



**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

FUNDAMENTAL RULES - Fixation of pay on promotion to higher post -Orders - Issued.

FINANCE AND PLANNING (FW.FR.II) DEPARTMENT

G.O.Ms.No.239

Dated: 23rd August, 1983

ORDER:

APUS

On the representation made by the Joint Council of Associations and Unions the Government have decided to introduce a provision in the State Rules corresponding to Rule 22-C of the Central Fundamental Rules.

2. Government accordingly order that where a Government servant holding a post in a substantive, officiating or temporary capacity, is promoted or appointed in a substantive, officiating or temporary capacity to another post carrying duties and responsibilities of greater importance than those attached to the post held by him, his initial pay in the time scale of the higher post shall be fixed at the stage next above the pay notionally arrived at, by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued. This benefit shall be admissible to all the Government servants who are promoted or appointed to the following categories of posts: -

(a) all posts carrying the scale of Rs. 1200-50-1300-60-1900 or below in the Andhra Pradesh Revised Pay Scales of 1976 shown in Column (5) of Annexure-I to G.O.Ms.No. 1072 Education (W) Department, dated 26th November 1976.

OR

(b) all posts carrying the scale of Rs. 1800-75-2400-100-2500 or below shown in column (3) of schedule-I to the Andhra Pradesh Revised Scales of Pay Rules 1979 introduced through GO. (P) No. 235 Finance and Planning (Fin.Wmg-PRC.I) Department, dated the ,17th September, 1979.

3. To give effect to the decisions mentioned above and in order to remove certain anomalies that may arise in the implementation of the decisions the following Amendments and Rulings to the Fundamental Rules/Hyderabad Civil Service Rules are also issued.

NOTIFICATION - I

In exercise of the powers conferred by sub-section (1) of Section 3 of the Andhra Pradesh 'Public Employment (Regulation of conditions of Service Ordinance, 1983, Andhra Pradesh Ordinance No.5 of 1983) and of all other powers hereunto enabling the Governor of Andhra Pradesh hereby makes the following amendment to the Fundamental Rules namely: -

AMENDMENT

In the said rules, after rule 22-A, the following rule shall be inserted, namely: -

"22-B. Notwithstanding anything contained in these rules, where a Government Servant holding a post in a substantive, officiating or temporary capacity is promoted or appointed in a substantive, officiating or temporary capacity 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 shall be fixed at

the stage next above the pay notionally arrived at, by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued.

Provided that the provisions of this rule shall be applicable to all the Government servants who are promoted or appointed to the following categories of posts: -

(a) all posts carrying the scale of Rs. 1200-50-1300-60-1900 or below in the Andhra Pradesh Revised Pay Scales of 1976 shown in Column (5) of Annexure-I to G.O.Ms.No. 1072 Education (W) Department, dated 26th November 1976.

OR

(b) all posts carrying the scale of Rs. 1800-75-2400-100-2500 or below shown in column (3) of schedule-I to the Andhra Pradesh Revised Scales of Pay Rules 1979 introduced through G.O.(P)No.235 Finance and Planning (Fin.Wmg-PRC.1) Department, dated the 17th September, 1979.

Provided further that the provisions of sub-rule (2) of rule 31 shall not be applicable in any case where the initial pay is fixed under this rule; Provided also that where a Government servant is, immediately before his

promotion or appointment 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 shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by an amount equal to the last increment in the time-scale of the lower post;

Provided that if a Government servant either (i) has previously held substantively or officiated in -

i) the same post or ii) a permanent or temporary post on the same time-scale or

iii) a permanent post other than a tenure post, or a temporary post on an identical time-scale, or

iv) is appointed substantively to a tenure post on a time-scale identical with that of another tenure post which he has previously held substantively or in which he has previously officiated; then proviso to Fundamental Rule 22 shall apply in the matter of initial fixation of pay and counting of previous service for increment".

RULINGS

(i) In order to remove the anomaly of a Government servant promoted or appointed to a higher post on or after the enforcement of Rule 22-B, and drawing a lower rate of pay in that post, than another Government servant junior to him in the lower grade and promoted or appointed subsequently to another identical post, it has been decided that in such cases the pay of the senior officer 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. The stepping-up should be done with effect from the date of promotion or appointment of the junior officer and will be subject to the following conditions namely: -

(a) both the junior and the senior officer should belong to the same cadre and the posts in which they have been promoted or appointed should be identical and in the same cadre;

(b) the scales of pay of the lower and higher posts in which they are entitled to draw pay should be identical;

(c) the anomaly should be directly as a result of the application of Fundamental Rule 22-B. For example, if even in the lower post the junior officer draws from time to time a higher rate of pay than the senior by virtue of grant of advance, increments etc., the above provisions will not be invoked to step up the pay of the senior officer.

The orders re-fixing the pay of the senior officers in accordance with the above provisions shall be issued under Fundamental Rule 27. The next increment of the Senior officer will be drawn on completion of the requisite qualifying service with effect from the date of re-fixation of pay.

