000 i.e.PB-2 with grade pay of Rs. 4600 9 (vide Sl.No. (ii) of Section I Part B of CCS (RP) rules, 2008).

Since PPS of Central Secretariat and SPS of field offices are equivalent posts the SPS of field offices may be granted PB – 3 with Grade pay of Rs.5400/- on completion of 4 years of service.

#### **ITEM NO.47**

#### **DATE OF ANNUAL INCREMENT IN EOL CASES**

After the implementation of the 6<sup>th</sup> CPC recommendations, the annual increment date of all the Central Government Employees has been fixed as 1<sup>st</sup> July every year. This has already created an anomalous situation. The employees who were drawing their annual increment from Feb. to June are put to undue financial hardship and loss in their terminal benefits also, because they are deprived of their annual increment which they are due between Feb. 2009 and June 2009.

Apart from the above, on a reference by the Ministry of Defence on the issue of regulation of date of next increment in case of employees on EOL the DOP&T has clarified as under:

“ The proposal of Ministry of Defence regarding regulation of DNI in case of employees on EOL, otherwise than on medical grounds has been examined in consultation with Department of Expenditure. It is clarified that same as provided under the conditions laid down in this Departments OM dated 18.2.1986, qualifying service of less than 6 months rendered between 1<sup>st</sup> Jan and 30<sup>th</sup> June of any year on account of EOL will have the effect of postponing one’s increment to 1<sup>st</sup> July of next Year, if all other conditions are met” – (DOP&T UO No.13/1/2009-Pay I dated 20.2.2009)

The above clarification has put the employees into a huge loss and it amounts to stoppage of increment is postponed by an year. This is not justified. Therefore, the above decision of the DOP&T may be withdrawn.

Further to the above, it is pertinent to mention here that as provided in FR 26 periods of EOL not counting for increment up to 30days will not have the effect of postponing ones increment. Therefore, the present decision conveyed vide the above referred OM of DOP&T is in violation of FR 26.

#### **ITEM NO. 48**

#### **15 YEAR PERIOD FIXED FOR RESTORATION OF COMMUTED PORTION OF PENSION (CPOP) IS ARBITRARY AND UNJUSTIFIED BEING CONTRARY TO THE PRINCIPLE ENUMERATED BY THE 6<sup>TH</sup> CPC AND LAID DOWN BY THE APEX COURT.**

As per the existing rules of commutation of pension, the period fixed for restoration of the commuted portion of pension (CPOP) is 15 years irrespective of the age at retirement. While the basis on which the revised Commutation Table, as per Annexure to the OM dated 2<sup>nd</sup> September 2008 issued by the DOP & PW , has been prepared has been mentioned at the foot of the table as the pre revised Commutation Table was prepared on the basis of 4.75% interest (para 5.1.35 of 6<sup>th</sup> CPC Report). The relevance of the fixed rate of interest with the period of restoration of the CPOP must be based on some principle or rationale, for otherwise the period of restoration would be anomalous and grossly unjustified being whimsical and arbitrary. The Pay Commission did mention this principle in determining the period for restoration of CPOP but did not follow it in practice and recommended to retain the already existing period of

restoration i.e. 15 years. The rationale / principle mentioned by the 6<sup>th</sup> CPC with reference to a Supreme Court judgment is contained in para 5.1.34 of the Commission's report in the following words:-

**'In this Judgment, the Supreme Court had directed restoration of the Commuted value of pension once the commutation amount along with the interest element was recovered fully'.**

To verify the irrationality of the pre revised as well as the revised Commutation tables, one has to refer to Annexure A & B enclosed herewith, which have been prepared with the help of mathematical logic. The method as to how the period of restoration can be calculated for 4.75% rate of interest or 8% rate of interest has also been explained in these annexures. The irrationality of these Commutation Tables is further explained in the following paragraphs.

As mentioned above, the pre-revised commutation table is purported to have been prepared on the basis of concessional rate of interest of 4.74% p.a at which the capitalized value of pension (CVOP) paid to a pensioner is required to be recovered along with the interest element, which practically calls for fixing different periods instead of 15 years presently fixed for restoration of the CPOP depending upon the retirement age, as worked out and shown in the Table – below:-

RETIRING AGE IN YEARS	AGE NEXT B. DAY IN YEARS	NO. OF YEARS OF PURCHASE OF CPOP i.e. COMMUTATION FACTOR	PERIOD IN WHICH THE CVOP STANDS FULLY RECOVERED A/W INTEREST ELEMENT AT 4.75% RATE OF INTEREST P.A.	RATE OF INTEREST AT WHICH CVOP IS FULLY RECOVERED A/W INTEREST ELEMENT IN 15 YEARS BEFORE RESTORATION OF CPOP
55	56	11.42 (137.04 Months)	174.5 Months (14 ½ Years Approx)	5.45% p.a
58	59	10.46 (125.52 Months)	157 Months (13 Years Approx)	8.235 p.a.
60	61	9.81 (117.72 Months)	145.38 months (12 years Approx)	10.70% p.a.
62	63	9.15 (109.80 Months)	133.88 months (11 years Approx)	13.85% p.a.

The above table reveals that if rate of interest is constant, the restoration periods should be variable (depending on the retiring age) as in column 4 above. For example, against 55 years retiring age with the 4.75% rate of interest, the period of restoration of CPOP is worked out to be 174.5 months (i.e. 14 ½ years approx). And against 62 year retiring age, the restoration period would be 133.88 months (11 years).

Conversely, if restoration period is kept uniformly constant, the rates of interest, at which the capitalized value of CPOP is fully recovered along with interest element would be of different values as shown in Col. 5 above. Therefore, the commutation table, pre – revised, is faulty because the restoration period of 15 years is constantly applied in respect of all retiring age stages, which is not in conformity with 4.75% rate of interest.



Similar is the case with the revised commutation table as per Annexure to the Govt. orders issued vide OM F. No. 38/37/08-P&PW (A) dated 2.9.2009. This revised Table has been prepared on the basis of constant and uniformly applied interest rate of 8.00% p.a. But at the same time the period of 15 years has also been kept constant for restoration of CPOP. Thus the 8% rate of interest at which the CVOP is intended to be recovered along with interest element becomes irrelevant which may be verified from the following Table .

