

Part –III.
Chapter IV

22 FRs – FR.20 to FR.41

1 SR – SR. 15.

Definition of pay – Refer to notes of FR. 7(17)

FR.20 – Govt.frame rules to fix pay of Govt. servants. In respect of Gazetted Officers drawing their own pay bill (i.e. self – drawing officers and not by establishment pay bill) A.G issues a “pay slip” i.e. authority to draw pay. This is called pre-auditing of entitlement of pay (not authority to fix pay).

In the year 1.1.1979 – fixation of pay approved by A.G.

1.1.1987 – approval of fixation entrusted to Finance (PR).

1.1.1996 – approval of fixation entrusted to Finance Service Officers. Some department by Finance (PR) e.g. Home (Police).

1.1.2007 - -do-

1.1.2017 - i)approval of fixation entrusted to Finance (PR).

ii)Those retiring within 6 months/die in harness, fixation of pay is by Finance and Accounts Officer.

iii)Megh.Accounts Service and Megh Treasury Accounts Service by DAT

Regulation of Pay:- A Govt. servant draws pay to his advantage.FR 3

a) FR 23(i)-involves regulation of pay when the new post involves duties and responsibilities of greater importance than the old post

b) FR 23(ii) Does not involve responsibilities of greater importance than the old post.

Eg:- Regulation of pay for lecturers from one scale to another by virtue of the number of years served in a particular scale

i.e. Lecturer – senior scale – selection grade.

c) FR 23(iii) - Appointment to lower post under request of Govt. servant.

FR.34 (2) Re-fixation due to increase in the substantive pay due to increment.

Method of fixation of pay underFR 23 (i)

(1) Notionally (an idea) increase the pay by one notional increment

(2) then fix at a higher stage in the scale of pay/Pay Level of the new post

Exercise 1:- Regulate his pay on 14.03.2017 in the new post.The new post involves duties & responsibilities of greater importance than his old post.

	Old post LDA Dte	New post UDA Dte
	Level 6	Level 10
01.03.2017	₹ 43700	-
14.03.2017	₹ (43700)	₹ 45900 FR 23 (i)
		D.N.I. 1.1.2018

Exercise 2:- A Govt. servant drawing pay at the rate of ₹ 4650/-w.e.f. 01.07.2003 in the scale of pay of ₹ 3450 to ₹ 5650 is appointed to officiate in a post carrying a scale of pay ₹ 4500 to ₹ 7660/- w.e.f. 15.01.2004. The new post carries higher duties and responsibilities.

Lower post (LDA DTE)	Higher post (UDA DTE)
3450-80-3930-EB-90-4650-100-5650	4500-120-5220-EB-130-6260-140-7660
01.07.2003 ₹ 4650	-
14.01.2004 ₹ 4650	-
15.01.2004 ₹ (4650)	₹ 4860 (FR 23 (i)) with DNI on 01.01.2005

Problems which does not involve higher responsibilities:

1.

Old post	New post
4000-90-4900-EB-100-5900/-	4500-100-5500-EB-120-6700/-
(i) 01.01.2003 to 13.10.2003 – ₹ 4900	
(ii) 14.10.2003 – ₹ (4900)	4900 FR 23(ii) (DNI 01.01.2004)
(iii) 01.01.2004 -	(4900+100) = ₹ 5000

2.

01.1.2003 to 13.10.2003 – ₹ 4630	
14.10.2003 ₹ (4630)	4600 + 30* (personal pay)= ₹ 4630 (4630-4600) = 30* (DNI 1.1.2004) FR 23 (ii)
01.01.2004 ₹ (4720)	4600+100= 4700 + pp = 4720 FR 23 (ii) DNI (01.01.2005)
01.01.2005 ₹ (4810)	

3.Govt. Servant own request to a lower post.

1.1.2003 to 13.10.2003 – ₹ 4450	
14.10.2003 ₹ (4450)	₹ 4500 DNI (01.10.2004) FR 23 (iii)
01.10.2004 ₹ (4810)	

23 (iii) To a lower post on Govt. servant request.

