

## **MASTER CIRCULAR**

### **Master Circular No. 56**

#### **Fixation of Pay - consolidation of instructions - issue of Master Circular.**

##### **[Part I](#)**

##### **[Part II](#)**

The instructions on the subject 'Fixation of pay' are contained in various circulars issued from time to time and Indian Railway Establishment Code Vol II. The question of issue of consolidated instructions has been engaging attention of the Railway Board for some time and it has now been decided to issue such instructions in the form of a Master Circular, for the information and guidance of all concerned. Accordingly, the Master Circular annexed herewith, is in two parts— Part I Fixation of pay under FRs and Part II - Fixation of pay, - under other orders.

2. While referring to this circular, the original letters referred to therein should be read for a proper appreciation. This Master Circular should not be treated as a substitute for the originals. The original circular alone should be relied upon as authority.

3. The instructions contained in the original circulars referred to have only prospective effect from the date of issue, unless stated otherwise specifically. For dealing with old cases, the instructions in force at the relevant time should be referred to; and

4. If any circular on the subject which has not been superseded has lost sight of, in preparing the consolidated instructions. It would continue to be treated as valid and operative. Such a missing circular, if any, may be brought to the notice of the Railway Board.

#### **Pay fixation**

##### **1. (under FRs)**

1. The basic rules governing initial fixation of pay of Railway servants in different circumstances were [Rule 1313](#) (FR-22), [Rule 1316](#) (FR 22C) and [Rule 1326](#) (FR 31) of Indian Railway Establishment Code Vol. II ( 1987 Edition). In some cases, the pay fixed under any of these rules was further subjected to [Rule 1321](#) (FR 27) and [Rule 1329](#) (FR 35) R.II. [Rule 1325](#) (FR 30) added a general limitation on pay fixed in respect of appointment in an officiating capacity.

2. Apart from these rules, separate orders of Railway Board also exist for initial fixation of pay of a Railway servant in certain cases as for example (i) fixation of pay on appointment to a selection Grade post, (ii) fixation of pay of temporary Railway servants transferred from a higher to lower post and (iii) fixation of pay of re-employed Civil and Military Pensioners etc. in Railway Service.
3. FR 22 has been framed afresh by the Department of Personnel and Training incorporating therein inter-alia the provisions of erstwhile FR 22-C and orders issued from time to time. This new Rule has been adopted by the Ministry of Railways and circulated vide letter No. [F\(E\)II/89/FR-/1/1 dated 12.12.1991](#) (RBE 198/1991).
4. Provisions of the newly substituted FR 22 which govern the fixation of pay of Government servants in general apply mutatis mutandis to Railway employees. These are indicated below.
5. **FR 22 (I)**

5.1 Clause (a) (I) deals with fixation of pay of a Government servant holding a Post other than a tenure post, in a substantive, temporary or officiating capacity on promotion/ appointment in a substantive, temporary or officiating capacity to a higher post.

5.2 Clause (a) (2) deals with fixation of pay of Govt. servant on appointments to the new post which does not Involve assumption of duties and responsibilities of greater Importance.

5.3 Clause (a) (3) deals with fixation of pay of a Govt. servant holding a post in a substantive, temporary or officiating capacity on transfer on his own request to a post with the maximum of the time scale of that post being lower than his pay in the post held by him on regular basis.

5.4 Clause (b) deals with fixation of pay of a Govt. servant when the conditions stipulated in Clause (a) above are not fulfilled, such as on first appointment in Government service etc.

#### 6. **FR 22 (II)**

FR 22 (II) deals with grant of Proforma officiating promotion under 'Next Below Rule' to a Government servant working on deputation under the Government outside his regular line of service or on foreign service.

#### 7. **FR 22 (III)**

FR 22 (III) stipulates that appointment or promotion of a Government servant to a post in the same or identical time scale of pay (with reference to the scale of pay of the post held by him at the time of appointment or promotion) should not be deemed to involve the assumption of duties and responsibilities of greater importance for the purpose of initial fixation of pay.

#### 8. **FR 22 (IV)**

**FR 22 (IV) stipulates that when a Government servant while holding an ex-cadre post is promoted or appointed regularly to a post in his cadre, his pay in the new cadre post should be fixed with reference to his presumptive pay in the old cadre post which he would have held but for his holding the ex-cadre post.**

- 9. There is a proviso to clause (b) of FR 22(I). It enables counting previous service in the same or identical time scale.**
- 10. Other FRs relevant to fixation of pay referred to in para 1 above, are FR 27 and FR 35.**

**FR 27 vests powers with the competent authority to fix the pay of a Government servant at a stage higher than admissible under the provision of FR 22 by granting premature increments.**

**FR 35 vests powers with the Govt. to fix the pay of an officiating Govt. servant at an amount less than that admissible under FR 22.**

#### **11. Pay on promotion/ appointment**

- i. Fixation of pay of a Govt. servant on promotion/ appointment from one post to a higher post.**

**As per clause (a) (I) of FR 22, when a Govt. servant holding a post, other than a tenure post, in a substantive, temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity, as the case may be, to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him, his initial pay in the time scale of the higher post should be fixed at the stage above the notional pay arrived at by increasing his pay in respect of the lower post held by him regularly by an increment at the stage, at which such pay has accrued or rupees twenty five whichever is more. In doing so, as applicable w.e.f. 1.1.1986, if there is an EB falling between the two stages, in the scale of pay of the lower post no orders for crossing EB are necessary for the purpose of fixing the pay in the higher post. This provision is applicable to all cases of promotions to higher posts without any monetary limit.**

- 11(2) Further, as per the proviso to clause (a) (I) of FR 22 (I), when a Govt. servant is, immediately before his promotion or appointment on regular basis to a higher post, drawing pay at the maximum of the time scale of the lower post, his initial pay in the time scale of the higher post should be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post held by him on regular basis by an amount equal to the last increment in the time scale of the lower post or rupees twenty five whichever is more. This is however subject to following conditions :-**

- ii. The promotion/ appointment to a higher post should fulfill the eligibility conditions as prescribed in the Recruitment Rules.**

- iii. The pay in the higher post should be fixed only with reference to the pay drawn in the lower post which has been held by the Govt. servant on regular basis.

**11.2 (II) Option of date for fixation of pay on promotion to a higher post.**

**11.2 (i) The Govt. servant promoted to a higher post, on regular basis, gets an option to be exercised for fixation of pay in the higher post as under**

- d. Either his initial pay may be fixed In the higher post on the basis of clause (a) (I) of FR 22 (I) straightaway from the date of promotion without any further review on accrual of increment in the pay scale of the lower post ; or
- e. his pay on promotion may be fixed at the stage of time scale of the new post above the pay in the lower post from which he is promoted, which may be fixed in accordance with clause (a) (I) of FR 22 (I) on the date of accrual of next increment in the time scale of the pay of the lower post.

**11.2 (2) The option should be exercised by the Govt. Servant within one month from the date of promotion. This option is not available in the case of appointment on deputation to an ex-cadre post or to a post held on ad-hoc basis, However, In cases where an ad-hoc promotion is followed by regular appointment without break, the option is admissible as from the date of initial promotion, which should be exercised within one month from the date of such regular appointment.**

**Note 1 : In the order, promoting the Govt. servant it should be mentioned that he has to exercise the option within one month and that the option once exercised is final.**

**2. Provision of FR 22(I) (a) (I) also apply in respect of appointment to another post carrying higher responsibilities than the post held by the Government servant) outside the ordinary line which is generally termed as ex-cadre appointment provided that in respect of that ex-cadre appointment the Govt. servant is entitled to or elects to draw pay in the time scale of the ex-cadre post.**

**Fixation of pay on appointment/ promotion from one ex-cadre post to another ex-cadre post**

**11.3 In cases of appointment/ promotion from one ex-cadre post to another ex-cadre post, where the Government servant opts to draw pay in the scale of the ex-cadre post, the pay in the second or subsequent ex-cadre posts should be fixed under the normal rules (i.e. FR 22(I) (a) (I) or (a) (2) with reference to the pay in the cadre post only. If on appointment to second or subsequent ex-cadre posts in a higher pay scale than that of the previous ex-cadre post the pay fixed under normal rules with reference to the pay in the cadre post**

happens to be less than that drawn in the previous ex-cadre post the difference may be allowed as 'Personal Pay' to be absorbed in future increases in pay.

Non-applicability of FR 22(I)(a)(I) where UPSC makes a specific recommendation reg. pay to be given

**11.4** FR 22(1) (a) (I) will not apply to cases of Govt. servants appointed to higher posts through the UPSC and in whose case the Commission have made a specific recommendation regarding the pay to be given. The intention is that in a case where the UPSC recommends a specific rate of pay, the person concerned should get that rate of pay. If on the contrary the Commission recommends that the pay should be fixed under the normal rules, then the pay may be fixed under FR 22(I)(a)(I) subject to fulfillment of all the conditions regarding assumption of higher duties prescribed in this rule. In all cases of appointment of Govt. servants through the UPSC the recommendations of the Commission in the matter of pay i.e. whether it is a specific rate of pay or pay to be fixed under the normal rules, as the case may be, should be indicated in the order or notification appointing the Govt. servant concerned to the post.

Fixation of pay under FR 22(1) (a) (I) w.r.t. substantive pay or offg. pay whichever may be beneficial.

