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No.1/10/89-Estt.(Pay.I)  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

New Delhi, the 22.10.90

OFFICE MEMORANDUM

Subject:- Restriction of officiating pay under FR-35-  
Clarification regarding-

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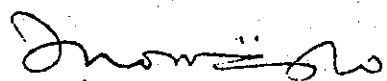
The undersigned is directed to say that prior to the issue of this Department's Notification No.1/10/89-Estt.(Pay.I) dated 30.8.1989, amending FRs 22, 22-C 30 & 31, FR 22-C was applicable for pay fixation on promotion on regular as well as on ad hoc basis. It has, however, now been provided in the amended rule that FR-22(1)(a)(1), will apply in all those cases of pay fixation where the promoted persons fulfil the conditions of eligibility prescribed in the relevant Rules for promotion. With the issue of the said amendment it has become necessary to specify under what circumstances, the restrictions imposed under FR-35 and as communicated in this Deptt.'s O.M. No. 18/12/89-Estt.(Pay.I) dated 18.7.86 and O.M. No.18/26/86-Estt.(Pay.I) dated 29.7.87 would apply.

2. The matter has been considered and the President is now pleased to decide that in cases of appointment on promotion in the normal line within the cadre but which are not on regular basis, initially the pay may also be fixed under FR-22(I)(a)(1)(erstwhile FR-22.C). If there is substantial increase in pay so fixed, the pay may be restricted under FR-35 in accordance with the provisions contained in DP&T's O.M. No.18/12/85-Estt.(Pay.I) dated 18.7.86 and modified vide No.18/26/86-Estt.(Pay.I) dated 29.7.87.

3. The effect of this order is that restrictions under FR.35 are not to be invoked where a Govt. servant holding the post in substantive or temporary or officiating capacity is promoted or appointed in substantive or temporary or officiating capacity as the case may be, subject to the fulfilment of the eligibility conditions as prescribed in the relevant Recruitment Rules, to another post carrying duties and responsibilities of greater importance.

4. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

Hindi version is enclosed.

  
(T.O. THOMAS)

UNDER SECRETARY TO THE GOVT. OF INDIA

To

All Ministries/Departments of Govt. of India  
(As per Standard list)

Copies also forwarded to the Comptroller and Auditor General of India

Copy also forwarded to:-

1. Controllor General of accounts/Controllor of Accounts Ministry of Finance.
2. Secretaries to Union Public Service Commission/Supreme Court of India/Election Commission/Lok Sabha Sectt./Rashtra Sabha Sectt./Cabinet Sectt./Central Vigilance Commission/President's Sectt./Vice President's Sectt./Prime Minister's Office/Planning Commission.
3. Department of Personnel & Training (AIS Div.)/JCA (Admn. Section).
4. Addl. Secretary (Union Territories), Ministry of Home Affairs.
5. All State Governments and Union Territories.
6. Governors of all States/Lt. Governors of Union Territories.
7. Secretary, National Council (Staff Side, 13-C, Feroz Shah Road, New Delhi.
8. All Members of the Staff side of the National Council of JCM/Departmental Council.
9. All Officers/Sections of the Department of Personnel and Training/Department of A.R.&P.G./Department of Pensions and Pensioners' Welfare.
10. 200 spare copies.

(T.O.)

UNDER SECRETARY TO THE GOVT. OF INDIA