



EAST COAST RAILWAY

मुख्य कार्मिक अधिकारी का कार्यालय/
Office of the Pr.Chief Personnel Officer

द्वितीय तल, - 751 017
Rail Sadan, IInd Floor, Bhubaneswar-751 017

स्थापना क्रमांक/ Estt. Srl. No.181/2018
पूतरे/कार्मिक/आर/ECOR/Pers/R/Fixation

RBE NO-158/2018
Date: 02.11.2018


सेवा मे,
सभी प्रमुख विभागाध्यक्षों/समन्वयक विभागाध्यक्षों, पू त रे/भुवनेश्वर
मं. रे. प्र/व. मं. का. अधिकारी/मं. का. अधिकारी-खोरधारोड, वालातेरू, संबलपुर,
मु. कारखाना प्रबंधक/कारखाना कार्मिक अधिकारी- मंचेश्वर, अतिरिक्त रजिस्ट्रार/रेल दावा अधिकरण,
व. का अधिकारी (नि) /भुवनेश्वर
महा सचिव/इकोर श्र. कां., महा सचिव/इकोर श्र. यू.,
महा सचिव/एआई ओ बी सी आर ई ए, महा सचिव/ ए आई एस सी एस टी आर ई ए

Sub: Railway 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 01.01.2006 and pay fixation in the case of persons other than such direct recruits.

उपर्युक्त विषय पर बोर्ड पत्र सं. PC-VI/2018//RSRP/1 दिनांक 12.10.2018 की प्रतिलिपि सूचना, मार्गदर्शन एवं आवश्यक कार्रवाई हेतु अग्रेषित है।

A copy of the Board's Lr.No PC-VI/2018//RSRP/1 dated 12.10.2018 on the above quoted subject is forwarded herewith for information, guidance and necessary action.

Encl: As above,


(Gundicha Sethy)
Dy.Chief Personnel Officer(IR&W)
For Pr. Chief Personnel Officer

प्रतिलिपि प्रेषित/Copy to :

- 1) महाप्रबंधक के सचिव/पूर्व तट रेलवे, भुवनेश्वर
- 2) मुकाधि/मुकाधि(प्रशा.), उप म.प्र, अध्यक्ष(रेलवे भर्ती प्रकोष्ठ)
- 3) उप मुख्य प्रबंधक(सू.प्रौ), उप मुकाधि(औ.सं. एवं कल्याण), वकाधि(इंजी.)
- 4) वकाधि(मुख्या.), वकाधि(स्टाफ), वकाधि(राज. एवं न्याया.)
- 5) मुकाधि के निजी सचिव/सहा.कार्मिक अधि. (मुख्या.-1), सहा.कार्मिक अधि. (कल्याण), सहा.कार्मिक अधि. (बिल), सहा.कार्मिक अधि. (भर्ती)

2182
23/11/18
GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)
(RAILWAY BOARD)

S.No.PC-VI/ 389

No. PC-VI /2018/I/RSRP/1

23/11/18
RBE No. 158/2018
New Delhi, dated 12.10.2018

The General Managers
All Indian Railways & PUs,
(As per mailing list)

Sub: Railway 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.

A copy of Ministry of Finance, Department of Expenditure's OM No. 8-23/2017-E.IIIA dated 28.9.2018 on the above subject is enclosed for information and compliance. These instructions shall apply mutatis mutandis on the Railways also.

2. A concordance of Ministry of Finance's instructions referred to in the enclosed Office Memorandum and Railway Board's corresponding instructions are given below:-

S. No	No. and date of notification issued by Ministry of Finance's O.M./Orders	No. and date of corresponding notification issued by Ministry of Railways (Railway Board).
1	Central Civil Services (Revised Pay) Rules, 2008 notified vide G.S.R. 622(E) dated 29.8.2008.	Railway Services (Revised Pay) Rules 2008 notified vide G.S.R. 643(E) dated 04.09.2008 (RBE No.103/2008).

3 This issues with concurrence of the Finance Directorate of the Ministry of Railways.

(S.Balachandra Iyer)
Executive Director, Pay Commission-II
Railway Board

Pay & Accounts Officer,
Ministry of Railways,
Railway Board, New Delhi.

No.PC-VI/2018/I/RSRP/1

New Delhi, dated 12.10.2018

Copy to : Deputy Controller and auditor General of India(Railways), Room No. 222, Rail Bhawan, New Delhi (with 40 spares).

For Financial Commissioner/Railways

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

North Block, New Delhi
28th September, 2018

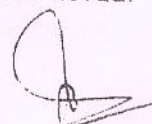
Office Memorandum

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.




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 CC5(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. 23663/2017), 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 pay fixation, as flowing from the aforesaid orders of Hon'ble CAT, Hon'ble Delhi




High Court and the Hon'ble Supreme Court, is that the pay of those who were appointed to the post prior to 1.1.2006 and those who were appointed to the post on promotion in the pay structure effective from 1.1.2006 onwards, and where in respect of such posts entry pay for direct recruits appointed on or after 1.1.2006 has been prescribed giving rise to differential pay, may not be lower than the said entry pay. It is the case of differential pay in respect of employees of a post, as caused by the existence of entry pay applicable for direct recruits on that post appointed on or after 1.1.2006, that has been addressed in the aforesaid case of the post of TGTs. In case entry pay as per Section II of Part A of the First Schedule of the CCS(RP) Rules, 2008 is not applicable in case of a post, the same will not give rise to differential pay for holders of the post and, hence, not covered under the ratio of the case of TGT.

8. Accordingly, the President is pleased to decide that in respect of those posts where entry pay for direct recruits appointed on or after 1.1.2006, as per Section II of Part A of the First Schedule of CCS(RP) Rules, 2008, becomes applicable by virtue of the provision of the element of direct recruitment in the relevant recruitment rules, the pay of Central government employees who were appointed to such posts prior to 1.1.2006 and whose pay, as fixed in the revised pay structure under Rule 7 thereof as on 1.1.2006 turns out to be lower than the prescribed entry pay for direct recruits of that post, shall not be less than such entry pay w.e.f. 1.1.2006. Likewise, the pay of Central Government employees who were appointed to such posts by way of promotion on or after 1.1.2006 and whose pay, as fixed under Rule 13 of CCS(RP) Rules, 2008, happens to be lower than the said entry pay, shall also not be less than such entry pay from the date of their promotion taking place on or after 1.1.2006.

9. In their application to the employees of office of Indian Audits and Accounts Department, these orders issue after consultation with the Comptroller and Auditor General of India.

10. Hindi version of these orders is attached.


(Amar Nath Singh)
Director

To

- 1) All Ministries / Departments of the Government of India (As per Standard List).
- 2) C&AG
- 3) UPSC
- 4) Lok Sabha Secretariat
- 5) Rajya Sabha Secretariat
- 6) NIC