**11.5** It may sometimes happen that the pay of an employee permanent in post 'A' but officiating in post 'B' and subsequently transferred/promoted to Post 'C', fixed with reference to the offg. pay in Post 'B' may work out to be less than the pay fixed with reference to his substantive pay in Post 'A'. In order to remove this anomaly in such cases, the pay should be fixed under FR 22(I)(a)(1) with reference to the substantive pay or officiating pay whichever may be beneficial to the railway servant.

Fixation of pay of State Govt. servant appointed to a post under the Central Govt., carrying duties and responsibilities of greater importance.

**11.6** When a Government servant is appointed to a post under the Central Government and the post carries duties and responsibilities of greater importance than those attaching to the post held by him under the State Govt., the initial pay may be fixed under FR 22(I)(a)(1).

**FR22(I) (a) (2)**

**12.** Fixation of pay-on transfer from one post to another when the appointment does not involve assumption of higher responsibilities.

**12.1** As per clause (a) (2) of FR 22(1), when a Govt. servant holding post, other than a tenure post, in a substantive, temporary or officiating capacity is appointed in a substantive temporary or

officiating capacity, as the case may be, to another post which does not involve assumption of duties and responsibilities of greater importance than those attaching to the post held by him, his initial pay in the new post should be fixed at the stage which is equal to his pay in respect of the old post held by him on regular basis and he will draw his next increment in the new post on the date on which he would have received an increment in the time scale of the old post. If there is no such equal stage in the time scale of the new post, his initial pay in the new post will be fixed at the stage next above his pay in respect of the old post and he will draw his next increment in the new post on completion of the period when an increment is earned in the time scale of the new post.

**12.2** The above proviso is also applicable in the case of appointments to non-functional selection grade posts.

**12.3** As per the first proviso to cl. (a)(2) of FR 22(I), if the minimum pay of the time scale of the new post is higher than his pay in respect of the post held by him regularly, his initial pay should be fixed at the minimum of the new post.

### **13. FR 22(1)(a)(3) Fixation of pay on transfer to a lower scale at own request**

**13.1** As per clause (a)(3) of FR 22(I). when a Government servant is appointed to a new post at his own request under FR 15(a) and if the maximum pay in the time scale of the new post is lower than the pay drawn by the Government servant in the old post held by him on regular basis, his initial pay in the new post will be fixed at the maximum of the scale of pay of that post.

### **14. Option for date for fixation of pay on appointment to a post not involving higher responsibilities**

**14.1** A Govt. servant who is appointed to another post on regular basis which does not involve assumption of duties and responsibilities of greater importance than those attaching to the post held by him can exercise an option either (i) to have his pay fixed in the new post with effect from the date of Appointment to that post or (ii) to have his pay in the new post fixed with effect from the date of his next increment in the old post. The option should be exercised within one month from the date of his appointment to the new post. In as much as the pay of a Govt. servant on appointment to a non-functional selection grade post has to be fixed under the provisions of FR 22(I)(a)(2), this option is also admissible in such cases. However this option is not admissible in the cases of appointment to ex cadre posts on deputation basis.

### **15. Fixation of pay when the conditions prescribed in 22(I)(a) are not fulfilled.**

As per clause (b) of FR 22(I), in cases where the appointments do not fulfill the conditions prescribed in clause (a), the initial pay of the Government servants on such appointment should be fixed at the minimum of the time

scale of the post. This clause is applicable in the case of first appointment in Government service and in cases where the Government servants are appointed or transferred to another post when they do not hold a post on regular basis.

#### **16. Proviso to FR 22(I) regarding protection of pay previously drawn**

**16.1** This proviso is applicable both in cases covered by clause (a) and cases, other than that of re-employment after resignation, removal or dismissal from Public service, covered by cl. (b) of FR 22(I). The basic principle behind this proviso is that a Government servant appointed to a post on a second or subsequent occasion should not draw less pay than what he drew in that post on the previous occasion. This proviso is further elaborated below.

**16.2** **Proviso (1)(i)** : When a Government servant is appointed in the same post, which he had held previously on regular basis, his initial pay fixed in that post under FR 22 (I) should not be less than the pay which he drew on the last occasion and he shall count the period during which he drew that pay on a regular basis on such last and any previous occasions for increment in the stage of the the scale equivalent to that pay.

**16.3** **Proviso (1)(ii)** : When a Government servant is appointed to a permanent or temporary post on the same time scale which he held previously on regular basis, his initial pay fixed in that post under FR 22 (I) should not be less that the pay which he drew on the last occasion and he shall count the period under which he drew that pay on a regular basis on such last and any previous occasion for increment in the stage of the time scale equivalent to that pay.

**16.4** **Proviso (1)(iii)** : This proviso extends the benefit of counting the previous service rendered on a post in the identical time scale under the Government as well as the previous service rendered on a post in an identical time scale under a body, incorporated or not, which is wholly or substantially owned or controlled by the Government. However, the counting towards initial fixation of pay on reversion to the parent cadre, of the service rendered in such identical time scale posts under a body incorporated or not, which is wholly or substantially owned or controlled by the Government and the service rendered in such identical time scale ex-cadre posts under the Govt. is subject to the following conditions :

- . The Government servant should have been approved for appointment to the particular grade post in which the previous service is to be counted.
- a. All his seniors, except those regarded as unfit for such appointment were serving in posts carrying the scale of pay in which benefit is to be allowed or in the higher posts, whether in the department itself or elsewhere and at least one junior was holding a post in the department carrying the scale of pay in which the benefit is to be allowed.

- b. The service will count from the date his junior is promoted and the benefit will be limited to the period the Govt. Servant would have held the post in his parent cadre had he not been appointed to the ex-cadre post. The principle of 'one for one' applicable for extending NBR benefit will not be insisted upon for affording the protection of pay. In other words, subject to fulfillment of these conditions, any number of persons working in ex-cadre posts can get the benefit of protection of pay and service under the proviso.

**Note:** Such period of service in an identical time scale of a tenure post will also now be taken into account when appointed to a post in an identical time scale in a non-tenure post.

#### **16.5 To sum up :-**

- c. The benefit of the protection of the pay and the date of increment would be admissible in cases of appointments directly or on transfer from a post carrying an identical time scale of pay under the Government. The conditions enumerated above need not be fulfilled.
- d. The benefit of the protection of pay and date of increment in respect of service rendered in an identical time scale under a body wholly or substantially owned or controlled by the Government will not be admissible in the cases of first appointments to Govt. service.
- e. In cases of reversion from an ex-cadre post to cadre post on an identical time scale of pay the benefit of protection of pay and the date of increment shall be admissible subject to fulfillment of all the three conditions mentioned above.

#### **17.**

**17.1 Proviso (2) :-** If a Govt. servant is appointed to a tenure post on a time scale identical with that of another tenure post, which he has previously held on regular basis his initial pay will/shall not be less than the pay which he drew on the last occasion and he shall count the period during which he drew that pay on a regular basis on such last and previous occasions for increment in the stage of the time scale equivalent to that pay.

- 17.2** If, however, the last pay drawn by the Government servant in a temporary post had been inflated by the grant of premature increments the pay which he would have drawn in the normal course without the premature increments will be taken as the pay last drawn in the temporary post unless the contrary is ordered by the authority competent to create the new post. However, in a case, where the initial fixation of pay in the post was done under FR 27 on the basis of quasi-permanent pay, such pay need not be treated as having been inflated for the purpose of the proviso to FR 22(I).

#### **18. Pay on officiating appointments**



As stated earlier, FRs 30 & 31 which regulated the initial fixation and regulation of pay of a Government servant on appointment to a post in an officiating capacity were omitted while notifying new FR 22. Now so far as the initial fixation of pay of a Government servant on appointment to a post is concerned there is no distinction between appointment in substantive capacity and appointments in temporary/ officiating capacity. In all cases of appointment to another post, the initial pay of the Government servant in the new post should be fixed under the provisions of FR 22(I). If the appointment to the new post involves assumption of duties and responsibilities of greater importance than those attaching to the post held by the Govt. servant, his initial pay in the new post should be fixed under clause (a) of 22(I). If the appointment to the new post does not involve such assumption of duties and responsibilities of greater importance than those attaching to the post held by the Government servant or if the appointment is to a non-functional selection grade, his initial pay in the new post should be fixed under clause (a) (2) of FR 22 (I).

**19. Restriction of officiating pay. (FR 35)**

Central Govt. may fix the pay of an officiating Govt. servant at an amount less than that admissible under the rules. The restriction of officiating pay under FR 35 should not be invoked in respect of regular cadre promotions where the employee becomes due for promotion, falls within the zone of consideration and fulfils all the qualifications prescribed for promotion. However, in cases of appointment on promotion in the normal line within the cadre, but which are not on regular basis, the pay may be restricted under FR 35 so as not to exceed the basic pay by more than the amount shown below:-

(a) For employees in receipt of basic pay above Rs. 2200/-	12.1 % of basic pay or Rs. 330/- whichever is more
(b) For employees in receipt of basic pay above Rs. 1000/- upto Rs. 2200/-	15 % of basic pay or Rs. 200/- whichever is more
(c) For employees in receipt of basic pay of and below Rs. 1000/-	20% of basic pay

**20.** In cases where pay in the manner Indicated above comes to more than the minimum or at the minimum of the promotional posts, the employee concerned will be allowed pay at the minimum of the scale.

**21.** These rates are applicable with effect from the date an employee draws pay in the revised scales of pay introduced under RS(RP) Rule. 1986.