4500-120-5220-EB-130-6260-140-7660	3450-80-3930-Eb-90-4650-100-5650
Higher post	Lower post
(1) Officiating Pay is ₹ 5220/-	₹ 3450/-
(2) if he was a substantive holder drawing ₹ 6260/-	May be fixed at ₹ 5650/-
(3) if he was drawing pay in the old post at ₹ 6260/- higher than the maximum	₹ 5650 (max)

stage	
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Gist of FR. 23:

1. Higher responsibility
2. Not higher responsibility
3. Lower post

The following rules are to be disregarded:

1. FR. 7 (20)- Presumptive pay should have been deleted since 1965
2. FR. 34 (i) – drawing a presumptive pay.

Proviso to FR. 23 (iv) – fixed directly to the next stage.

E.g.

LDA	UDA
01.07.2000 to 31 .08.2003 – ₹ 4500	
01.09.2004 to 31.10.2003	₹ 4700- FR 23 (Iv)
01.11.2003 – ₹ 4500	
01.12.2003	Regularly promoted to UDA ₹ 4600 FR 23 (iv) But this is less than ₹ 4700 which he drew in this post w.e.f 01.09.2003 to 31.10.2003. So his pay shall be fixed under proviso to FR 23 (iv)= ₹ 4700

Problem 1: A Govt. servant pay of ₹ 43,700w.e.f. 01.05.2000 in the scale of pay of ₹ 4500-6200 was appointed to officiate in a higher post “A” carrying a scale of pay of ₹ 5100 to 7300 w.e.f. 01.07.2000 to 31.10.2000. He was reverted to his old post on 01.11.2000. Thereafter, he was promoted to another post “B” carrying a scale of ₹ 5100-7300 w.e.f. 01.02.2001. Regulate his pay on post “B” on 01.02.2001 and determine his DNI.

“A”

“B”

4500-80-5300-EB-90-6200	5100-100-6100-EB-7300	5100-100-6100-EB-7300
01.05.2000 – ₹ 5390		
01.07.2000	5500 (FR 23 (i))	
01.08.2000	5500	
01.09.2000	5500	
01.10.2000	5500	
01.11.2000- ₹ 5390	X	
01.02.2001	X	5500 Proviso to FR 23 (iv) (DNI. 01.10.2001)
01.10.2001		5600

If the case is before 20.04.2001 (C/S 65) then FR 23 (iv) is applicable.

Explanation :- Proviso to FR 28 (a) - Add the period of duty officiating in the lower post to the normal date of increment i.e. the date on which he officiated for the first time in the higher post (01.07.2001 + 3 months) . DNI = 01.10.2001.

Problem 2: A Govt. servant drawing a substantive pay of ₹ 9850 w.e.f. 01.05.2000 in the scale of pay of ₹ 8500 -12000 is appointed to officiate in the scale of pay of ₹ 9000-13000 w.e.f. 01.10.2000. He was confirmed in the higher post on the 13.09.2001. Regulate his pay in the higher post w.e.f. 01.10.2000 to 13.09.2001.

8500-150-10000-EB-200-12000	9000-180-10800-EB-220-13000
01.05.2000 } To } 9850 30.09.2000 }	
01.10.2000 (9850)	Fixed ₹ 9900 (proviso to FR 23 (i))
01.05.2001 (10,000)	Refixed ₹ 10080 (FR 34 (2))

Problem 3:

3000-120-3720-EB-130-4240-140-4800	3500-120-4000-EB-135-4540-140-5100
01.01.2000 } To } ₹ 4240 31.05.2000 }	
01.06.2000 } To } ₹ (4240) 30.09.2001 }	₹ 4405 FR 23 (i)
01.10.2000 } To } ₹ 4240 30.11.2000 }	
01.12.2000 ₹ (4240)	₹ 4405 proviso to FR 23 (iv) DNI (01.06.2001+2 months) = 01.08.2001 Proviso to FR 28(a)

To be remembered:

FR 23 (i) – in higher responsibility.