RETIRING AGE IN YEARS	AGE NEXT BIRTHDAY (IN YEARS)	NO. OF YEARS OF PURCHASE OF CPOP (i.e. COMMUTATION TABLE)	PERIOD IN WHICH CVOP STANDS FULLY RECOVERED A/W INTEREST ELEMENT AT 8.00% RATE OF INTEREST P.A.	RATE OF INTEREST AT WHICH CVOP IS FULLY RECOVERED A/W INTEREST ELEMENT IN
55	56	8.572 (102.864 Months)	138.47 Months (11 ½ years)	17.33% p.a.
58	59	8.371 (100.452 Months)	134.42 Months (11 ¼ years)	18.73% p.a.
60	61	8.194 (98.328 months)	130.88 months (11 years_)	20.7% p. a.
62	63	7.928 (95.784 months)	126.68 months (10 ½ Years)	21.81% p.a.

The pre-revised CT ought to have been revised in consonance with the principal propounded by the Hon'ble Apex Court about 'an addition of two years to the period necessary for the recovery on the basis of years of purchase' in para 9 of its judgment dated 9.12.1986 in w.ps 3958-61 of 1983 filed by "Common Cause" & Ors V. UOI (AIR 1987 SC 2101. However, at the Annexure A & B enclosed herewith are the tabulated statements showing the periods required for restoration of CPOP as well as the rate at which the CVOP paid to the pensioners retiring at different age levels is currently being recovered along with interest element in 15 years under pre and post revised structure and also the method of calculation of these details.

As the pre-revised and the revised Commutation Tables have been prepared on the basis of the fixed interest rates of 4.75% and 8.00% p.a. respectively, uniformly applied to all the different age groups, the period for restoration of the commuted portion of pension cannot, by mathematical logic, be also a fixed period (like 15 years as at present). The period for restoration of CPOP shall in fact be variable in accordance as the age of retirement / commutation as shown in the tables at Annexure 'A' & 'B'. The method of preparing these tables along with mathematical formula has also been explained at page 2 of Annexure 'A'.

As the fixed period of 15 years for restoration of CPOP is in contravention of the principle enunciated by the Pay Commission as mentioned above, it has caused a serious anomaly besides gross injustice with the pensioners, the existing Commutation Tables (pre revised & revised) should be modified as suggested at Annexure A and B for otherwise the pensioners would be continually subjected to the exorbitant interest amount at the interest rates as shown in Col (9) of the said Annexure A and B as compared to the stipulated rates of 4.75% and 8% interest p.a. respectively.

It is hoped that the National Anomaly Committee would appreciate the logic and modify the pre and post revision Commutation Tables on the same lines. However, the immediate need, in the mean time, is that the period of 15 years may be amended to 12 years for the restoration of commutation portion of pension of those who retired at 60 years age under revised table w.e.f. 1.1.2006.

**ITEM NO.49**

**ANOMALIES IN THE MATTER OF PAY SCALES OF STENOGRAPHERS**

Demand for revision of the pay scale of Stenographer from Rs.4000 – 6000 to Rs.4500 – 7000 was raised before the National Anomaly Committee under the V CPC. But the anomaly was not resolved. It was assured that all the unresolved anomalies of the V CPC would be referred to the 6<sup>th</sup> CPC. But the Staff Side National Council (JCM) was never intimated that it had been referred to the 6<sup>th</sup> Pay Commission, and as such the Staff Side National Council could not get any scope to represent it before the 6<sup>th</sup> CPC. It has come to the notice of the Staff Side that the minimum scale of Stenographer was already fixed in scale Rs.4500-7000 in other departments while in the Railways, the minimum Scale of Stenographer continued as Rs.4000-6000. The Pay Commission, in its report, vide para 3.1.14 have recommended that there should be parity in the matter of pay scale between the field and the Secretariat offices. The Pay Commission has also recommended as follows vide the same para 3.1.14.

“ In the Stenographers cadre the posts of Stenographers Gr. II & I in the existing scale of Rs.4500-7000 Rs.5000-8000 and Rs.5500 – 9000 will therefore, stand merged and placed in the higher scale of Rs.6500-10500”

As such stenographers in the pay scales of Rs.4000-6000 Rs.5000 – 8000 and Rs.5500 – 9000 should be treated as merged and be placed in scale Rs.6500 – 10500 with Grade pay of Rs.4200.

In the Accounts Department, the SO in scale Rs.6500-10500 has been allotted the Grade Pay of Rs.4800. To maintain horizontal and vertical relativity amongst different categories of employees, the stenographers in scale Rs.6500-10500 should be upgraded to Rs.7450-11500 with grade Pay of Rs.4800.

Further the non functional Grade Pay of Rs.5400 as has been granted to the PSs vide Railway Board’s letter No.PC-VI/2008/1/5/4 dated 20.11.2008 may also be extended to the Private Secretary, Gr. I scale Rs.7500 – 12000 to remove the anomaly.

**ITEM NO.50**

**ANOMALIES IN THE PAY SCALES OF OFFICIAL LANGUAGE STAFF**

Official Language staff / Rajbhasa Sahayak / Hindi Asstt. have been allotted the following pay scales vide ministry of Finance, Department of Expenditure’s letter No.1/1/2008 – IC dated 24.11.2008.

Designation	Recommended Pay Scale	Corresponding Pay Band and Grade Pay
Jr. Translator	Rs.6500 – 10500	PB – 2 (Rs.4200)
Sr. Translator	Rs.7450 – 11500	PB – 2 (Rs.4600)
Asstt. Director (OL)	Rs.8000 – 13500	PB – 3 (Rs.5400)

This is a common category. In the Railway the following scales have been introduced for Official Language Staff / Rajbhasa Sahayak / Hindi Assistant

Rs.4500 – 7000 with Grade Pay of Rs.2800  
Rs.5000 – 8000 with Grade Pay of Rs.4200  
Rs.6500 – 10500 with grade Pay of rs.4200

As per the recommendation of the 6<sup>th</sup> CPC as embodied in para 3.1.14 parity between Field office and Secretariat staff is to be maintained. To remove the anomaly the following pay scales and corresponding Grade Pay may be allotted to the Official Language Staff / Rajbhasa Sahayak / Hindi Asstt working in Indian Railways.