**22.** When the offg. pay of a Govt. servant is fixed below the minimum of time scale he must not be treated as having effectively officiated in that post and the period during which he drew that pay will not count for increment in that scale. On regular appointment in the same post his initial pay should be fixed under FR 22(I).

**23. Stepping up the pay of senior appointed to selection grade earlier at par with junior appointed to Selection grade later**

Cases may arise when a senior person appointed earlier to the selection grade may get less pay than the junior appointed to selection grade later

after earning one more increment in the ordinary grade. in such cases, the pay of the senior person may be stepped up to make it equal to the pay of the junior person subject to fulfillment of the following conditions

- . Both the senior and junior employees should belong to the same cadre and the selection grade to which they have been appointed should be identical and in the same cadre.
- i. The senior employee has drawn pay more or equal to pay of his junior in the ordinary grade from time to time before appointment to the selection grade.
- ii. The anomaly should have been directly as a result of the pay fixation formula laid down as above.

24. The orders refixing the pay of the senior officer should be issued under FR 27 and the next increment of the senior employee will be drawn on completion of the required qualifying service with effect from the date of refixation of pay.

#### 25. Next Below Rule

The intention of this rule is to protect the interest of a Govt. servant who is working on deputation under the Govt. outside his regular line of service and on foreign service. Simply because he had gone out of his regular line, he should not lose any offg. promotion which he would have otherwise received had he been in regular line. Under this principle, an officer outside his regular line and who is fit for promotion in his regular line can be given Proforma offg. promotion to a higher grade without any change in the duties but subject to the following conditions.

- . All the officers senior to him should have been promoted and be drawing pay in the higher grad or still higher grades in which the promotion (proforma) is sought to be given to the officer out-side the regular line. If any senior has not been given such promotion, it should be due to inefficiency, unsuitability or leave.
- i. The officer immediately junior to him should have been given officiating promotion and be drawing pay in the higher grade. If the Immediate junior has been overlooked, for reasons of unsuitability etc. the one still junior should have been promoted to the higher grade.
- ii. If no officer junior to him eligible for promotion within the cadre is available, proforma promotion may be given to the officer subject to the following conditions
  - a. that a post within the cadre remains unfilled for want of an approved person junior to the officer and
  - b. the vacancy caused in the cadre is not filled up by making promotion on ad hoc basis till the release of the next panel when some juniors become eligible for promotion.
- iii. The benefit should be given to only one officer against one vacancy. For example, if series of officers are outside the ordinary line then the promotion of a junior to them in the regular line will entitle only the senior most of the series of officers to the benefit under the Next

**Below Rule subject to fulfillment of the other conditions mentioned above.**

- iv. The benefit of officiating promotion under the rule should be allowed only against promotions in a cadre in vacancies of more than 90 days duration. In other words, the initial vacancy as well as subsequent vacancies on the basis of which the benefit is to be continued should each be of more than 90 days duration.**
- 26. The grant of benefit under NBR to an officer outside the regular line either on deputation under the Govt. or on foreign service will entitle him to the following :**
- . To draw the higher rate of pay to which he may be entitled in the regular line, while holding the post outside his regular line.**
  - a. To count the period of his service from the date of proforma promotion for increment in the post in which he would have officiated had he been in the regular line.**
- 27. For giving the benefit, a declaration under FR 22(II) to the effect that the post held by the Government servant is outside the ordinary line will be necessary.**
- 28. A Govt. servant who does not require the benefit of NBR for the reason that the post held by him is on a scale identical with the scale of pay of the post in the regular line to which he is given proforma promotion can pass down the benefit to the next senior-most officer outside the regular line, provided that officer is senior to the junior promoted in the regular line.**
- 29. The benefit under NBR should not be given to persons deputed to regularly constituted ex-cadre posts abroad in which their pay is regulated by the orders of the Central Govt. under FR 51-A. In such cases, when the officers revert to their parent cadre, in or out of India and are appointed to the posts which they would have held but for deputation abroad that portion of the period during which the conditions of NBR are fulfilled will be allowed to count for fixation of pay. The pay fixation will be done under FR 27.**

**[Removal of anomalies as a result of revision of pay scales from 1.1.86](#)**

- 30. Cases have come to notice wherein a senior Govt. servant promoted to a higher post before 1.1.86 draws less pay in the revised scale recommended by the 4th Pay Commission than his junior who is promoted to the higher post after that crucial date. In order to remove the anomaly, it has been decided that in such cases, the pay of the senior officer in the revised scale in the higher post should be stepped up to a figure equal to the pay as fixed for the junior officer in that higher post promoted on or after 1.1.86. The stepping up should be done with effect from the date of promotion of the junior officer and should be subject to the following conditions:-**
- . Both the junior and the senior officer should belong to the same cadre and the posts in which they have been promoted should be identical in the same cadre.**
  - a. The un-revised and revised scales of pay of the lower and higher posts in which they are entitled to draw pay should be identical and**
  - b. the anomaly should be directly as a result of the application of the provisions of FR 22 C or any other rule or order regulating pay**

fixation on such promotion in the revised scale. If even in the lower posts the junior officer was drawing more pay in the pre-revised scale, than the senior by virtue of fixation of pay under the normal rules or advance increments granted to him, the provisions contained in the order need not be invoked to step up the pay of the senior officer.

The orders refixing the pay of the senior officer in accordance with the provisions of this order should be issued under FR 27 and the next increment of the senior officer will be drawn after completion of the required qualifying service with effect from the date of refixation of pay.

**31. Removal of anomalies arising as a result of application of provisions for option for fixation of pay on promotion to higher posts.**

Where a senior employee promoted prior to 1.5.81 and whose pay was to be fixed directly under FR 22-C is drawing less pay than his junior promoted on or after the crucial date in whose case the pay initially fixed is in the manner as under FR 22(a)(i) and the same is refixed under FR 22-C on the date of accrual of next increment in the lower post, the pay of the senior person in the higher post should be stepped up to a figure equal to the pay as fixed in respect of the junior person in that higher post from the date of occurrence of the anomaly viz. from the date the pay of the junior is refixed in the higher post. The stepping up of pay of the senior would be subject to the follows conditions namely:

- . Both the senior and junior employees should belong to the same cadre and the posts in which they have been promoted on a regular basis should be identical in the same cadre.
- a. The scales of pay attached to the lower and the higher posts in which they are entitled to draw pay should also be identical and
- b. The anomaly should have arisen directly due to refixation of pay of the junior persons (promoted on or after 1.5.1981) in the higher post, on his date of next increment in respect of the lower post. In other words, it should be ensured that there could have been no anomaly had the pay of the junior person on promotion been fixed under the normal rules viz. under FR 22-C direct. Also the senior person should not have been in receipt of less pay than the junior even in the lower post from time to time.

The orders refixing the pay of the senior person in accordance with the provisions of this order should be issued under FR 27 and the next increment of such a senior will be drawn on completion of the required qualifying service from the date of refixation of pay under FR 27.

Arrears will be payable only from the date of the anomaly or the date of issue of orders by the Board on the subject whichever is later.

**32. Clarification issued by Ministry of Finance regarding stepping up of pay twice.**

Ministry of Finance have clarified that in cases where a senior becomes entitled to the benefit of stepping up twice with reference to the pay of the two of his juniors promoted later, the benefit of stepping up of pay in accordance with the extant orders should be allowed only once with reference to the pay of the first 'junior' and not with reference to the second 'junior' promoted later than the first 'junior'.

**33.**The following guidelines have been laid down for stepping up of Pay of the seniors.

- . Junior person should draw more pay than his senior in the lower post from time to time in the un-revised scale as well as revised scale.
- i. The stepping up of pay of a senior person with reference to the pay of first junior with reference to whose pay anomaly has arisen can be allowed Only once.
- ii. The stepping up of pay in different cadres may be allowed only once with reference to the first junior in each cadre.

**34.**Stepping up the pay of the senior for the second time admissible

If the pay of the senior 'A' is stepped up with reference to first junior 'B' and at a later date, the pay of the said first junior 'B' is stepped up with reference to another junior 'C' the pay of the senior 'A' may again be stepped up at par with his junior 'B' provided all the conditions under the general orders for stepping up of pay are fully satisfied.

**35.**Treatment of spl. pay for the purpose of fixation of pay on appointment/ promotion to another post.

Spl. pay attached to posts falls under the following two categories viz:

- . Spl. pay granted for specific addition to duty or for arduous nature of work.
- i. Spl. pay granted in lieu of a separate higher scale of pay.

The following types of special pay will neither be taken into account for fixation of pay in the higher post nor will any protection be given for drop in emoluments.

- b. Special pay drawn in a tenure post.
- c. Deputation (duty) allowance or spl. pay drawn in lieu thereof.

**36.**

**37.**Special pay granted for specific addition to duty or for arduous nature of work.

The special pay drawn in the lower post will be protected on promotion by granting a personal pay equal to the difference between pay plus special pay drawn in the lower post and the pay due in the higher post, on the basis of the basic pay (i.e. excluding the spl. pay) in the lower post subject to the following conditions:-

- . The competent authority should certify that but for his appointment promotion to the other post, the Govt. servant would have continued to draw the spl. pay.
- a. The protection will only be for so long as the Government servant could have continued to draw the special pay.
- b. The personal pay will be absorbed in future increases of pay in the higher post.
- c. The authority competent to fix the pay of the Govt. servant on promotion will also be competent to fix pay and grant personal pay.
- d. The Head of Office should obtain a certificate from the competent authority to the effect that the Govt. servant continues to be eligible for the protection, in September and March every year.

