

Problem

1. A govt. servant drawing pay of ` 4500/- w.e.f. 01.03.2001 in the scale of ` 4000-100-5000/-
2. On 01.11.2001 the appointment authority passed an order of punishment on govt. servant withholding his next date of increment for 18 months.

Regulate his pay from 01.03.2002 till the expiry of the period of withholding if:-

- i. The withholding will not affect future increment i.e. non-cumulative effect.
- ii. The withholding has the affect of postponing future increment i.e. cumulative effect.

Solution:- Increment withhold from 01.03.2002 to 31.08.2003 (i.e. 01.03.2002 + 18 months)
DNI and pay is as follows

Date of increment	Normal	Non-cumulative effect	Cumulative effect
01.03.2001 to 28.02.2002	`4500		
01.03.2002 to 28.02.2003	`4600	` 4500	`4500
01.03.2003 to 31.08.2003	`4700	`4500	` 4500
01.09.2003	`4700 (DNI-01.03.2004)	`4700 (DNI-01.03.2004)	`4600 (DNI-01.09.2004)

Problem :- the scale of pay of a permanent post of `6000-150-7500-200-9500 is changed or revised to `7000-250-9500-300-1100 w.e.f. 13.03.2003. The govt. servant holding the post opted to come to the new scale of pay w.e.f. the effective date on that date he was drawing pay.

Refer FR. 25 and FR 23 (ii) is to be applied for regulation of his pay in this case.

Therefore his pay in the new scale = `8000+100 (p.p) with DNI on 01.01.2004

On 01.01.2004 = `8250

Note :- He will not draw p.p as he is in a substantive post

NB- P.P is drawn for less in a substantive post.

Problem :-

1. A govt. servant who was placed under suspension w.e.f. 15.03.1996 and dismissed from service w.e.f. 17.01.1998 is reinstated in service on 01.07.2003 on order of the court. The court set aside the order of dismissal not on merit of the case but on procedural defect of the departmental proceedings of departmental authority.

Discuss quoting rules how the period from the date of suspension on 15.03.1996 to the date of reinstatement on 01.07.2003 is to be treated and what pay will be allowed to govt. servant on those period.

Solution:- Refer FR 54 (2) (i) & (ii)

Regarding this case, provision of FR. 54 (2) (i) & (ii) is applicable.

Pay admissible to him is any amount of pay less but not less than full pay as per S.A

FR. 54 2 (i) and the period w.e.f. 15.03.1996 to 30.06.2003 (i.e. 7 yrs 3 mnths) is to be treated as 'Dies Non-period' as per FR. 54 (2) (ii). However he shall be given an opportunity to represent regarding his pay. The amount of pay (not full pay) shall be allowed to him w.e.f. 01.07.2000 to 30.06.2003 as per proviso to FR. 54 (2) (i)

2. A govt. servant is placed under suspension. At the time of suspension he was drawing a pay of `5000/- with a special pay of `200/- per month. Calculate the maximum amount of subsistence allowance that may be allowed to the govt. servant for the first six months and also after 6 months in case if the suspension is prolonged:-

- a. Due to reasons directly attributable to the govt. servant.
- b. For the delay of the department itself.

$$\begin{aligned} \text{Subsistence allowance} &= \frac{(5000+200)}{2} \\ &= \frac{5200}{2} \end{aligned}$$

= ` 2600 per month for a period of six months.

- (a) After six months due to reasons directly attributable to the govt. servant:-

The pay of the govt. servant may be decreased by not more than 50 % of SA

$$50\% \text{ of } ` 2600 = ` 1300$$

$$\text{Therefore minimum SA} = (2600-1300) = ` 1300$$

Therefore SA may be reduced by not more than ` 1300...FR 51 (i) (a) (ii)

- (b) After 6 months for the delay of the department itself the pay of the govt. servant will be increased by 50 % of `2600 = `1300

$$\text{Therefore Maximum SA} = (2600+1300) = ` 3900.....FR.51 (1) (a) (i)$$
