



**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

PUBLIC SERVICES- Selection Grade Scales introduced in the Revised pay Scale of 1969 - Fixation of pay on appointment to the Selection Grade Posts - Orders - Issued.

FINANCE AND PLANNING (Fin Wing-Courts) Department

G.O.Ms.No. 146

Dated 22nd June, 1981

Read the following:

1. G.O.Ms.No. 173, Finance (P.C.) Department, dated 13th June, 1969.
2. G.O.Ms.No. 105, Finance (PC) Department, dated 13th April, 1970.
3. U.O.Note No. 808/PC/69-1, dated 26th July, 1979 of Finance (PC) Department.
4. Govt. Memo No. 1058/PC/71-1 dated 12th August, 1971, of Finance (PC) Department,
5. G.O.Ms.No. 278/ Finance (PC) Department, dated 9th June, 1972.
6. G.O.Ms.No. 215, Finance (PC) Department, dated 5th September, 1973.

A P U S

ORDER

In the orders first and second read above, while introducing the revised scales of pay of 1969 selection Grades were also prescribed for each grade up to and inclusive of grade XX. The broad principles for creation of selection grade posts and also for fixation of pay on appointment to these posts were evolved in the U.O.Note third read above. It was laid down therein, inter alia, that a person appointed to the selection grade shall draw the minimum of the scale provided that, if a senior in the higher promotions category should be drawing less than such minimum, then his pay shall be limited to the pay being drawn by the senior in the higher post. The Andhra Pradesh Revised Scales of Pay Rules 1969, were accordingly amended in the G.O. sixth read above by introducing Rule 5 (2) therein.

2. The restriction in the fixation of pay as mentioned above, was challenged in the High court of Andhra Pradesh by certain employees, The High Court struck down Rule 5 (2). This judgment was followed in other subsequent cases both by the High Court of Andhra Pradesh and later by the Andhra Pradesh Administrative Tribunal.

3. Against these judgment Government filed appeals in the Supreme Court. The Supreme Court through its judgment, dated 18th February, 1981 in a batch of cases upheld the decision of the lower Court and Rule 5 (2) of the Andhra Pradesh Revised Scales of Pay Rules 1969 has been held ultra vires the Government as being violative of Articles 14 and 16 of the Constitutions and as being not in conformity with F.R. 22 (a) (ii).

4. The Government, therefore, hereby order that Rule 5 (2) of the 'said rules be deemed to have been withdrawn with retrospective effect from 19th March, 1969. Consequently, the employees who were actually appointed to the selection grade posts sanctioned in accordance with the instructions contained in the G.Os. and U.O. Note first to third read above (as subsequently modified or amplified) and whose pay in such selection grade posts was fixed at a stage lower than the minimum of the Selection grade so as to restrict it to the pay drawn by a senior in a higher promotion post shall be eligible for fixation of pay at the minimum of the selection grade scale attached to the posts to which they were appointed. The monetary benefit will be admissible to such employees from the date of their appointment to the selection grade and for the actual periods during which they discharged duty in the selection grade posts. They shall

also be eligible for refutation of their pay from time to time with reference re-fixation of their pay in the selection grade in pursuance of the above orders. All those who are affected by this order shall be allowed to revise their option in so far as date of entry into the Revised Pay Scales of 1974 and 1978 is concerned, within one month from the date of receipt of the order re-fixing their pay in the selection grade.

5. The pay of persons effected by this order shall be fixed from time to time and also in the orders issued in respect of the Revised Pay scales of 1974 and 1978. The fact that monetary benefits of these revised scales was allowed from 1st May, 1975 to 1st March, 1979 should be kept in view while authorizing payment of arrears wherever admissible.

6. The following notification will be published in the Andhra Pradesh Gazette.

NOTIFICATION

In exercise of the powers conferred by the proviso to Article" 309 of the Constitution of India and of all other powers hereunto enabling, the Governor of Andhra Pradesh hereby makes the following amendment to the Andhra Pradesh Revised Scales of Pay Rules, 1969.

AMENDMENT

Sub-Rule (2) of rule 5 of the said rules shall be omitted.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.K.R. GONELA,
Secretary to Government