**38. Spl. pay granted in lieu. of a separate higher scale of pay**

In cases where a Govt. servant is in receipt of a special pay in a post, his pay on promotion to a higher post may be fixed after taking into account spl. pay drawn in the lower post subject to the conditions mentioned below:-

- . In the case of persons holding substantively the lower post carrying spl. pay in lieu of a separate higher scale appointed to a higher post, the spl. pay drawn in the lower post will be treated as part of the basic pay in the lower post and pay fixed in the higher post under normal rules irrespective of the period for which the special pay was drawn. This benefit will not however be available to officers with substantive position in a cadre and holding a post carrying special pay in lieu of a separate higher scale in the cadre, as confirmation of officer in the cadre is not made against individual posts.
- a. In respect of cases other than (a) above the spl. pay drawn in a lower post will be taken into account for the purpose of fixation of pay in the higher post on promotion in the following manner:-
  - i. If the spl. pay has been drawn in the lower post continuously for a minimum period of 3 ears. on the date of promotion or if the spl. pay has been drawn in the same post for broken periods and the total of the broken periods put together is not less than 3 years on the date of promotion, the pay in the higher post will be fixed under the normal rules treating the spl. pay as part of the basic pay in the lower post.

**Note :-** In cases where the spl. pay in respect of the same post has been enhanced during the preceding 3 years of the date of promotion, the rate at which the spl. pay was drawn immediately before the date of promotion should be taken into account for the purpose of fixation of pay in the higher post.

- ii. where such spl. pay has been drawn for a minimum period of three years without break, in more than one post within the same cadre or dept., the total period will be taken into account and the spl. pay will be treated as part of the basic pay in the

lower post. If the quantum of spl. pay varies in different posts, the least of the spl. pay drawn in different posts should be taken into account.

- iii. If the spl. pay has not been drawn for a minimum period of three years, and if it is certified by the competent authority that but for the promotion, the Govt. servant would have continued to draw the special pay in the lower post, then the pay in the time scale of the higher post will be fixed under the normal rule with reference to the basic pay drawn in the lower post (excluding the spl pay). Where this results in drop in emoluments, the difference between the pay so fixed and the pay plus spl. pay drawn in the lower post will be allowed in the form of personal pay to be absorbed in future increases of pay.

39. The special pay drawn on a tenure post will neither be protected on promotion to a higher post nor treated as forcing part of basic pay for fixation of pay in the higher scale.

40. Regulation of pay of a Govt. servant who has been reduced as a punitive measure to a lower grade or Post.

The pay of a Govt. servant who has been reduced to a lower grade or post as a punitive measure may be fixed at an amount not exceeding the maximum of the lower grade or post to which he was reduced as the authority ordering the reversion may think fit, subject to the condition that the pay allowed to be drawn should not exceed the pay which would have been admissible under the operation of FR 22 read with FR 26(b) or 26(c). The regulation of increment in the lower post will be made under the normal rules unless the increment in the lower post is also withheld. If the order of reduction to the lower post or grade is for a specified period, Immediately on expiry of that period, the Govt. servant will automatically be restored to his original post or grade. If the order of reduction lays down that the period of reduction shall not operate to postpone future increments on restoration, the Govt. servant will be entitled to the pay which he would have drawn but for the order of reduction. If this takes him above the Efficiency Bar, then the procedure prescribed in FR 25 for crossing the E.B. should be followed. If, on the other hand, the order of reduction lays down that the reduction should operate to postpone future increments then on restoration, his pay will be fixed at the same stage which it was drawn at the time of his reduction to the lower post or grade. The date of his next Increment will be determined under the normal rules treating the period of reduction as non-counting for increment.

41. If the period of reduction is unspecified there will be no question of automatic restoration to the old post, in such cases, the Government servants when re-appointed to the higher post, in the normal course will have his pay fixed under the normal rules regarding pay fixation.

42. FR 22-B Fixation of Pay of Govt. servants appointed as Probationers or apprentices.

This rule mainly seeks to protect the substantive pay of the Govt. servant appointed as a Probationer or 'on probation' in a service where recruitment to permanent post is made as probationers or as an apprentice. The

protection is till the date of confirmation or regular appointment. On the date of confirmation or regular appointment the pay will be fixed under the normal rules. In the case of a permanent Govt. servant holding a higher offg. post at the time of appointment as probationer/ apprentice, the pay will not be refixed with reference to the pay that he would have drawn in the higher officiating post.

**43.FR 22-B(I)** applies to persons who are already in Govt. service at the time of their direct recruitment to another service as 'probationers'. The pay of such Probationers will be regulated as under:-

- . He will draw pay at the minimum of the time scale or at the probationary stage of the time scale.
- i. If he holds a lien or a suspended lien on any permanent post under Govt. and if and when his presumptive pay in respect of such post is more than the pay admissible under (i) above, he will draw such presumptive pay.
- ii. On confirmation in the post, after the expiry of probation, he will have his pay fixed under FR 22(I).

However, if he was holding the previous post in a temporary capacity, his pay will not be fixed under FR 22(I), but he will continue to draw the pay in the time scale of the new post.

**44.FR 22-B(2)** applies to cases of Govt. servants appointed on probation with definite conditions against temporary posts in another service or cadre where recruitment to permanent posts of such service or cadre is made as Probationers. In such cases, the pay of such Government servants will be regulated as under:-

- . he will draw pay at the minimum of the time scale or at the probationary stage of the time scale.
- i. If he holds a lien or a suspended lien on any, permanent non-tenure post, under Govt. and if and when his presumptive pay in respect of such post is more than the pay admissible under (i) above, he will draw such presumptive pay.
- ii. On regular officiating appointment in the service or cadre, his pay shall be fixed under FR 22(1)(a)(1).
- iii. If he was holding the previous post in a temporary capacity, his pay will not be fixed in the manner stated at (iii) above but he will continue to draw pay in the time scale of the new post.

**45.FR 22-B(3)** applies to cases where a Govt. servant is appointed as 'an apprentice' in another service or cadre. His pay in such cases will be regulated as under :-

- . He will draw during the period of apprenticeship, the stipend or pay prescribed for such period.
- i. If he holds a lien or a suspended lien on any other permanent non-tenure post under Govt. and if and when his presumptive pay in respect of such post is more than the stipend/ pay admissible under (i) above, he will draw such presumptive pay.



- ii. On satisfactory completion of the apprenticeship and regular appointment in the service or cadre, his pay will be fixed in the time scale of the service or cadre under FR 22(I)(a)(1), if he was holding a lien or suspended lien on another permanent post. If he was not holding a lien or suspended lien on any other permanent post, his pay will be fixed at the minimum of the scale prescribed for the new post.

#### **46. FR 23 Revision of pay scale of the same post.**

The holder of a post the pay of which is changed, shall be treated as if he was transferred to a new post on the new pay provided that he may at his option retain his old pay until the date on which he has earned his next or any subsequent increment in the old scale, or until he vacates the post or ceases to draw pay in the time scale. The option once exercised is final.

According to this rule, any Government servant who is holding a post at the time of change of its pay scale shall be entitled to an option to retain his old scale. The term 'change' has been interpreted by Govt. of India to mean any revision irrespective of whether the revision is in the upward, equivalent or downward direction, but the material point is that the revision should not change duties or responsibilities. Even if the revision is accompanied by a change in status, the option under FR 23 will be available. But when the revision is concurrent with change in duties and responsibilities, the old post will be deemed to have been substituted by the new post and the pay in such cases will be fixed under the normal rules and not under FR 23.

**47. FR 23 applies to officiating as well as substantive holders of posts. The expression 'post' includes a temporary post. A person who is not actually holding a post at the time of revision of its scale, but who has a lien or a suspended lien on that post will be entitled to the benefit of option under FR 23.**

**48. In the case of a person who is under suspension at the time of revision of scale of pay of the post held by him immediately before suspension, if the revised scale takes effect from a date prior to the date of suspension, he should be allowed an option under FR 23 even if the period during which he is to exercise the option falls within the period of suspension. He will be entitled to the benefit of increase in pay, if any, in respect of the duty period before suspension and also in the subsistence allowance for the period of suspension, as a result of such option. On the other hand, if the revised scale takes effect from a date falling within the period of suspension, and the Govt. servant holds a lien on the post, the option shall be available to him notwithstanding the fact that the effect of the option will reflect in his pay only after reinstatement, depending on the fact whether the suspension period is treated as duty or not. If he does not hold a lien on that post he will be allowed to exercise the option after reinstatement and the time limit for option will be suitably relaxed in these cases.**

#### **49. Fixation of pay in a post the scale of which has been revised.**

A Govt. servant whose scale of pay is revised, the revision falling under F.R. 23, comes over to the revised scale either on the date of revision or from a subsequent date after exercising the option under FR 23. His pay in the revised scale will be fixed as under :-

- . if the revision is in the upward or equivalent direction, under the provisions of FR 22(I)(a)(2)
- a. if the revision is in the downward direction under the provisions of FR 22-A.

