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प्रधान लेखा नियंत्रक (निर्माणियां) कार्यालय
OFFICE OF THE PRINCIPAL CONTROLLER OF ACCOUNTS (FYS)

10-ए, एस. के. बोस रोड, कोलकाता - 700 001

10-A, S. K. BOSE ROAD, KOLKATA - 700 001

बेतनअनुभाग तकनोकि/ Pay-Tech Section



दूरभाष: 033-2248-5077-5080 फैक्स: 033-2248-0991 Email: cda-cal@nic.in website: pcfys.gov.in

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

dated: 21/04/2021

To
All CFAs

Subject: Entry pay of Direct Recruits in Defence Service appointed on or after 01/01/2006 and pay fixation in case of persons other than direct recruits.

A copy of HQrs Office letter No-Army/BR/3500/MPS/PAO-ROs Conf/03 AHQ/Vol-I/E-1561, dated-06/04/2021 along with MoD DMA, D(Pay/Services) OM No-1(11)/2018/D/Pay/Service, dated-25/03/2021 and MoF DoE OM dated-28/09/2018 on the above subject received under CGDA, Delhi Cantt. No. CGDA/Navy/02/P&A /2021/Vol-I, dated 08/04/2021 is forwarded herewith for information, guidance and compliance to all concerned, please.

DC of A (Fys) has seen.

Enclosure: As above

-sd-

SAO(Fys)

Copy to

- | | | |
|-------|-----------------------------|---|
| (i) | O i/c Pay Local | : for information and n/a w.r.to above please |
| (ii) | Secretary OFB | : for information and n/a w.r.to above please |
| (iii) | O i/c Pay-O MO | : for information and n/a w.r.to above please. |
| (iv) | O i/c EDP, MO | : for uploading in the official website, please |
| (v) | O i/c AN-III for guard file | : for information and n/a w.r.to above please |

[Signature]
SAO (Fys)

Army/BR/3500/MPS/PAO-ROsConf/03AHQ/Vol-1/E-1561 Date:- 06/04/2021

To

All PCsDA/CDAs

Subject:- Entry pay of Direct Recruits in Defence Services appointed on or after 01.01.2006 and pay fixation in the case of persons other than such direct recruits.

Copy of the MoD, DMA, D(Pay/Services) ID No. 1(11)/2018/D/Pay/Services) dated 25.03.2021 on the subject is forwarded herewith for information and for further necessary action please.

sda
Adury Srinivas
(Accounts Officer Army)


Copy to,

1. CDA (IT&SDC), Secunderabad -- for information and necessary amendment in the Dolphin system w.r.t above.

2. Addl Dte Gen MP/MP 8(I of R)
AG's Branch, IHQ of MoD(Army) - for information please.
West Block III, R.k Puram
Brassey Avenue, Church Road
New Delhi-110066

3. Air Force/DRDO (local) --for information & necessary action please.

4. Navy/CG (local)-- --do--


Adury Srinivas
(Accounts Officer Army)

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No. 1(11)/2018/D(Pay/Services)
Ministry of Defence
Department of Military Affairs
D (Pay/Services)

Sena Bhawan, New Delhi
Dated 25th March, 2021

OFFICE MEMORANDUM

Subject: Entry pay of Direct Recruits in Defence Services 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 attention to Special Army Instructions 2008, Special Navy Instructions 2008 and Special Air Force Instructions 2008

2. Enclosed herewith is the Ministry of Finance, Department of Expenditure OM No. 8-23/2017-E.III.A dated 28.09.2018 and to say that the provisions contained therein of the said letter, will mutatis-mutandis be applicable to the Defence Services in respect of the following trades and ranks where an element of direct recruitment exists, provided all the conditions and stipulations laid down therein are strictly fulfilled:

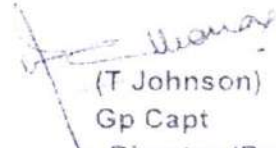
S No.	Service	Trade *	Rank
1.	Indian Army	a. Education Instructors, Sportsman & Surveyor / Automated Cartographer.	Hav
		b. Religious Teacher & Catering JCO.	Nb Sub
2.	Indian Navy	a. Direct Entry Artificers from Diploma Holders (DEDH).	Artificers
		b. Sportsman	Acting Petty Officer (Ag. PO)
3.	Indian Air Force	a. Education Instructor	Sgt
4.	All Services	a. All Trades	Sepoy

* An illustration has been given in succeeding para.

3. In IAF, Educator Instructor is the only trade where Recruitment Rules provides for Direct Recruitment in the rank of Sgt. Hence, Direct Entry Pay would be admissible only to Sgts of Education Instructor trades. As an illustration, if a Cpl acquires sufficient qualification and re-musters to Education Instructor and thereafter, he is promoted to the rank of Sgt on or after 1.1.2006 and on promotion if the pay is fixed at a rate less than the pay of the Direct Entry of an Education Instructor Sgt, his pay would be stepped up to the Direct Entry Pay from the date of promotion on or after 1.1.2006.

4. These instructions will be applicable with effect from 01.01.2006.

5. This issues with the concurrence of Finance Division of this Ministry vide their Dy. No. 58/AG/PD/2021 dated 25.3.2021 of R.F. No: 2(2)/2020-AG/PD.


(T Johnson)
Gp Capt
Director (Pay/Services)

Copy to for information:

As per standard distribution List.

CGDA, New Delhi
Defence Finance (AG/PA)

Defence Finance (AG/PD)

PCDA (HQ), New Delhi
PCDA (O), Pune
PCDA (Northern Command), Jammu
PCDA (Eastern Command), Eastern
PCDA (Central Command), Lucknow
PCDA (Western Command), Chandigarh
PCDA (Southern Command), Pune
CDA (AF), West Block V, R K Puram
Dy CDA (AF), Subroto Park, New Delhi
AFCAO, Subroto Park, New Delhi
CDA (Army), Meerut Cantt.
CDA, Jabalpur
CDA, Secunderabad
CDA, Guwahati

PCDA (P), Allahabad
PCDA (Navy) Mumbai

CDA, Patna
CDA, Bangalore
CDA, Chennai

Reference Folder

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 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. 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