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**GOVERNMENT OF INDIA
MINISTRY OF DEFENCE**

OFFICE OF THE PRINCIPAL CONTROLLER OF ACCOUNTS (FYS)

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Part. I Office Order No. AT/08

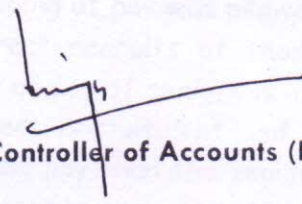
Date: 10/10/2018

To
All CsFA /All Br AOs

Subject: Central Civil Service (Revised Pay) Rules, 2008-section-II of the Part 'A' of First schedule thereto-Entry Pay for Direct recruits appointed on or after 01/01/2006 and pay fixation in the case of **persons other than such direct recruits**.

A copy of Government of India Ministry of Finance (Department of Expenditure), Office Memorandum No. 8-23/2017-E.IIIA, dated 28/09/2018 on the above subject which is available on the CGDA website, is forwarded herewith for information, guidance and compliance, please.

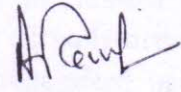
Encl: As above.


Deputy Controller of Accounts (Fys)

No. Pay/Tech-I/01(6th CPC) dated 10/10/2018

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AO (Fys)

10/10/18

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No. 8-23/2017-E.IIIA
Government of India
Ministry of Finance
Department of Expenditure

North Block, New Delhi
28th September, 2018

Office Memorandum

Subject: Central Civil Services (Revised Pay) Rules, 2008 - Section II of the Part 'A' of the First Schedule thereto- entry pay for direct recruits appointed on or after 1.1.2006 and pay fixation in the case of persons other than such direct recruits.

The undersigned is directed to invite the attention to the provisions contained in Section-2 of Part 'A' of the First Schedule of the Central Civil Services (Revised Pay) Rules, 2008 which provides for entry pay in the revised pay structure (pay structure effective from 1.1.2006 up to 31.12.2015) for direct recruits appointed on or after 1.1.2006 on a post and to say that pay in respect of persons appointed to the same posts before 1.1.2006 is required to be fixed as on 1.1.2006 under Rule 7 (1)(A)(i) and pay in respect persons appointed on the same post on promotion on or after 1.1.2006 is required to be fixed under Rule 13 thereof.

2. A number of references were received in Ministry of Finance, Department of Expenditure, stating that the pay of seniors of a post was fixed at a stage lower than the entry pay applicable to the persons appointed on direct recruitment basis on that post on or after 1.1.2006. In such cases stepping of pay was allowed to the senior employee at par with the entry pay of direct recruits of those posts, subject to the conditions, inter-alia, that stepping up of pay of seniors is applicable only in those cases which have an element of direct recruitment and where a directly recruited junior is actually drawing more basic pay than the seniors. Thus, the stepping up of pay of senior employees was admissible from the date a junior direct recruit joined on or after 1.1.2006.

3. The matter was also considered in the meeting of the National Anomaly Committee (NAC) held on 17.7.2012 based on a demand raised by the Staff Side under the JCM. NAC had recommended that in cases where Recruitment Rules provide for direct recruitment, then the stepping up of pay of senior may be considered, even if no actual direct recruitment takes place or no direct recruit has actually joined. However, it was decided that stepping up of the pay of seniors can be claimed only in the case of those cadres which have an element of direct recruitment and in cases where a directly recruited junior is actually drawing more basic pay than the seniors. Thus, stepping up of pay was dependent upon actual joining of a direct recruit.

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4. Trained Graduate Teachers (TGTs) of the Government of National Capital Territories of Delhi (GNCTD) filed an OA No. 3217/2014 before the Hon'ble Principal Bench of CAT. The 13 petitioners of the post of Trained Graduate Teachers (TGT) comprised those who were appointed as TGT before 1.1.2006 as also those who were promoted to the post of TGT on or after 1.1.2006. The pay of these 13 employees had been fixed as per the relevant provisions of the CCS(RP) Rules, 2008 and the same happened to be lower than the entry pay as applicable to direct recruits of the post of TGT appointed on or after 1.1.2006. These petitioners prayed for re-fixing their pay as applicable to direct recruits appointed on or after 1.1.2006.

5. The Hon'ble Principal Bench of CAT in their order dated 4.4.2016 in OA No.3217/2014 allowed the application and directed the Government to ensure that none of the applicant's pay is fixed at a stage lower than the pay which could be drawn by a direct recruit appointed on or after 1.1.2006. The order of Hon'ble CAT dated 4.4.2016 was upheld by the Hon'ble Delhi High Court in terms of their order dated 23.3.2017 in WP(C) No.2634/2017. The Hon'ble Delhi High Court in its order dated 23.3.2017 observed, inter-alia, that the plea of stepping up of pay, as mentioned in para 2 above, means that the direct recruits should have actually joined before any stepping up of pay can be granted and the date of joining would be different as filling up of direct recruit vacancies in the cadre would depend upon vacancy position, selection etc. The Hon'ble Delhi High Court held that this was unacceptable.

6. The matter arising out of the aforesaid order of Hon'ble Delhi High Court dated 23.3.2017 was heard by the Hon'ble Supreme Court as part of the SLP and in its order dated 01.09.2017 (Dy. No. 23563/2017), the Hon'ble Supreme Court has observed that once the question, in principle, has been settled, it is only appropriate on the part of the Government to issue a Circular. The Hon'ble Supreme Court further observed that the present situation is that the stepping up is available only to those who have approached the Court but since the issue otherwise became final, the Hon'ble Supreme Court directed Government to immediately look into the matter and issue appropriate orders.

7. Accordingly, the matter has been considered in the light of the above background and in the context of the specific orders of Hon'ble Supreme Court dated 01.09.2017 as arising out of the original issue raised by the Trained Graduated Teachers of GNCTD in terms of their OA No. 3217/2014. As mentioned above, the petitioners in that case were those who were appointed as TGT before 1.1.2006 and also promoted as TGT on or after 1.1.2006, and had occasion for grievance because their pay in the pay structure in vogue from 1.1.2006 had been fixed lower than the entry pay as prescribed for direct recruits appointed as TGT on or after 1.1.2006. Therefore, the principle of the benefit of