As regards (a) above, the pay in the new time scale should be fixed at the stage equal to the pay drawn in the old time scale or if there is no such stage, at the stage next above the pay drawn in the old scale. If his pay in the revised scale is fixed at the same stage he will draw his next increment in the revised scale on the date on which he would have earned an increment in the old post. If his pay is fixed in the revised scale at the stage next above the pay drawn by him in the old scale, he will draw his next increment after completion of the requisite period of service to earn an increment in the revised scale.

- 50.If he had been drawing pay at the maximum of the old scale for part of a year and his pay in the revised scale is fixed at the same stage, he will get his increment after rendering service for remaining part of year. If he had been drawing the pay at the maximum of the old scale for one year or more and his pay is fixed in the revised scale at the same stage, the next increment will accrue to him in the revised scale on the same date on which his pay is fixed.
- 51.In cases where the minimum pay of the revised scale is higher than the pay drawn by the Govt. servant in the old scale, his pay in the revised scale will be fixed at the minimum and he will draw his next Increment in the revised scale only after completion of full incremental period of 12 months at that stage from the date of fixation of initial pay in the revised scale, subject to the provision of F. R. 26.
- 52.FR 22-A will apply in the matter of fixation of pay when a scale of pay is reduced. In such cases the holder of posts will get an option under FR 23 and in all probability they will choose to retain old scale till they vacate their posts.
- 53.When the revision of a scale does not fall within the purview of FR 23, the pay fixation in the new scale will be done under the normal rules.

## **(PART II)**

### **FIXATION OF PAY**

**(Under various orders of the Railway Board )**

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### **1. Fixation of Pay of Gangmen on transfer to other Deptts.**

When a Gangman is appointed as a Khalasi on transfer at his own request, in terms of instructions contained in Board's letter No. **E 68 CFP/13 dated 19.02.1959**, his pay should be fixed in the time-scale of Khalasi as follows :—

- a. At the stage equivalent to the pay drawn as Gangman ; if there is no such stage, at the stage next below, the difference being treated as Personal Pay to be absorbed in future increases in pay as Khalasi, provided that he is confirmed as Gangman or has completed two years regular service and his probation has not been extended by a specific order, in terms of instructions contained in Board letter no. **E(NG)I/88/CM5/2 dated 20.01.1989** (RBE 23/1989) subject to the maximum of the time scale of Khalasi not being exceeded.
- b. In all other cases, benefit of completed years of service as Gangman may be given for the purpose of advance increments in the time scale of Khalasi, subject to not exceeding the pay drawn as Gangman or the maximum of the time scale of Khalasi.

[No. **E(P&A)II/87/JCM/DC/2 (PP) dated 05.06.1989** (RBE 145/1989)]

### **2. Fixation of Pay of Act Apprentices and Rankers in the skilled artisan cadre -**

The rates of stipend of Artisans (skilled) are regulated in terms of the instructions contained in Board's letter No. **PC-IV/86/Imp/50 dated 19.02.1987** (RBE 29/1987) and **02.09.1987**. (RBE 225/1987). Artisans with Matriculation qualification have to undergo training for a period of 3 years and those recruited with ITI qualification or Apprenticeship in non-Railway establishments are subjected to six months training.

In accordance with the general principle followed in such cases, the rate of stipend in the latter case has been fixed at the minimum of the grade to which recruitment has been made i.e., at Rs. 950 in the scale of Rs. 950-1500, the period of training being less than one year. In the former case, however where the training period extends for more than a year the rate of stipend fixed is at the minimum of the next lower grade with an increment for the second and third years i.e., Rs. 900-20-940.

In service trainees/apprentices however are governed by the provisions of Rule FR 22 B. In the case of all trainees/apprentices however, the regular scale of the working post is granted only on successful completion of training, whether recruited from the open market or drawn from the ranks. No preferential treatment can be meted out to those recruited from the lower grades by granting the scale of the working post during the period of training.

[No. [PC-IV/89/DC-JCM/9 dated 18.07.1990](#)]

### 3. Fixation of Pay in revised scale of Rs. 800-1150 for Daftaries/Jamadars.

It has been decided that Revised scale of Rs. 800-1150 is only a replacement scale for Rs. 210-270 and not a promotional scale, for Daftaries/Jamadars. Accordingly, fixation of pay under FR 22 -C is not permissible.

### 4. National fixation of pay in respect of railway servants remaining on various kinds of leave on the crucial date, viz : 01.01.1986 in the revised scale of pay from 01.01.1986 or from the date of next or subsequent increment according to election for the revised scales.

It is clarified that in cases of railway servants remaining on various kinds of leave on the crucial date except extraordinary leave/leave without pay, the pay in the revised scales should be fixed notionally with effect from 01.01.1986 or from the date of next or subsequent increment, as the case may be, according to the election for the revised scales, but the actual benefit of such revised pay will accrue only w.e.f. the date of the joining duty after expiry of leave.

[No. [PC-IV/87/FOP/8 dated 22.09.1988](#) (RBE 220/1988)]

### 5. Pay fixation on posting as Power Controller, Crew Controller and Loco Inspector

The extant provisions of fixation by adding an element of 30% of basic pay in running category would continue to be applicable. However, a running staff initially posted as Power Controller and later shifted as Loco Inspector will get this benefit only once.

[No. [E\(P&A\)II/83/RS-10\(iv\) dated 25.11.1992](#) (RBE 198/1992)]

### 6. Fixation of pay under note (1) below Rule 7 of the RS(RP), Rule 1986 in respect of persons officiating in a higher post prior to 01.01.1986 on ad hoc basis, and where the scales of lower and higher posts have been revised into one scale from 01.01.1986.

Note (I) below Rule 7 of RS(RP) Rules, 1986 provides that where a railway servant is holding a permanent post and officiating in a higher post on a regular basis and the scales applicable to these two posts are merged into one scale, the pay shall be fixed under this sub-rule with reference to officiating post only and the pay so fixed shall be treated as substantive pay. Strictly speaking, therefore provisions of this note are not attracted in respect of

persons officiating in a higher post on 'ad hoc' basis and where the scales of lower and higher posts have been revised into one scale with effect from 01.01.1986.

However, it has been decided that in such cases of officiating appointments on ad-hoc basis, where all the attributes of appointments on regular basis are present and where regular appointment could not take place due to administrative delays, the benefit of fixation of pay envisaged in the aforesaid Note (I) below Rule 7 may be made applicable, subject to the fulfillment of the following conditions -

- i. The 'ad hoc' appointment was made from a date prior to 01.01.1986 and continued in that capacity after 01.01.1986 also.
- ii. At the time of ad hoc appointment, the Govt./Railway servant should have rendered the minimum service in the lower grade which is prescribed as a basic eligibility criteria in the relevant recruitment rules, for appointment to the higher grade.
- iii. The ad hoc appointment was made against a regular vacancy other than a leave vacancy and the appointment was made on the basis of seniority in the cadre, subject to rejection of unfit.

[No. [PC-IV/89/FOP/1 dated 21.03.1989](#) (RBE 85/1989)]

#### **7. Fixation of pay in the Railway Services (Revised Pay) Rules 1986 - Clarification regarding merger of pre-revised scales of Rs. 425-640 and Rs. 455-700 into a single revised scale of Rs. 1400-2300.**

Consequent upon introduction of Revised scales of Pay, 1986 with effect from 1.1.1986, the pre-revised scale of Rs.425-640 and Rs. 455-700 which were in operation as functional grades got replaced by a single scale of Rs. 1400-2300. In the Cash and Pay Deptt,, the scale of Rs. 455-700 was a promotional scale for Rs. 425-640.

There being no lower scale available, after 1.1.1986, option exercised by an employee for fixation of pay initially under FR 22 (a) (ii) and then re-fixation under FR 22-C with effect from the date of accrual of increment in the lower grade, prior to 01.01.1986 gets nullified. In the peculiar situation, he may be allowed a revised option to get his pay fixed under FR 22-C straightway with effect from the date of promotion before 01.01.1986.

If the promotion order was issued prior to 01.01.1986 but the employee took over the charge of the higher responsibilities after 01.01.1986, his promotion would stand nullified because of a common replacement scale having been introduced after 01.01.1986.

In such a situation, the employee is also not entitled to any stepping up of pay.

[No. [E\(P&A\)II/89/PP/15 Dated 05.09.1989](#) (RBE 223/1989)]

**8. Fixation of pay of persons promoted to a post between 01.01.1986 and 25.09.1986 under the pre-revised scales which have been merged with the pre revised -lower scales in the Revised Pay Rules, 1986.**

In Board's letter No. [E\(NG\)I-86 PM 1-11 dated 05.02.1987](#) (RBE 20/1987) it was provided that in respect of merged grades, the promotions made between 1.1.1986 and the crucial dates, i.e. 25.9.1986 on regular basis, in accordance with the classification then in force, will stand protected.

This protection is for the purpose of seniority only.

The pay of such employees has to be fixed in terms of the Railway Services (Revised Pay) Rules 1986 only. Explicit provisions exist to regulate fixation of pay under Explanation 2 to Rule 5 of this Ministry's Notification No. [PC-IV/86/RSRP/1 dated 19.09.1986](#) (RBE 168/1986) issued by the President in exercise of powers conferred by the proviso to Art. 309 of the Constitution of India, which has a statutory force.