Designation	Recommended Pay Scale	Corresponding Pay Band and Grade Pay
Jr. Translator	Rs.6500 – 10500	PB – 2 (Rs.4200)
Sr. Translator	Rs.7450 – 11500	PB – 2 (Rs.4600)
Asstt. Director (OL)	Rs.8000 – 13500	PB – 3 (Rs.5400)

#### **ITEM NO. 51**

#### **ASSIGNING HIGHER GRADE PAY OF RS.4600/- TO ADMINISTRATIVE OFFICER GR.III PRIVATE SECRETARY IN SUBORDINATE OFFICERS**

Administrative Officers Gr. III are the first Supervisory level in Group B (Gazetted) in subordinate Offices. Similarly Private Secretaries are the first level in the stenographic cadres above the three tier Stenographer Grades (Gr.III, II, and I). The 6<sup>th</sup> CPC has recommended for the removal of disparity in the matter of Pay Scales of Officials secretariat the first level supervisory officers in Group B. i.e. Section officers and the Private Secretaries are assigned the PB2 with Grade Pay of Rs.4800/= i.e. equivalent to the erstwhile scale of Pay of 7500-1200 To ensure that the recommendations of the 6<sup>th</sup> CPC of removing the disparity are properly acted upon, these cadres i.e. AO Gr.III and PS in subordinate Offices are to be assigned the Grade Pay of Rs.4800/= in PB.2

In this connection, we also invite the attention of the official side to the following stipulation in the CCS (RP) Rules, 2008. in part 'B' – Section – I – para (ii), under the head Revised pay scales of certain common categories of staff at page no. 44 and in part 'C' – Section – para (ii) under Revised pay Structure for certain posts in Ministries, Departments and Union Territories at page no. 49.:

*“On account of merger of pre-revised pay scales of Rs. 5000-8000, Rs.5500-9000 and Rs.6500-10500, some posts which presently constitute feeder and promotion grades will come to lie in an identical grade. The specific recommendations about some categories of these posts made by the Pay Commission are included Section II of Part B. As regards other posts, the posts in these three scales should be merged. In case it is not feasible to merge the posts in these pay scales on functional considerations, the posts in the scale of Rs.5000-8000 and Rs.5500-9000 should be merged, with the posts in the scale of Rs.6500-10500 being upgraded to the next higher grade in pay band PB-2 i.e. to the grade pay of Rs.4600 corresponding to the pre-revised pay scale of Rs.7450-11500. In case a post already exists in the scale of Rs.7450-11500, the post being upgraded from the scale of Rs.6500-10500 should be merged with the post in the scale of Rs.7450-11500”.*

This stipulation has also not been implemented in most of the subordinate offices. The AOs and Private Secretaries in subordinate offices were in the Pay scale of 6500-10500 prior to the revision of pay scales by the 6<sup>th</sup> CPC. Their duties and responsibilities are distinct and higher than what is assigned to the Grades with the Pay Scale of Rs.5000-8000 and 5500-9000. The AOs are Supervisory Officers to those who were in the feeder Grades of 5000-8000 and 5500-9000. They cannot be amalgamated and made into a single Category. The stipulation in the notification of the Dept. of Expenditure, which is in acceptance of the 6<sup>th</sup> CPC recommendation itself in this regard ought to have been implemented with effect from 1.1.2006. We request that the orders may be issued in this regard assigning higher grade pay of Rs.4600/- to the Administrative Officers, Gr.III and Private Secretaries in the subordinate offices.

#### **ITEM NO. 52**

#### **GRANT OF HIGHER GRADE PAY FOR THE PHYSICAL EDUCATION TEACHERS, PRIMARY SCHOOL RESOURCE TEACHERS, MUSIC/ART TEACHERS, LIBRARIANS, CRAFT INSTRUCTORS ETC. IN THE EDUCATION DEPARTMENT OF ANDAMAN AND NICOBAR ADMINISTRATION.**

Based on the recommendations of the 6<sup>th</sup> Central Pay Commission, the Government of India has granted upgraded pay for teachers, Vice Principals, Principals, Education Officers, Asst. Directors of Education, etc. and it has been included in Part B of the Central Civil Services (Revised Pay) Rules, 2008. Grade Pay for the next Grade of each category of teachers has also been mentioned in the said rules, leaving no room for any ambiguity. It has however been noticed that certain categories of teaching staff have been excluded from the list. They are physical education teachers, primary school resource teachers, music/art teachers, librarians, craft instructors, etc. The above categories of teachers were always considered for all benefits extended to the teaching community or in other words they were considered as members of the teaching community only. In regard to Physical Education teachers, Librarians, and Craft Instructors, they have already been notified as "Miscellaneous category of teachers" in 1986 and 1997 by the 4<sup>th</sup> and 5<sup>th</sup> CPCs respectively. It is therefore, necessary that the benefit of upgraded Grade Pay be extended to the above cited left out categories of teaching staff of the Education Department of Andaman and Nicobar Administration.

#### **ITEM NO. 53**

#### **GRANT OF HIGHER GRADE PAY FOR HEAD MASTERS (PRIMARY) AND HEAD MASTERS (MIDDLE)**

On the recommendations of the 6<sup>th</sup> CPC, the teachers, vice Principals etc have been granted higher grade pay as is seen from the Part B of the CCS(RP) Rules 2008. Grade pay for the next grade of each category of teachers has also been mentioned in the said rules, leaving no room for ambiguity. However, it has been noticed that this upgraded pay has not been extended to the Head Masters (Primary) and Head Masters (Middle). Most of the Head Masters (Primary) and Headmasters (Middle) have already got the 1<sup>st</sup> and 2<sup>nd</sup> financial upgradation under the ACP scheme in the posts of primary school teacher and graduate trained teacher respectively, before they became headmasters and before the effective date of implementation of the 6<sup>th</sup> CPC recommendations and were drawing the pay scales of teachers. On becoming Headmasters, these Headmasters were not given any pay fixation benefits as they were already in the same scale of pay or more than that.

As per Part B of the CCS(RP) Rules, 2008, the Grade Pay of PST is Rs.4200. Grade pay of Rs.4600 is allowed to the PST on getting 1<sup>st</sup> ACP and Rs.4800 is extended to PST on getting 2<sup>nd</sup> ACP. Since the post of Headmaster (Primary) has not been included in the Part B, they have been given the replacement grade

pay of Rs.4200 which is the grade pay of entry grade PSTs. In the same way, the grade pay of entry grade graduate trained teacher (GTT) is Rs.4600. Grade pay of Rs.4800 is extended to GTTs on getting 1st ACP and Grade Pay of Rs.5400 is given to GTTs on the award of 2<sup>nd</sup> ACP. However, the Headmaster (Middle) on promotion from GTT is given the replacement Grade pay of Rs.4200 only on the plea that the post of Headmaster (Middle) does not find place in the Part B of CCS(RP) Rules, 2008. In certain cases, the Headmasters who got upgraded Grade Pay from 1.1.2006 while being a teacher, have been brought down to the grade pay of entry grade GTT/PST on their promotion to the post of Headmaster(Middle)/Headmaster (Primary). In this way, these Headmasters have been not only denied the financial benefits they were already enjoying but their subordinate teachers are placed at higher grade pay.