Method:- Add 1 notional increment to pay drawn in lower post then for the next stage in the higher post.

FR 23(ii):- not in higher responsibility.

Method:- (i) if there is a stage in the higher scale as the last pay drawn – at that stage

(ii) if no stage – at a higher stage.

Personal Pay is applicable only in substantive pay.

Note :-Personal Pay has been withdrawn w.e.f. 21st September, 2012.

Refer OM No. FEG.49/2012/6, dt.21stSeptember, 2012.

FR. 25:- Change of post due to revision of pay – it is not the post that has changed but the scale of pay attached to the post.

Increment:-

FR 26 – withholding of Increment

FR 27- EB Stage – shall not be sanctioned when under Departmental proceedings / adverse remark / misconduct. (i) retrospective effect – if fully exonerated
(ii) w.e.f. dated following disciplinary / vigilance case.

FR 28 – period counted for increment.

FR 29 – premature increment.

If increment ordered to be withheld, to state:-

- i. The period of withholding
- ii. What effect it will have on future increment.
- iii. Cumulative i.e. postponing future increment or non – cumulative i.e. future increment will not be affected

E.g.: Mr. A, LDA drawing pay Level 6, is for due increment on 01.07.2015 but his increment was withheld for 1 year 5 months.

Normal	Non-cumulative effect	Cumulative effect
01.07.2014 - 43700		
01.07.2015 – (45000)	43700	43700
01.07.2016 to - (46400) 30.11.2016	43700	43700
1. 12 .2016 - (46400)	46400(DNI – 01.07.2017)	45000(DNI 01.12.2017)
01.07.2017 – 47800	47800	45000
01.12.2017 – 47800	47800	46400
01.07.2018- 49200	49200	46400

FR . 33.

Case study – Govt. servant ‘ X’ –

(1) confirmed as Supdt. In Meghalaya Sectt.

(2) Officiated as U/Secy w.e.f. 01.07.2001.

(3) transferred to MTDC or foreign service term w.e.f. 01.05.2002.

(4) due for promotion as Dy. Secy. from 01.07.2004 but he will not be able to take charge of the post as he is on foreign service.

Proforma promotion – if his junior is given promotion ,then Mr. ‘X’ is on proforma promotion and given increment whenever due so when he comes back he does not lose promotion.

(Principle of next below rule – principle of fair play & gesture – prior to 1984)

FR. 28.(i) Services in the post count for increment in that post – FR. 28(a)

(ii) Services in another post (except post on a lower pay) counts for increment in a substantive post FR. 28 (b) (i).

(iii) Deputation out of India counts for increment

- In a post he hold a lien..... FR. 28 (b) (ii)
- In the post he officiated at the time of deputation. FR 28 (b) (ii).

(IV) Leave, other than EOL on private affairs counts for increment.

(V) Services in higher post count for increment even on officiating or temporary post or re-appointed to the same post / same time scale. (However, it shall not count if posted to another cadre)..... FR. 28 (c).

(VI) Foreign Service count for increment in

(a) the post he hold a lien

(b) in the post he officiated at the time he was placed in foreign service.

(c) In the post he got Proforma Promotioneg. Confirmed as Supdt.Officiating as Under Secretary – deputed to Foreign Service.Promoted to Deputy Secretary - proforma promotion.

(VII) On joining time :-count for increment in the post he handed overcharge.

(VIII) On suspension if exonerated, dies non period on specific order (normally increment not granted)

Premature increment:-

FR. 29 Work off (Or recovered)

Normal		Work –off advance increment	Not worked off
01.01.2002	4300	4300	
13.09.2002	-	4500	4500 (DNI 13.09.2003)
01.01.2003	(4400)	4500	13.09.2003..... 4600 (DNI 13.09.2004)
01.01.2004	(4500)	4500	
01.01.2005	4600	4600	

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