[No. [PC- IV/88/FOP/2 dated 27.1.1989](#) (RBE 31/1989)]

**9. Fixation of pay of persons holding pre-revised non-functional selection grade to revised pay scales on personal basis.**

On the basis of recommendations of the IV Pay Commission, the scale of Rs. 2000-3200 has been introduced in the Organized Accounts Cadres w.e.f. 1.1.1986. Pending the decision regarding number of posts to be placed in the functional scales and promotional criteria to be adopted, the incumbents in the pre-revised scale of Rs. 775-1000 were placed in the corresponding revised scale of Rs. 2000-3200 w.e.f. 1.1.1986 on 'Personal' basis. As such, they are not entitled to the benefit of FR22-C/[1316](#)-R. II when appointed in a scale on personal basis and the pay in the revised scales, like in all others cases is fixed under Rule 7 of RS(RP) Rules, 1986.

The number of posts in the higher scale of Rs. 2000-3200 and promotional criteria having been decided during 1987, appointments on functional basis have been made effective from 01.04.1987. On appointment on 'functional' basis, these employees become entitled to benefit of FR 22-C/[1316](#) R.II.

The non-functional Selection grade posts in the pre-revised scales Rs. 775-1000 for SO-A/Cs/ISA/TIA in the Accounts Cadre having been replaced by the functional scale of Rs. 2000-3200 w.e.f. 1.4.87, the benefit of fixation under FR 22-C has been allowed only from that date. Those holding the Selection grade posts as on 1.1.1986, were allowed the revised scale of Rs. 2000-3200 on a personal basis till 1.4.1987. This has given rise to anomalies where a senior employee holding the selection grade in the revised scale of Rs. 2000-3200 on personal basis and promoted to Group 'B' as Asst. Accounts Officer before 1.4.1987. was drawing less pay than his junior who had got the benefit of fixation under FR 22-C w.e.f. 1.4.1987 on promotion to revised functional grade of SO A/Cs/Sr. TIA/Sr. ISA in scale Rs. 2000-3200 and was promoted to Gr. B thereafter. To remove such anomaly, it has been decided that the pay of senior staff may be stepped up on par with that of juniors in cases where the anomaly of seniors drawing less pay than juniors has arisen consequent on

introduction of the intermediary functional grade of Rs. 2000-3200 w.e.f. 1.4.1987 in the organised accounts cadre (80 : 20) subject to the following conditions.

- i. the scale of pay of the lower grade (before introduction of intermediary posts) and the higher post in which the junior and senior are entitled to draw pay should be identical.
- ii. the senior person should have been eligible for appointment to the intermediary post, but for his working in the higher grade on or before the date on which the junior was appointed to the intermediary post.
- iii. the junior person should not have drawn more pay than the senior by virtue of fixation of pay under normal rules or any advance increments granted to him in the lower grade posts as a result of the junior person holding the intermediary post at the time of his promotion to the higher grade.
- iv. the stepping up of pay would be done with effect from the date of appointment of the junior to the higher grade but the actual benefit would be available with effect from the first of the month of the issue if necessary orders or the date of anomaly, whichever is later, and
- v. the condition for junior and senior posts in the lower and higher posts stipulated in condition no. (i) may be interpreted with reference to the ordinary grade of the lower post.

[No. [PC-IV/86/Imp/42](#) dated [20.09.1988](#) (RBE 216/1988),  
dated [14.08.1989](#) (RBE 208/1989).  
[18.12.1990](#) (RBE 238/1990)  
and [11.11.1991](#) (RBE 197/1991)]

#### **10. Pay of Group B Stenographer on appointment as Section Officer to be fixed w.r.t. his pay in Group 'C' only.**

When a Group B Stenographer of the RBSSS is appointed as Section Officer, on the basis of competitive examination, his pay may be fixed in the scale of pay attached to the post of Section Officer under the normal rules/orders, with reference to his presumptive pay in the post of Stenographer Gr. 'C' and not with reference to the pay in the post of Grade B Stenographer, because under the regulations, only Gr. 'C' Stenographers are eligible to take the examination.

#### **11. Fixation of pay of officers promoted from Group B to senior scale, Grade A.**

In the case of Group B Officers of various Departments, regularly promoted to officiate directly to Group A Senior Scale, on or after 1.1.1986, the pay shall be fixed in senior scale Gr. A w.r.t. pay in the Group B post under Rule 2018-B (FR 22-C) R. II. The earlier system of fixation of notional pay in the Junior scale Class I. under Rule 2018-B (FR 22-C) R. II and then fixing the pay in the senior scale, ceases to be operative w.e.f. 1.1.1986.

[No. [PC-IV/86/Imp/36](#) dated [05.06.1987](#) (RBE 146/1987)]



**12. Application of Rule 2018-B (FR 22-C) R. II in the case of officers promoted from Group B to senior scale, Group A.**

Fixation of pay of Group 'B' officers on their promotion to Group A/Senior Scale be regulated as under :—

- a. The fixation of pay of Group B officers promoted directly to senior scale of Group A on ad-hoc basis may be fixed under FR 22-C.
- b. When Group B Officer is appointed to junior scale of Group 'A' but he continues to officiate in senior scale of Group A in that case from the date of appointment to junior scale 'A' the pay may be fixed under FR 22-C and again from junior scale to senior scale under FR 22-C.

The orders at (a) above are already in force vide Board's letter No. [PC-IV/86/Imp/36 dated 05.06.1987](#) (RBE 146/1987). The orders at (b) above also take effect from 01.01.1986.

[No. [PC-IV186/Imp/36 dated 10.9.1992](#) (RBE 150/1992)]

**13. Fixation of pay of the Officers of RPSF in the 4th Pay Commission scales.**

According to the provisions contained in Rule 7(1) (B) of the Railway Services (Revised Pay) Rules, 1986, special pay in the existing scale is to be taken into account for purposes of fixation in the revised pay scales if the existing scale with the special pay has been replaced by a scale of pay without any special pay. This would connote those special pays which were in lieu of a higher scale of pay.

The Asst. Commandants and Commandants of the RPSF were being given a special pay of Rs. 100 p.m. and Rs. 150 p.m. in terms of Board's letter No. [PC-III/74/PS-1-2 dated 14.11.1975](#) so long as they worked against these posts. In other words this special pay was not admissible to them in the RPF nor was it part of their pay scale but was granted during their tenure in the RPSF taking into account the arduous nature of their duties.

Since officers of the RPSF are drafted from amongst the officers of the RPF and the special pay is admissible to them only during their tenure in the RPSF for compensating their strenuous duties in the RPSF, fixation of pay under RS(RP) Rules 1986, under Rule 7(1) (B) of such offices during their tenure in RPSF, after taking into special pay admissible to them at that time is not correct. Action may be taken to rectify all such cases of erroneous fixation where the special pay admissible in the RPSF has been taken into account for purposes of fixation in the Revised Pay Scales.

[No. [PC-IV/88/4/1 dated 05.10.1990](#) (RBE 178/1990)]

**14. Fixation of pay on appointment from one post to another not involving assumption of higher responsibilities including appointment to non-functional selection grade posts.**

When a railway employee is appointed from one post to another, where the appointment to the new post does not involve assumption of duties and responsibilities of greater importance, than those attached to the old post, including appointment to a non-functional selection grade, he will draw as initial pay the stage of the time scale of the new post which is equal to his pay in respect of the old post, or if there is no such stage, the stage next above his pay in respect of the old post.

While in the former case, his next increment will become due on the date he would have received an increment in the old post, in the later case, his next increment in the new post, would become due on completion of the required period, after which an increment is earned, in the time scale of the new post.

If the minimum pay of the time scale of the new post is higher than his pay in respect of the old post, he would draw that minimum as his initial pay. Option shall also be available for fixation of pay straightaway or with effect from the date of next increment in the old post under these orders.

[No. [PC-IV/89/FOP/8 dated 7.6.1989](#) (RBE 149/1989)]

**15. Fixation of pay on appointment from one post to another not involving assumption of higher duties and responsibilities including appointment to non-functional selection grade posts.**

Instances have come to notice where officers of J.A. grade in Organised Gr. 'A' services are retrospectively appointed to the non-functional selection grade of Rs. 4500-5700 with effect from a date earlier than the date of option for fixation in the revised JAG under RS(RP) Rules 1986 or their date of option for fixation under Rule [1316](#)(FR 22C) R. II in cases of promotion to the JAG taking place after 01.01.1986. It has been represented that fixation of pay in the non-functional selection grade retrospectively results in the financial hardship in the fixation of pay of these officers and may also result in recoveries in a number of cases.

In such cases, it has been decided that the officer may be allowed an option to have his pay fixed in the non-functional Selection Grade of Rs. 4500-5700 w.e.f. the date on which he has opted for fixation in the revised JAG under RS(RP) Rules 1986, or under the provisions of Rule [1316](#)(FR 22-C) R. II as the case may be, if such fixation is advantageous to the officers regardless of the date from which the officer may have been promoted to the selection grade. In such case, the next increment in the non-functional selection grade will accrue on the anniversary of fixation, and not from the date of promotion to the selection grade. Past cases, if any, may also be decided in terms of these orders.

Provisions contained in this Ministry's letter dated [7.6.1989](#) (RBE 149/1989) will also apply to persons who were appointed/promoted to such posts not involving assumption of duties and responsibilities of greater importance on or after 1.1.1986 and had either retired or were promoted to higher posts before the issue of that letter.