It is, therefore, necessary that the Head Master (Primary) and Headmaster (Middle) may be included in Para XVII of Section II of Part B in the CCS(Revised Pay) Rules, 2008 as has been done in the case of Vice Principal, Principal, Education Officer, Asst. Direction of Education, etc. in order to remove the anomaly.

#### **ITEM NO.54**

#### **RECTIFICATION OF ANAMOLY IN THE REVISED PAY STRUCTURE OF THE COMMON CATEGORY OF AUXILIARY NURSING MIDWIFE (ANM) , LADY HEALTH VISITOR (LHV) AND PUBLIC HEALTH NURSE (PHN) IN THE UNION TERRITORY OF PUDUCHERRY.**

The Sixth Central Pay Commission (SCPC) has evolved principles and policies in chapter 1.2 for rectification of anomalies in para 1.2.20 that various categories recommended upgradations to remove the anomalies as per the principles laid down I 1.2.20 (a), (b), (c),(d) and (e).

2. The Nursing categories of Auxiliary Nursing Midwife (ANM), Lady Health Visitor (LHV) and Public Health Nurse (PHN) have been performing duties in the villages to look after the health care of women and children, take preventive measures for containing vector borne diseases, attending health care clinics in the villages for pregnant women and new born children, sanitation etc.

3. The SCPC recommends that the common categories in para 3.8.3 (e) that higher pay scales have been recommended for nursing cadres keeping in view the arduous nature of their duties and in para 3.8.3 (f) it is emphasized that Nurses in Hospitals and Health care are recommended higher entry level pay scales fully aware that these upgradations may upset some relativities, real or perceived, but the recommendations for these upgradations have been made as the same were considered as necessary to ensure better delivery system on the focal points of good governance.

4. It is stated in 3.8.3 (f) that nurses in Hospitals and Health care are recommended higher entry level pay scales. However the Nurses in Hospitals are placed in higher level pay scale for the entry level Staff Nurse with pay band PB-2 with Grade Pay of Rs.4600 having the entry qualification of XII standard with 3 ½ years Diploma in Nursing recognized by the Nursing Council. The Nurses working in the Hospitals are utilized in the curative aspect. Whereas Nurses work in Health care are utilized in the preventive aspect in the villages.

5. The entry level for Nurses in preventive Healthcare (ANM+LHV+PHN) in villages have been recommended higher pay scale for the entry level in para 3.8.3 (f) but the pay scale for the ANM the

entry level cadre of Nurses in Preventive Health care have not been recommended higher pay scales in para 3.8.15 for the para medical staff.

6. The entry qualification for ANM is XII with 2 years Diploma course in Public Health Nursing recognized by the Nursing Council performing the duties in the villages to look after the health care of womenfolk and new born, prevention of spreading vector borne diseases, attending health clinics, sanitation in villages etc.

7. The ANMs are in the entry level revised pay structure of PB-1 with Grade Pay of Rs.2400 whose pre-revised pay scale was Rs. 4000-6000.

8. As per the recommendations of 1.2.20 (e), the anomaly in the cadre of Nurses in the preventive Healthcare has been crept in. The para 1.2.20 (e) reads that *where the functions, nature of the jobs, qualifications prescribed and level of responsibility attached to the post justified a higher pay scale without causing any distortion or imbalance in any of the established relativities.*”

9. The anomaly in the cadre of ANM is to be rectified by revising the pay structure PB-1 with Grade Pay of Rs.2400 to PB-2 with Grade pay of Rs.4200 commensurate with the functions, nature of the job, qualification prescribed, level of responsibilities attached to the post.

10. The hierarchical structure next to ANM is LHV which is the promotional for the feeder category of ANM. LHV is supervisory in nature. The next hierarchical cadre PHN is the promotional post of Staff Nurse having B.SC Nursing in Public Health. Since the Staff Nurses in the hospitals are in the revised pay structure of PB-2 with Grade Pay of Rs.4600, the promotional post of PHN with higher qualification of B.Sc Nursing is justified for the analogous posts of Head Nurse/Nursing Sister in the revised pay structure of PB-2 with Grade pay of Rs. 4800 in consonance with the para 1.2.20 (d) of the SCPC when identical or analogous posts are placed in two or distinct pay scales, discharging similar functions, the anomaly in the revised pay structure is to be rectified .

11. In order to restore relativity and avoid causing distortion and imbalance anomaly in the revised pay structure of PHN has to be rectified and placed in the PB-2 with Grade pay of Rs. 4800. As the post of LHV and PHN are supervisory in nature, the Commission in para 3.8.3 (b) recommends that the running pay bands and many existing pay scales have been merged with view to delayer the Govt. by cutting down the number of hierarchical levels, that vindicates the merger of the Supervisory levels of LHV and PHN.

12. It has been reiterated in 3.8.3 (g) of the SCPC that this is a conscious decision of the Commission and has been resorted to in cases where functional justification for maintaining two distinct levels as feeder and promotional post did not exist or the operational efficiency was not impacted or is likely to actually improve by merger, vindicates the two cadres of LHV and PHN for merger..

13. The above recommendations caused for merger of feeder and promotional posts protecting the seniority as well as higher pay is kept intact in revised running pay bands.

14. Therefore, in order to rectify the anomaly in revised pay structure of ANM, LHV and PHN working in the villages to protect the healthcare of womenfolk and children involving in the preventive healthcare, their pay structure may please be revised as follows:

Post	Existing Pay Scale			Revised Pay Scale after rectification of Anamoly	
	Pay Band	Grade Pay		Pay Band	Grade Pay

Auxiliary Nursing Midwife	PB-1	Rs.2400		PB-2	Rs.4200
Lady Health Visitor	PB-1	Rs.2800	Merged as Public Health Nurse	PB-2	Rs.4200
Public Health Nurse	PB-2	Rs.4200			

**ITEM NO.55**

**RECTIFICATION OF ANAMOLY IN THE REVISED PAY STRUCTURE OF DATA ENTRY OPERATOR (COMMON CATEGORY) IN THE UNION TERRITORY OF PUDUCHERRY.**

The Sixth Central Pay Commission (read as SCPC) has categorized E.D.P staff as common category in chapter 3.8 under 3.8.11 and has recommended the revised Pay structure as follows:

