



**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

PUBLIC SERVICES - Selection Grade Scales introduced in the Revised Pay Scales of 1969 - Selection Grade to those who were not considered for appointment due to their promotions / officiation in higher posts in the regular line - Orders - Issued.

FINANCE & PLANNING (FIN.WING -COURTS) DEPARTMENT

G.O.Ms.No.190

Dated:10-6-1983

Read the following: -

1. G.O.Ms.No. 173, Finance (P.C) Department, dt. 13-6-1969.
2. Finance Department's U.O-Note No. 808/PC/69-1, dt. 26-7-1969.
3. Finance Department's U.O-Note No. 370/PC71-1,dt. 3-2-1971.
4. Finance Department's Memo No.1058/PC71-1,dt. 12-8-1971.
5. G.O.Ms.No. 278, Finance (P.C) Department, dt 9-6-1972.
6. G.O.Ms.No. 215, Finance (P.C) Department,dt. 5-9-1973.
7. G.O.Ms.No. 146, Finance & Plg. (Fin.Wing-Courts) Department,dated 22-6-1981.
8. From Sri.G.Narayana Rao, Advocate-on-Record Supreme Court, letter No.1220-F.392, dt.5-12-1982.

APUS

ORDER

In the order first read above, Selection Grade Scales were introduced upto and inclusive of Grade XX in the Andhra Pradesh Revised Scales of Pay 1969. The broad principles for creation of Selection Grade Posts and fixation of pay on appointment to these posts were laid down in the U.O.Note 2nd read above. It was ordered there in among other things, that a person appointed the Selection Grade shall draw the minimum of the scale, provided that if senior in the higher promotion category should be drawing less than such minimum, then his pay shall be limited to pay the being drawn by the senior in the higher post. Accordingly the Andhra Pradesh Revised Scales of Pay Rules, 1969 were amended through the order sixth read above, by introducing rule5(2) therein.

2. In the U.O. Note third read above it was ordered that appointment to Selection Grade Posts should be restricted to the persons in the grade, who are actually working on the date of appointment in the category in which they are being considered for appointment to the Selection Grade. In view of these instructions the employees who were on promotion to higher posts with lien on the lower posts were not considered for appointment to the Selection Grades in lower category.

3. In the Government Memo fourth read above it was ordered that an Officer who is out of his regular line may be allowed to draw pay of selection Grade Posts which he would have otherwise received had he remained in his regular line. The benefit was however restricted on the principle of "One for One" i.e. the senior most among the persons in this category absent from the regular line was entitled to get the benefit against one junior, appointed to Selection Grade in the regular line.

4. In the Government Order fifth read above, it was ordered that the pay drawn in a Selection Grade post shall be treated as substitutive pay for the purpose of fixation of pay on appointment to the higher post.

5. The restriction laid down in rule 5(2) of the Andhra Pradesh Revised Scales of Pay Rules, 1969 was questioned in the High Court, and that Court struck down the said rule5(2). The Supreme Court also upheld the decisions of the High Court and on that

basis orders were issued through the Government Order Seventh read above deleting sub-rule (2) of rule 5 of the Andhra Pradesh Revised Scales of pay Rules, 1969 with the removal of the restriction the persons appointed to the Selection Grade posts became eligible to draw the minimum of the Selection Grade scale which, in some cases, happens to be more than the minimum of the higher promotion posts.

6. In the Andhra Pradesh Administrative Tribunal through Transferred W.P.No. 2143/76 (old W.P.4008/75) a senior who was promoted to a higher post, and who, on the date of creation of Selection grade post in the lower category, held substantively the lower post, questioned non-consideration of his case for Selection Grade appointment and claimed that he was entitled to be admitted to the Selection Grade in the lower category and for fixation of his pay in the higher post on that basis. In its order dated 7-7-1977 the Andhra Pradesh Administrative Tribunal allowed the W.P. following its earlier decision in Transferred W.P.1864/76 and others, wherein the Andhra Pradesh Administrative Tribunal decided as follows:" In respect of the 3rd petitioner, who promoted straight away to the higher post of Senior Investigator, 19 of his juniors were given the Selection Grade in December, 1971 and were Started at the minimum of the Selection Grade on the basis of the orders of the High Court, but the petitioner in the higher post was fixed at a lower level of Rs 256/- per month and his prayer is that he should be given a notional fixation of salary at the minimum of the Selection Grade from the date his juniors were fixed in the Selection Grade and his pay in the higher post should be fixed accordingly."

"After consideration of the various petitions, this judgment lays down."

"Those employees, who got promoted to the next higher post will be entitled to get their pay fixed in the higher post on the basis of their re-fixation of pay in the Selection Grade from the date of Selection Grade became applicable to them."

7. As intimated by the Advocate-on-Record in his letter eight read above, the State Appeal filed against the above judgment in the Supreme Court was dismissed. Consequently the order of the Andhra Pradesh Administrative Tribunal quoted in the preceding paragraph has become final.

The following instructions are therefore issued:

i) Such of the seniors who were on promotion to next higher post in the regular line on the date on which their juniors were appointed to the Selection Grade will be entitled to get their pay fixed in the Selection Grade notionally and on the basis of this Selection Grade pay, their pay, shall be fixed in the higher post from the date the Selection Grade became applicable to them, provided they held their lien on the posts in the lower category on the date on which the junior got the Selection Grade.

ii) The senior should be eligible for appointment to the Selection Grade post in accordance with the rules governing appointment to Selection Grade.

iii)Both the Junior and Senior (who is being given this benefit) should belong to the same lower category. In others words the inter-se-seniority in the same tower category will be the basis for considering the claim.

iv) The persons outside the regular line are already covered by the orders issued through the Government Memo. fourth read above. This order is not therefore applicable to those who were outside the regular line on the date on which their Junior was appointed to Selection Grade.

9. All the Departments are requested to take action in the light of the above instructions expeditiously.

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

K.MADHAVA RAO,
Secretary to Government.