[No. [PC-IV/89/FOP/2 dated 21.09.1989](#) (RBE 241/89)]

**16. Fixation of Pay on promotion of Railway Board Sectt. Service Officers from under Secretary level to Dy. Secy. level.**

The pay of RBSS Officers promoted from the post of Under Secretary to Deputy Secretary, with effect from 1.1.1986 may be fixed by applying the following principle-

The pay shall be fixed at the higher of the two amounts indicated below :-

- i. the minimum, of the time scale of the selection grade of RBSS, and
- ii. the stage in time scale of the selection grade of RBSS equal to the pay of the officer in grade I of RBSS plus Rs. 250 or, if there is no such stage, at the next higher stage.

In the case of officers officiating in the Selection grade of RBSS, on an enhancement of their substantive pay in Gr. I of RBSS, as a result of increment or otherwise, the officiating pay of the officers in the selection grade shall be re-fixed in accordance with the above provisions if such a re-fixation is to their advantage.

[No. [PC-IV/91/FOP/1 dated 23.10.1991](#) (RBE 183/1991)]

**17. Encadring of posts for the purpose of fixation of pay.**

In terms of Board's letter No. [E\(GC\)62CA-3-12 dated 31.03.1964](#) the following posts have been treated as cadre posts belonging to the regular gazetted cadre of the Railway Department from which the incumbent of each post was drawn, for the time being -

- Directors and Jt. Directors, Railway Board.
- Directors and Joint Directors, RDSO
- Railway Liaison Officer
- Divisional Supdts.
- S.D.G.Ms
- Dy. GMs on the Railways etc.

It has now been decided that for the purpose of fixation of pay, the posts of AGMs of Railways, CAO(R), Advisers, Railway Board and Secretary Railway Board - all in the scale of Rs. 7300-7600, should also be treated as cadre posts belonging to the regular gazetted cadre of the discipline from which the incumbent of the post is drawn for the time being. This would enable fixation of pay, on appointment as GMs or equivalent with reference to pay drawn by them as AGMs/CAO(R)/Advisers, Railway Board/Secretary Railway Board. However, NBR certificates with reference to appointments in the above posts would be admissible.

These instructions supersede the instructions contained in Board's letter No. [86/E\(O\)II/21/8 dated 20.05.1987](#) and would take effect from 03.08.1988. Past cases decided otherwise need not be re-opened.

[No. [89/E\(O\)II.21/9 dated 02.05.1989](#)]

**18. Guidelines for fixing pay of candidates working in public sector undertakings etc. recommended for appointment by the Commission by the method of recruitment by selection.**

When candidates working in PSUs, Universities, Semi-Govt. institutions or autonomous bodies are appointed as direct recruits on selection through a properly constituted agency including departmental authorities making recruitment directly, their initial pay may be fixed at a stage in the scale of pay attached to the post so that the pay plus dearness allowance as admissible in the Government, will protect the pay plus dearness allowance already being drawn by them in their parent organizations. In the event of such a stage not being available in the post to which they have been recruited, their pay may be fixed at a stage just below in the scale of the post to which they have been recruited so as to ensure a minimum loss to the candidates. The pay fixed under this formulation will not exceed the maximum of the scale of the post to which they have been recruited. The pay fixation is to be made by the employing Ministries/Departments after verification of all the relevant documents produced by the candidates who were employed in such organizations.

Since these orders seek to amplify the scope of the existing orders governing benefit of pay fixation of candidates who are appointed by the method of selection through U.P.S.C., after rendering some spell of service under the Central Government, the instructions contained in Board's letter dated [08.01.1992](#) (RBE 5/1992) are to be read in conjunction with the rules and orders already existing on the subject in the case of transfer from one Central Government post to another Central Government post. All conditions prescribed for cases involving Central Government transfer have therefore to be followed.

[No. [F\(E\)II/91/PA1/1](#) dated [08.01.1992](#) (RBE 5/1992) and No. [F\(E\)II/91/PA1/1](#) dated [16.07.1992](#) (RBE 112/1992)]

**19. Fixation of pay of re-employed Pensioners.**

Detailed orders on the subject have been reproduced in [Master Circular No. 33](#) of 1991.

Under Ministry of Railways letter No. [PC-IV/86/FOP/4 dated 04.05.1987](#) (RBE 104/1987), persons re-employed in railway posts after retirement and who were in re-employment as on 01.01.1986 were allowed to draw pay in the revised scale under the RS(RP) Rules 1986. With the revision of the pension of the employees w.e.f. 1.1.1986, it has been decided that pay of pensioners who were in re-employment on 1.1.1986 and whose pay was fixed in accordance with the provisions of this Ministry's letter dated [04.05.1987](#) (RBE 104/1987) may be re-fixed w.e.f. 1.1.1986 by taking into account the revised pensions. Likewise increase in the pension of ex-servicemen under separate orders of Ministry of Defence, may also be adjusted by re-fixation of their pay in terms of provisions of this Ministry's letter dated 4.5.1987. All re-employed Pensioners will be required to intimate to the Head of Officers in which they

are working the amount of revised pension sanctioned to them w.e.f. 1.1.1986 for the purpose of re-fixation of their pay after taking into account their revised pension.

[No. [PC-IV/86/FOP/4 dated 13.10.1987](#) (RBE 257/1987)]

It has been decided that in the case of Pensioners who are in re-employment in railway service as on 01.01.1986 and in whose case, NPA was available with the existing scales and is admissible as a separate element with the revised also, pay may be fixed in accordance with provisions of Rules 7(1) (D) of RS(RP) Rules,1986.

[No. [PC-IV/86/FOP/4 dated 10.08.1988](#) (RBE 179/1988)]

## 20. Fixation of pay of re-employed pensioners.

In Board's letter of even number [dated 21.07.1988/ 01.08.1988](#) (RBE 167/1988) regarding fixation of pay on re-employment of pensioners it was inter alia provided that in fixing the initial pay of re-employed pensioners, the pension equivalent of gratuity may not be deducted from the pay so fixed.

These instructions were effected from 1.6.88.

It has now been decided that the provisions of the earlier letter of [dated 21.07.1988/ 01.08.1988](#) (RBE 167/1988) referred to above will also be extended to persons already re-employed prior to 01.06.1988 in whose case PEG was taken into account for initial pay fixation. Their pay would therefore require to be refixed with effect from 1.6.1988 by ignoring the element of pension equivalent of gratuity.

[No. [E\(G\)86 EM 1 -8 dated 06.12.1988](#) (RBE 266/1988)]

## 21. Anomaly in fixation of pay of Loco Supervisory staff appointed prior to 01.01.1986 with reference to juniors appointed after 01.01.1986 and drawing more pay than the seniors.

In Board's letter of even number dated [16.09.1988](#) (RBE 209/1988) on the above subject, it was laid down as a condition for stepping up of pay of the senior that the notional pay of the junior in the revised (4th Pay Commission) scale of Rs. 2000-3200, hypothetically fixed, on the assumption that the junior was also appointed in the pre-revised Loco Supervisory grade prior to 1.1.1986, should be less than that of the senior.

The anomaly of the senior drawing less pay than the junior in the revised scales would be present even in cases where the notional pay of the junior in the revised (4th Pay Commission) scales of Rs.2000-3200 fixed hypothetically on the assumption stated above happens to be equal to that of the senior.

Accordingly, it has been decided that a senior Loco Supervisor appointed prior to 1.1.1986 and fixed in the revised scale of Rs. 2000-3200 will be entitled to stepping up of pay envisaged in Board's letter of [16.09.1988](#) (RBE 209/1988)

under reference where the notional pay of the junior in the revised (4th Pay Commission) scale of Rs. 2000-3200 hypothetically fixed on the assumption that he was appointed to the pre-revised Loco Supervisory grade prior to 1.1.1986 is either equal to or less than that of the senior, subject to other codal conditions being fulfilled.

[No. [E\(P&A\)II/88/RS-12 dated 14.09.1990](#) (RBE 144/1990)]

## **22. Fixation of Pay of Principal Foreman in workshop - stepping up of pay on par with Juniors.**

Consequent upon fixation of pay under Rule 7 Note 1 of Railway Services (Revised Pay) Rules, 1986, Shop Supdts. (Rs. 840-1040) promoted to the post of Principal Foreman (Rs. 840-1200) prior to 1.1.1986 got their pay Fixed in the Revised Scale of Rs. 2375-3500 in relation to their pay in the scale of Rs. 840-1200.

It has come to notice that certain Shop Supts. in Rs. 840-1040 who were promoted as Principal Foreman (840-1200) prior to 1.1.1986 happen to draw less pay than their juniors in the scale of Rs. 840-1040 due to grant of stagnation increments after fixation in the revised scale of Rs. 2375-3500.

It has been decided that in such cases, the pay of the Senior (Principal Foreman) may be stepped up in the revised scale at par with his junior (Foreman 'A'/Shop Supdt.) provided the senior would have reached the maximum of Rs. 1040 in the scale of Rs. 840-1040 on the same date or before the date his junior reached the maximum of Rs. 1040 in that scale.

[No. [PC-IV/87/9/2 Dated 17/31.1.1990](#) (RBE 11/1990)]

## **23. Restrictions under FR 35 to be invoked only in the case of promotions not on regular basis.**

In case of appointment on promotion, in the normal line within the cadre but which are not on regular basis initially, the pay may be fixed under FR 22(I)(a)(I) (erstwhile FR 22-C). If there is substantial increase in pay so fixed, the pay may be restricted under FR 35 in accordance with the provisions contained in D.P. & T's O.M. No. 10/12/85-Estt (Pay-1) dated 18.07.1986 and modified vide No. 18/12/85-Estt. (Pay-1) dated 18.07.1986 and modified vide No. 18/26/86-Estt (Pay-1) dated 29.07.1987 circulated by Ministry of Railways under their letter No. [F\(E\)II/86/PA1/1 dated 28.11.1987](#) (RBE 374/1987). The effect of this order is that restrictions under FR 35 are not to be invoked where a Government servant holding the post in substantive or temporary or officiating capacity as the case may be subject to the fulfillment of the eligibility conditions as prescribed in relevant recruitment rules to another post carrying duties and responsibilities of greater importance.