Designation	Present pay scale	Recommended pay scale	Corresponding pay scale & Grade Pay	
			Pay Band	Grade Pay
Data Entry Operator Gr.A.	Rs.4000-6000	Rs.4000-6000	PB-1	Rs.2400
Data Entry Operator Gr.B	Rs.4500-7000	Rs.4500-7000	PB-1	Rs.2800
Data Entry Operator Gr.C #	Rs.5000-8000	Rs.6500-10500	PB-2	Rs.4200
Data Entry Operator Gr.D #	Rs.5500-9000	Rs.6500-10500	PB-2	Rs.4200
Data Processing Assistant *	Rs.6500-10500	Rs.7450-11500	PB-2	Rs.4600
System Programmer/ equivalent *	Rs.7450-11500	Rs.7450-11500	PB-2	Rs.4600
Programmer/System Analyst	Rs.7500-12000	Rs.7500-12000	PB-2	Rs.4800

# Data Entry Operator Grade C shall stand merged with Data Entry Operator Grade D.

\* Data Processing Assistant shall stand merged with System Programmer.

2. As stated above, there are four categories in the post of Data Entry Operator viz. Grade A, B, C and D. In the U.T. of Puducherry, there is only one Grade of Data Entry Operator.

Recruitment Qualification for the post of Data Entry Operator in U.T of Puducherry	Recruitment Qualification for the post of Data Entry Operator Gr. "C" in National Capital Territory of Delhi (Department of Information Technology)
Essential: A degree from a recognized University; A pass in Higher Grade (*) in English	A Degree of recognized University or equivalent

Typewriting; Working knowledge in Computers particularly Data Entry; and A pass in trade test to be conducted by the Recruitment Committee Desirable: A degree in Computer Science (OR) A Diploma in Computer Application / Science	(OR) Diploma in Computer Engineering / Application, etc. AND Should possess a speed of 8000 key impressions per hour.
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3. The Data Entry Operators in the U.T. of Puducherry are performing all the duties assigned to the Data Entry Operator of Grade A, B, C and D. Comparing with NCT of Delhi, **the entry qualification of Data Entry Operator Grade C is equated to the entry qualification of Data Entry Operator of U.T of Puducherry and also the functions, duties and responsibilities are similar.**

4. The SCPC in chapter 7.57 of Union territories the pay scale of Union Territory employees have to be in parity with the Central Govt. as vindicated in 7.57.5 as follows:  
**The Commission has recommended parity between Central Secretariat and field staff in all Central Government organization. This parity justifiably has to be extended to the Secretariat staff of the UTs whose pay scales are generally on par with those in the field organizations of the Central Government. The Commission, accordingly, recommends pay scales on par with those existing in the Central Secretariat for the Secretariat staff of various UTs.”**

5. In the SCPC, in Chapter 1.2, on “Philosophy and guiding principles” in connection with the anomalies in pay scales at para 1.2.20 states that the Commission has taken care to minimize the number of recommendations for such upgradations and the same have been restricted to the cases that were covered by in

*Para 1.2.20 (d): where identical analogous posts discharging similar posts have been placed in two or more distinct pay scales*

*Para 1.2.20 (e): where the functions, nature of the jobs, qualifications prescribed and level of responsibility attached to the post justified a higher pay scale without causing any distortion or imbalance in any of the established relativities.*

6. The pay scale of Data Entry Operators in the U.T of Puducherry is in the pre-revised pay scale of Rs. 4500-7500 performing all the functions, duties and responsibilities of Data Entry Operators Grade A, B, C and D. The entry qualification of Data Entry Operators in the U.T. of Puducherry is similar to Data Entry Operators Grade C in the NCT of Delhi and Central Government whose pre-revised pay scale was Rs.5000-8000 placed in the running pay band PB-2 with Grade pay Rs.4200. But the Data Entry Operators of U.T. of Puducherry has been placed in the running pay band of PB-1 with Grade pay Rs.2800 causing anomaly in revised pay structure.

7. The hierarchal structure of E.D.P. Staff in U.T. of Puducherry is as follows :

- A. Data Entry Operator
- B. Data Processing Assistant and
- C. Programmer

8. Had the anomaly for the post of the Data Entry Operator in U.T of Puducherry been rectified in the revised pay structure of PB2 with Grade Pay Rs.4200, the vertical relativity to the



promotional post of Data Processing Assistant merged with System Programmer **will not cause distortion or imbalance**, since SCPC has recommended the revised pay structure for the post of Data Processing Assistant as PB2 with Grade Pay Rs.4600.

9. Since the revised pay structure of Data Entry Operator of U.T. of Puducherry contravene the principles and policies of the SCPC we implore your sagacious office to justify our cause for rectifying the pay anomaly of Data Entry Operator to be placed in the revised pay structure of PB-2 with Grade pay 4200 parity with the similarly placed categories in the Central Govt. and NCT of Delhi as per the recommendations of the SCPC.

#### **ITEM NO.56**

#### **RECTIFICATION OF ANAMOLY IN THE REVISED PAY STRUCTURE OF INVESTIGATOR IN PLANNING AND RESEARCH DEPARTMENT IN THE UNION TERRITORY OF PUDUCHERRY.**

There are five posts of Investigator in the pre-revised pay scale of Rs. 4000-6000 having entry qualification of Degree in Economics/Statistics/Maths/Computer Science/Social Science, being filled up 100% by Direct Recruitment.

2. The para 7.57.67 mentioned under Planning and Research Department of Puducherry under Chapter 7.57 of Union Territories reads that the post of Data Entry Operator and Investigator are common category posts and will be governed by the recommendations given for these common categories.

3. The common category of Statistical Investigator Gr. IV in the Ministry of Statistics and Programme Implementation was in the pre-revised pay scale of Rs 5000-8000 with the entry qualification of Bachelor Degree in Statistics/Economics/Maths and Commerce. After implementation of the Sixth Central Pay Commission (SCPC), due to the merger of pay scales, the Statistical Investigator Gr. IV in the Ministry of Statistics and Programme Implementation has been placed in the revised pay structure of Pay Band II with Grade Pay Rs 4200 corresponding to the Revised Pay Scale of Rs 6500-10500.