(ii) In some cases the pay of a junior person promoted to a higher post after accrual of his increment in the lower post will be higher than his senior promoted before accrual of his increment. It is therefore ordered that in case of promotion, option may be given to Government servants for fixation of pay on promotion as under: -

(a) either his initial pay may be fixed in the higher post on the basis of Fundamental Rule 22-B straightway without any further review on accrual of increment in the pay scale of the lower post, or

(b) his pay on promotion may be fixed initially in the manner as provided under Fundamental Rule 22(a) (i) which may be re-fixed on the basis of the provisions of fundamental Rule 22-B on the date of accrual of the next increment in the scale of pay of the lower post.

If the pay is fixed under (b) above, the next date of increment will fall due on completion of 12 months qualifying service from the date, the pay is fixed on the second occasion.

Option may be given within one month of the date of promotion. Option once exercised shall be final.

NOTIFICATION - II

In exercise of the powers conferred by sub-section (1) of Section 3 of the Andhra Pradesh Public Employment (Regulation of Conditions of Service) Ordinance, 1983 (Andhra Pradesh Ordinance No. 5 of 1983) and of all other powers hereunto enabling, the Governor of Andhra Pradesh hereby makes the following amendment to the Hyderabad Civil Service Rules, namely: -

AMENDMENT

In the said rules, after rule 35, the following rule shall be inserted namely: -

"35-A. Notwithstanding anything contained in these rules, where a Government Servant holding a post in a substantive, officiating or temporary capacity is promoted or appointed in a substantive, officiating or temporary capacity 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 shall be fixed at the stage next above the pay notionally arrived at, by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued [Provided] that the provisions of this rule shall be applicable to all the Government servants who are promoted or appointed to the following categories of posts: -

(a) all posts carrying the scale of Rs. 1200-50-1300-60-1900 or below in the Andhra Pradesh Revised Pay Scales of 1976 shown in Column (5) of Annexure-I to G.O.Ms.No. 1072 Education (W) Department, dated 26th November 1976.

OR

(b) all posts carrying the scale of Rs. 1800-75-2400-100-2500 or below shown in column (3) of schedule-I to the Andhra Pradesh Revised Scales of Pay Rules 1979 introduced through GO. (P) No. 235, Finance and Planning (Fin.Wing-PRC.I) Department, dated the 17-9-1979. Provided further that the provisions of sub-rule (2) of rule 31 shall not be applicable in any case where the initial pay is fixed under this rule; Provided also that where a Government servant is, immediately before his promotion or appointment 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 shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by an amount equal to the last increment in the time-scale of the lower post; Provided that if a Government servant either -

(1) has previously held substantively or officiated as - i) the same post or ii) a permanent or temporary post on the same time-scale or iii) a permanent post other than a tenure post, or a temporary post on an identical time-scale, or

(2) is appointed substantively to a tenure post on a time-scale identical with that of another tenure post which he has previously held substantively or in which he has previously officiated then proviso to Fundamental Rule 34 of Hyderabad Civil services rules shall apply in the matter of the initial fixation of pay and counting of previous service for increment"

RULINGS

(i) In order to remove the anomaly of a Government servant promoted or appointed to a higher post on or after the enforcement of Rule 35-A, and drawing a lower rate of pay in that post, than another Government servant Junior to him in the lower grade and promoted or appointed subsequently to another identical post, it has been decided that in such cases the pay of the senior officer 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. The stepping-up should be done with effect from the date of promotion or appointment of the junior officer and will be subject to the following conditions namely: -

(a) both the junior and the senior officer should belong to the same cadre and the posts in which they have been promoted or appointed should be identical and in the same cadre;

(b) the scales of pay of the lower and higher posts in which they are entitled to draw pay should be identical;

(c) the anomaly should be directly as a result of the application of Fundamental Rule 35-A. For example, if even in the lower post the junior officer draws from time to time a higher rate of pay than the senior by virtue of grant of advance increments etc., the

above provisions will not be invoked to step up the pay of the senior officer. The orders rafting the pay of the senior officers in accordance with the above provisions shall be issued under Rule 41. The next increment of the Senior officer will be drawn on completion of the requisite qualifying service with effect from the date of refixaion of day.

(ii) In some cases the pay of junior person promoted to a higher post after accrual of his increment in the lower post will be higher than his senior promoted before accrual of his increment. It is therefore ordered that in case of promotion, option may be given to Government servants for fixation of pay on promotion as under: -

(a) Either his initial pay may be fixed in the higher post on the basis of Rule 35-A straight-away without any further review on accrual of increment in the pay scale of the lower post, or

(b) his pay on promotion may be fixed initially in the manner as provided under Rule 34 (a), (i) which may be refixed on the basis of the provisions of Rule 35-A on the date of accrual of the next increment in the scale of pay of the lower post.

If the pay is fixed under (b) above, the next date of increment. will fall due on completion of 12 months qualifying services from the date the pay is fixed on the second occasion. Option may be given within one month of the date of promotion. Option once exercised shall be final

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

D. SANKARA GURUSWAMY,
Secretary to Government