## **24. Protection of Pay of surplus staff when absorbed in lower alternative posts.**

Under the extant provisions contained in [para 603](#) (ii) of Indian Railway Establishment Manual, Vol. I (Revised Edition 1989) the pay of the permanent

staff on transfer from a higher grade post to a lower grade post is fixed by counting number of years of service rendered in the higher grade post for increments in the lower grade posts. The pay of the surplus staff on their absorption in the alternative lower post is also being fixed in terms of these provisions.

It has now been decided that the pay of the surplus staff on absorption in the lower alternative posts shall be fixed at the stage equivalent to the pay drawn by him in the post from which he has been rendered surplus and if there is no such stage available, in the scale of new post held by him at the stage next below, the difference to be treated as personal pay to be absorbed in future increments. However, this shall be subject to the condition that the pay so fixed should not exceed the maximum of the scale of the post in which the surplus staff is being absorbed.

The above pay protection shall not be extended where despite availability of post in a matching pay scale, the person is re-deployed/re-adjusted in a post carrying a lower pay scale at his own request.

This order has prospective effect.

[No. [E\(P&A\)II/91/PP/17 dated 23.09.1992](#) (RBE 160/92)]

**25. Grant of special pay of Rs. 70 p.m. to UDCs in the non-secretariat administrative offices.**

The special pay of Rs. 35 (Rs. 70 in the Revised Pay Scale) paid to UDCs under Board's letter No. [PC-III/79-SP/1/UDC dated 11.07.1979](#) shall be taken into account for fixation of pay on promotion subject to the following conditions :

- a. that the incumbent is a substantive holder of the post to which the special pay is attached;
- OR
- b. that the incumbent on the date of his appointment to higher post is officiating in the lower post to which the special pay is attached, continuously for a period of not less than three years.

These orders are effective from 01.09.1985. However, in the case of those UDCs who were drawing special pay of Rs. 35 and were promoted to higher posts prior to 01.09.1985 and who fulfil the above-mentioned conditions the pay may be refixed on notional basis from the date of their promotion by taking the special pay of Rs. 35 into account. The actual benefit may, however, be allowed to them only from 01.09.1985, without payment of any arrears. The special pay counts for fixation of pay on promotion even in cases of deemed confirmation consequent upon Government's decisions to confirm an employee in the initial post only. This provision is effective from 01.04.1988.

In the case of those staff whose pay was fixed notionally taking the special pay into account but retired prior to 01.09.1985, the increased pay not actually drawn cannot be taken into account for continuation of pension.

[No. [PC-III/79/SP/1/UDC](#) dated [27.11.1987](#) (RBE 286/1987),  
No. [PC-III/79/SP/1/UDC](#) dated [02.08.1989](#) (RBE 195/1989),  
& No. [PC-III/79/SP/1/UDC Dated 26.12.1990](#) (RBE 240/1990)]

**26. Special Pay of Rs.35 drawn by CG-1 (redesignated as Accounts Assistant) in Railway Account Deptt., to Count for fixation of pay as per Rule (1) (B) RS(RP) Rules, 1986.**

While the special pay of Rs. 35 has been revised to Rs. 70 p.m. with effect from 01.01.1986 in the case of UDCs of non-secretariat administrative offices, in the case of CG-1 of Accounts Deptt, Special pay stands abolished consequent upon introduction of higher functional grade of Rs. 1400-2600 based on the recommendations of the 4th Pay Commission. Further special pay of Rs. 35 was not treated as part of 'existing emoluments' for the purpose of fixation of pay in the revised scale, as per Rule 7(1) (B) of the RS(RP) Rules 1986.

The CAT has allowed the petitions of aggrieved employees (Clerks Grade I of Accounts Deptt.) and directed to treat the special pay of Rs. 35 as part of the existing emoluments under Rule 7(1) (B) of RS(RP) Rules, 1986. With the decision to implement these judgments, it has also been decided to extend the benefit of judgment to similarly placed persons in the Railway Accounts Deptt. pre-revised scale of pay of Rs. 35 drawn by them in the pre-revised scale of pay as part of existing emoluments for the purpose of fixation of pay in the revised scales of pay under Rules 7(1) (B) of RS(RP) Rules, 1986.

As a result of these orders, cases may arise where juniors performing complex nature of functions in the pre-revised set up and consequently getting special pay of Rs. 35 p.m. may get the pay fixed in the revised scale at a higher stage than the seniors who were not performing complex nature of functions and were therefore, not getting the special pay. Such cases, if any, cannot be treated as anomalous because juniors will be drawing higher pay than seniors by virtue of having performed duties of complex nature and drawn special pay. Thus there will be no question of stepping up of pay of seniors, on this account.

[No. [PC-IV/89/RSRP/1 Dated 20.07.1989](#) (RBE 187/1989)]

**27. Stepping up of pay of seniors with reference to juniors drawing more pay.**

In Board's letter No. [PC-III/ROP1/46 dated 05.10.1976](#), it was stated that benefit of stepping up of pay may be given even on ad hoc promotion provided that the ad hoc promotion of the senior and junior persons were followed by their regular promotions without break. The pay of the senior person, in such cases was to be stepped up from the date of occurrence if the anomaly i.e., from the date of promotion of the junior and not from the date of regularisation of his promotions.



It has now been decided that the benefit of stepping up of pay of seniors with reference to that of juniors should be allowed only in cases where the promotions are on a regular basis. The instructions contained in Board's letter dated 05.10.1976 may therefore, be treated as withdrawn.

[No. [E\(P&A\)II/90/PP-2 dated 11.06.1990](#) (RBE 98/1990)]

**28. Stepping of pay of Cl.1 Probationers appointed to class I services in the pre-revised scale of pay with reference to their juniors drawing more pay in the revised scale.**

Many Group 'A' Probationary Officers of different Railway Services who had drawn two advance increments in the pre-revised scales for passing the Departmental Examinations had represented that their juniors who have drawn similar increments after coming over to the Revised Pay Scales, 1986, are drawing more pay mainly because of bunching as a result of which Probationers drawing pay of Rs.700 as well as Rs. 740 in the pre-revised scale of Rs.700-1300 have got fixed at the same stage of Rs. 2200.

To remove this anomaly, it has been decided that the pay of the Seniors appointed to Group 'A' services in the pre-revised scales may be stepped up with regard to the pay of "their juniors, drawing more pay in the revised scale from the date of such anomaly provided the anomaly is directly as a result of senior having earned advance increments for passing the departmental examination before 1.1.1986 and the Junior after 1.1.1986.

[No. [PC-IV/87/FOP/9 dated 13.12.1989](#) (RBE 307/89)]

**29. Hardships to non-gazetted staff due to administrative errors - Loss in seniority and pay.**

Sometimes due to administrative errors staff are overlooked for promotion to higher grades. Loss of seniority due to administrative errors can be of two types.

- a. where a person has not been promoted at all because of administrative error; and
- b. where a person has been promoted but not on the date from which he should have been promoted but for the administrative error.

The staff who have lost promotion on account of administrative errors should on promotion be assigned correct seniority vis-à-vis their juniors already promoted, irrespective of the date of promotion. Pay in the higher grade on promotion may be fixed proforma at the stage which the employee would have reached if he was promoted at the proper time. The enhanced pay may be allowed from the date of actual promotion. No arrears on this account shall be payable, as he did not actually shoulder the duties and responsibilities of the higher posts.

[No. [E\(NG\)63 PM 1/82 dated 15/17.09.1964](#)]

**30. Seniority and problems fixation of pay of Temporary ex-grainshop staff who are non-matriculantes.**

The Ministry of Railways have decided that the benefit of proforma fixation be given even to the non-matriculantes absorbed in the various departments on winding up of the grainshop department subject to the stipulation made in their letter of even number dated 15.12.1977. This is in partial modification of Board's letter No. E(NG)II/76/RE1/13 dated 05.06.1981.

[E(NG)II/74/RE 1/2 dated 19.01.1985 (RBE 23/85)]

**31. Rate of Stipend/Pay and Allowances admissible to serving railway servants during apprenticeship/training.**

It has been decided that serving Railway servants taken inter-apprentices for whom the period of training is less than the period prescribed for direct recruits would also be governed by the provisions of Rule 1315 (PR 22 B)-R. II (1987 Edition) provided they possess the same qualifications as prescribed for direct recruits. The term inter-apprentices refers to serving Railways servants who are taken as departmental candidates against a quota earmarked for them and even in-service training before they are absorbed against the higher posts. This is in partial modifications of instructions contained in item (ii) of Board's letter No. E(S) 63/CPC/45 dated 21.03.1966 which was circulated alongwith the letter dated 06.04.1979.

[No. PC-IV/89/DC/JCM/9 dated 08.07.1991 (RBE 127/91)  
& No. PC-IV/89/DC/JCM/9 dated 16.12.1991 (RBE 211/91)]