4. Since the post of Investigator in the Union Territory of Puducherry and Statistical Investigator Gr. IV in the Ministry of Statistics and Programme Implementation are having the same entry qualification of graduation in Statistics/Economics/Maths etc are to be governed by the recommendations of the SCPC for the common categories mentioned in the para 7.57.5 reads

***Para 7.57.5:***

*The Commission has recommended parity between Central Secretariat and field staff in all Central Government organization. This parity justifiably has to be extended to the Secretariat staff of the UTs whose pay scales are generally on par with those in the field organizations of the Central Government. The Commission, accordingly, recommends pay scales on par with those existing in the Central Secretariat for the Secretariat staff of various UTs."*

Therefore anomaly has been crept in the cadre of the Investigator of the UT of Puducherry causing contravention of the principles and policies of the SCPC as per the para mentioned below:

***Para 1.2.20 (d):***

*where identical analogous posts discharging similar posts have been placed in two or more distinct pay scales*

1. In the light of the above the anomaly in the pay scale of Investigator of Planning and Research Dept. of UT of Puducherry may please be rectified in pursuance of the principles and policies of the SCPC reads in the paras 7.57.5 and 1.2.20(d) in commensurate with the common categories of Statistical Investigator Gr.IV of the Ministry of Statistics and Programme Implementation by placing in the revised pay structure of Pay Band – 2 with Grade Pay Rs 4200 corresponding to the merged revised pay scale of Rs 6500-10500.

#### **ITEM NO.57**

#### **RECTIFICATION OF ANAMOLY IN THE REVISED PAY STRUCTURE OF PUBLIC RELATIONS ASSISTANT IN INFORMATION AND PUBLICITY DEPARTMENT IN THE UNION TERRITORY OF PUDUCHERRY.**

There are ten posts of Public Relations Assistant in the pre-revised pay scale of Rs. 4500-7000 having entry qualification of Degree of a recognized university and possessing Diploma in Journalism/Mass Communication/Public Relations/Advertising from recognized institutions or equivalent. As per the existing Recruitment Rules of Public Relations Assistant 50% being filled up by direct recruitment, 20% from the posts of Reporter and 30% from deputation from the analogous posts.

2. During the visit of Sixth Central Pay Commission (SCPC) in the UT of Puducherry it was apprised to the Chairman and the Member Secretary that the pay scales for the post of Public Relations Assistant, Sub Editor, Reporter had to be revised to higher pay scales commensurate with the entry qualification and duties and responsibilities. It was apprised that the post of Public Relations Assistant comprised the merged posts of Reception Officer, Publicity Assistant, Information Assistant and Exhibition Assistant. The Public Relations Assistant has been performing duties of the Reception Officer, Publicity Assistant, Information Assistant and Exhibition Assistant in the Information and Publicity Department, Puducherry.

3. The Sixth Central Pay Commission in para 7.57.66 recommended higher pay scales to the Reporter and Sub – Editor from the pre-revised scale of Rs 4000-6000 to Rs 4500-7000 having similar entry qualification of graduate degree for both the posts. The Public Relations Assistant post is otherwise called as Reception Officer is the promotional post to the Reporter. The para 7.57.66 of the SCPC recommendation is given below.

***Para 7.57.66:***

*Higher scale have been sought for the posts of Public Relations Assistant, Sub-Editor and Reporter. The post of Sub-Editor carries minimum qualification of Graduate degree and as such the scale of Rs. 4500-7000 is appropriate. The post of Reporter also carries identical minimum qualifications. The fifth CPC had recommended the minimum qualification scale of Rs. 4500-7000 for the posts carrying minimum qualification of a Degree. The post, therefore, needs to be upgraded from the present scale of Rs. 4000-6000. This however will create an imbalance in the hierarchy as it will then come to lie an identical scale as that of Sub-Editor. The Commission, accordingly, recommends merger of the post of reporter with that of Sub-Editor in the scale of Rs. 4500-7000 corresponding to the revised pay band PB-1 of Rs. 4860-20200 along with grade pay of Rs. 2800.*

4. The Public Relations Assistant is the common category of post because the Reception Officer is merged with the Public Relations Assistant and performing the duties of Receptionist. The SCPC has given its recommendations for the post of Receptionist in para 3.8.19 under chapter 3.8 of the common categories reads as below:

- **Para 3.8.19:** *Insofar as the cadre of receptionist is concerned, it is observed that the Fourth CPC had recommended merger of these posts with the clerical cadres of the respective ministries. These recommendation are appropriate and in consonance with the general philosophy of the Commission which emphasizes on multi-skilling of all categories of the exiting employees so that they are able to perform multiple role as may be required in discharge of their official duties. The Commission recommended merger of the various posts of Receptionist with the clerical cadre in the corresponding pay band and grade pay. In case no corresponding grade pay exists in the clerical cadre, the merger should be made in the immediate higher grade pay available in the clerical cadre.*

5. Pursuant of the above para 3.8.19 and 7.57.66 of the recommendations of the SCPC the Public Relations Assistant/ Receptionist have to be compared with the corresponding clerical cadre. Since the pre-revised pay scale of Public Relations Assistant was Rs 4500-7000 and the feeder category post of Reporter's pre revised pay scale of Rs 4000-6000, the vertical relativity between the feeder category of Reporter and Public Relations Assistant (Reception Officer) has become distorted/ disturbed due to the higher pay scale of Rs. 4500-7000 for the Reporter was recommended in the para 7.57.66 of the SCPC.

6. Owing to the recommendations of the SCPC in para 7.57.66 the anomaly for the post of Public Relations Assistant (Receptionist) has been crept in, contravening the principles and policies of the SCPC read in paras 1.2.20 (d) and 1.2.20 (e).

**Para 1.2.20 (d):** *where identical analogous posts discharging similar posts have been placed in two or more distinct pay scales*

**Para 1.2.20 (e):** *where the functions, nature of the jobs, qualifications prescribed and level of responsibility attached to the post justified a higher pay scale without causing any distortion or imbalance in any of the established relativities.*

7. Pursuant of the above policies and principles mentioned paras 1.2.20 (d) and 1.2.20 (e) of the SCPC recommendations the anomaly for the post of Public Relations Assistant (Receptions Officer) have to be rectified in consonance with the paras 3.8.19 and 7.57.66 paras of the SCPC recommendations to restored the relativity between the feeder posts of Reporter and the promotional post of Public Relations Assistant by revising the existing pre-revised pay scale of Rs 4500-7000 in parity with the clerical post of Assistant placed in the revised pay structure of the Pay Band – II with Grade Pay Rs 4200 corresponding to the revised pay scale of Rs 6500-10500.

8. Therefore the present pay scale of Public Relations Assistant (Receptionist) Rs 4500-7000 is to be revised and placed in revised pay structure in the Pay Band – 2 with Grade Pay Rs 4200 corresponding to the Revised Pay Scale of Rs 6500-10500 in consonance with the SCPC recommendations.

#### **ITEM NO.58**

#### **RECTIFICATION OF ANAMOLY IN THE REVISED PAY STRUCTURE OF PUBLIC RELATIONS ASSISTANT IN INFORMATION AND PUBLICITY DEPARTMENT IN THE UNION TERRITORY OF PUDUCHERRY.**

There are ten posts of Public Relations Assistant in the pre-revised pay scale of Rs. 4500-7000 having entry qualification of Degree of a recognized university and possessing Diploma in Journalism/ Mass Communication/Public Relations/Advertising from recognized institutions or equivalent. As per the existing Recruitment Rules of Public Relations Assistant 50% being filled up by direct recruitment, 20% from the posts of Reporter and 30% from deputation from the analogous posts.

2. During the visit of Sixth Central Pay Commission (SCPC) in the UT of Puducherry it was apprised to the Chairman and the Member Secretary that the pay scales for the post of Public Relations Assistant, Sub Editor, Reporter had to be revised to higher pay scales commensurate with the entry qualification and duties and responsibilities. It was apprised that the post of Public Relations Assistant comprised the merged posts of Reception Officer, Publicity Assistant, Information Assistant and Exhibition Assistant. The Public Relations Assistant has been performing duties of the Reception Officer, Publicity Assistant, Information Assistant and Exhibition Assistant in the Information and Publicity Department, Puducherry.

3. The Sixth Central Pay Commission in para 7.57.66 recommended higher pay scales to the Reporter and Sub – Editor from the pre-revised scale of Rs 4000-6000 to Rs 4500-7000 having similar entry qualification of graduate degree for both the posts. The Public Relations Assistant post is otherwise called as Reception Officer is the promotional post to the Reporter. The para 7.57.66 of the SCPC recommendation is given below.

***Para 7.57.66:***

*Higher scale have been sought for the posts of Public Relations Assistant, Sub-Editor and Reporter. The post of Sub-Editor carries minimum qualification of Graduate degree and as such the scale of Rs. 4500-7000 is appropriate. The post of Reporter also carries identical minimum qualifications. The fifth CPC had recommended the minimum qualification scale of Rs. 4500-7000 for the posts carrying minimum qualification of a Degree. The post, therefore, needs to be upgraded from the present scale of Rs. 4000-6000. This however will create an imbalance in the hierarchy as it will then come to lie an identical scale as that of Sub-Editor. The Commission, accordingly, recommends merger of the post of reporter with that of Sub-Editor in the scale of Rs. 4500-7000 corresponding to the revised pay band PB-1 of Rs. 4860-20200 along with grade pay of Rs. 2800.*

4. The Public Relations Assistant is the common category of post because the Reception Officer is merged with the Public Relations Assistant and performing the duties of Receptionist. The SCPC has

given its recommendations for the post of Receptionist in para 3.8.19 under chapter 3.8 of the common categories reads as below:

- **Para 3.8.19:** *Insofar as the cadre of receptionist is concerned, it is observed that the Fourth CPC had recommended merger of these posts with the clerical cadres of the respective ministries. These recommendation are appropriate and in consonance with the general philosophy of the Commission which emphasizes on multi-skilling of all categories of the exiting employees so that they are able to perform multiple role as may be required in discharge of their official duties. The Commission recommended merger of the various posts of Receptionist with the clerical cadre in the corresponding pay band and grade pay. In case no corresponding grade pay exists in the clerical cadre, the merger should be made in the immediate higher grade pay available in the clerical cadre.*

5. Pursuant of the above para 3.8.19 and 7.57.66 of the recommendations of the SCPC the Public Relations Assistant/ Receptionist have to be compared with the corresponding clerical cadre. Since the pre-revised pay scale of Public Relations Assistant was Rs 4500-7000 and the feeder category post of Reporter's pre revised pay scale of Rs 4000-6000, the vertical relativity between the feeder category of Reporter and Public Relations Assistant (Reception Officer) has become distorted/ disturbed due to the higher pay scale of Rs. 4500-7000 for the Reporter was recommended in the para 7.57.66 of the SCPC.

6. Owing to the recommendations of the SCPC in para 7.57.66 the anomaly for the post of Public Relations Assistant (Receptionist) has been crept in, contravening the principles and policies of the SCPC read in paras 1.2.20 (d) and 1.2.20 (e).

**Para 1.2.20 (d):** *where identical analogous posts discharging similar posts have been placed in two or more distinct pay scales*

**Para 1.2.20 (e):** *where the functions, nature of the jobs, qualifications prescribed and level of responsibility attached to the post justified a higher pay scale without causing any distortion or imbalance in any of the established relativities.*

7. Pursuant of the above policies and principles mentioned paras 1.2.20 (d) and 1.2.20 (e) of the SCPC recommendations the anomaly for the post of Public Relations Assistant (Receptions Officer) have to be rectified in consonance with the paras 3.8.19 and 7.57.66 paras of the SCPC recommendations to restored the relativity between the feeder posts of Reporter and the promotional post of Public Relations Assistant by revising the existing pre-revised pay scale of Rs 4500-7000 in parity with the clerical post of Assistant placed in the revised pay structure of the Pay Band – II with Grade Pay Rs 4200 corresponding to the revised pay scale of Rs 6500-10500.

8. Therefore the present pay scale of Public Relations Assistant (Receptionist) Rs 4500-7000 is to be revised and placed in revised pay structure in the Pay Band – 2 with Grade Pay Rs 4200 corresponding to the Revised Pay Scale of Rs 6500-10500 in consonance with the SCPC recommendations.

#### **ITEM NO.59**

**RECTIFICATION OF ANOMALY IN THE REVISED PAY STRUCTURE OF STATISTICAL STAFF, ( FIELD SUPERVISOR, STATISTICAL INSPECTOR, STATISTICAL OFFICER AND DEPUTY DIRECTOR WORKING IN THE UNION TERRITORY OF PUDUCHERRY.**

There are two supervisory posts of Gazetted status such as Deputy Director (Statistics) in the pre-revised pay scale of Rs. 6500-10500 and Joint Director (Statistics) in the pre-revised pay scale of Rs.8000-13500.

2. The Deputy Director statistics is a gazette post being filled up 25% by Direct Recruitment through UPSC and 75% by promotion. Since the entry qualification of Deputy Director has Post Graduation in Statistics/Economics with desirable qualification of Doctorate in Statistics/Economics but the existing pay structure is PB-2 with grade pay 4200 causing anomaly.

3. The similar post existing in Central Govt. and NCT, Delhi are in the revised pay structure of PB-3 with Grade pay 5400 with similar entry qualification being filled by UPSC as well as in the Central Government. The SCPC in Chapter 1.2 recommended in 1.2.20 for rectification of anomalies in pay scales involve the principles in para 1.2.20 (d), 1.2.20 (e) and 7.57.5

***Para 1.2.20 (d):*** *where identical analogous posts discharging similar posts have been placed in two or more distinct pay scales*

***Para 1.2.20 (e):*** *where the functions, nature of the jobs, qualifications prescribed and level of responsibility attached to the post justified a higher pay scale without causing any distortion or imbalance in any of the established relativities.*

***Para 7.57.5:*** *The Commission has recommended parity between Central Secretariat and field staff in all Central Government organization. This parity justifiably has to be extended to the Secretariat staff of the UTs whose pay scales are generally on par with those in the field organizations of the Central Government. The Commission, accordingly, recommends pay scales on par with those existing in the Central Secretariat for the Secretariat staff of various UTs."*

4. Since the Deputy Director statistics (gazette) and similarly placed posts in the NCT, Delhi and Central Govt. have been identical discharging similar functions but placed in the distinct pay scales the anomaly has to be rectified in pursuance of para 1.2.20 (d), (e) and 7.57.5 of the SCPC.

5. In order to restore the vertical relativities the Deputy Director Statistics (gazetted post) and Joint Director (gazetted post) may be merged to avoid many supervisory levels and placed in the revised pay structure of PB-3 with Grade pay 5400 as vindicated by the recommendations of the SCPC.

6. Had the existing pay structure of the Deputy Director (gazetted) been rectified and placed in the revised pay structure of the identical posts in the PB-3 with Grade pay 5400 there should be no distortion or imbalance in the established relativities.

7. We would like to submit the hierarchical structure of the Subordinate Statistics staff cadre in the U.T. of Puducherry is given below:

Post	Pre-revised pay structure	Rectified pay structure	
		Pay Band	Grade Pay
Field Supervisor	Rs. 4000-6000	PB-1	2400
Statistical Inspector	5000-8000	PB-2	4200
Statistical Officer	6500-10500	PB-2	4200

8. The entry qualification of the Field Supervisor is Graduation in Statistics/Economics and placed in PB-1 with Grade Pay of Rs.2400.The Statistical Investigator Grade II in the Central Government has the entry qualification of Degree in Statistics/Economics.

9 The entry qualification for the Statistical Inspector is Post Graduation in Statistics/Economics. The promotional post is Statistical Officer, having placed in the same revised pay structure of PB-2 with Grade pay of Rs. 4200. The Deputy Director post (gazetted) is having element of Direct Recruitment is filled by UPSC with Post Graduation in Economics/Statistics as essential and Doctorate in Statistics/Economics is desirable. But the revised pay structure is placed in PB-2 with Grade Pay of Rs.4200, same as the feeder category posts of Statistical Inspector and Statistical Officer.

10. The SCPC recommends for the Subordinate Statistical Service in the **para 7.41.5** which reads that *“Accordingly, the post of Statistical Investigator Grade II may be placed in the next higher scale of Rs. 7450-11500 corresponding to the revised pay band PB-2 of Rs. 8700-34800 along with Grade pay of Rs. 4600 and merged with the post of Statistical Investigator grade I that already exists in the pay scale of Rs. 7450-11500. Posts of Statistical Investigator Grade III and Grade IV shall stand merged in the revised pay band PB-2 of Rs. 8700-34800 along with grade pay of Rs. 4200 corresponding to the pre-revised pay scale of Rs. 6500-10500.”*

Posts	Pre-Revised Pay Structure		Rectified Revised Pay Structure	
			Pay Band	Grade pay
Statistical Investigator Grade IV	Rs. 5000-8000	Merged SI III and IV as	PB-2	Rs.4200
Statistical Investigator Grade III	Rs. 5500-9000			
Statistical Investigator Grade II	Rs.6500-10500	Merged SI I and II as	PB-2	Rs. 4600
Statistical Investigator Grade I	Rs. 7450-11500			

11. The 6<sup>th</sup> Central Pay Commission (SCPC) has recommended in **para 2.2.21 (V)** reads that *“in case it is not feasible to merge the posts in these pay scales on functional considerations, the posts in the scale of Rs. 5000-8000 and Rs. 5500-9000 should be merged with the post in the scale of Rs. 6500-10500*

*being upgraded to the next higher grade in pay band PB-2 with grade pay of Rs.4600 corresponding to the pre-revised pay scale of Rs. 7450-11500. In case a post already exists in the scale of Rs. 7450-11500, the post being upgraded from the scale of Rs.6500-10500 should be merged with the post in the scale of Rs. 7450-11500.*

12. Based on the recommendations in para 2.2.21 (V) accepted and notified in CCS RP Rules 2008 and in para 7.41.5 of the Statistical Subordinate Service have been vindicated in para 7.57.5 the two cadres of Field Supervisor and Statistical Inspector may be merged into one cadre as in the Central Government.

13. Therefore the pay scales of Statistical cadre of U.T. of Puducherry shall have parity in pay scales on par with those in the field organizations of the Central Government vindicated in para 7.57.5 of the SCPC. Consequently the Field Supervisor and Statistical Inspector are to be merged and equated with the merged Statistical Investigator Grade IV and Grade III in the Central Government and be placed in the revised pay structure of PB-2 with Grade pay of Rs. 4200.

14. Similarly the Statistical Officer of the U.T. of Puducherry may be equated with the merged Statistical Investigator Grade II and Statistical Investigator Grade I in the Central Government and placed in the revised pay structure of PB-2 with Grade Pay of Rs.4600.

15. In the light of the above the anomaly crept in the Subordinate Statistical cadres may please be rectified in consonance with the para 7.57.5. After rectification there will be two cadres of Statistical Staff in the Subordinate cadre placed in the PB-2 with Grade Pay of Rs. 4200 and in the PB-2 with Grade Pay of Rs. 4600 respectively parity with the two Subordinate Statistical cadres in the Central Government.

16. Similarly the Supervisory cadre of Deputy Director (Statistics), Gazetted post, being filled up 25% by Direct Recruitment through UPSC may be placed in the PB-3 with Grade Pay of Rs. 5400 being merged with the other Supervisory post of Joint Director to avoid distortion and imbalance in the relativities.

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