

HARYANA GOVERNMENT

Finance Department

Notification

The 19th July, 2016

No. 1/13/2016-1PR(FD).— In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Haryana hereby makes the following rules regulating fixation of pay of Government employees of the State of Haryana:-

Chapter - I**Preliminary**

1. (1) These rules may be called the Haryana Civil Services (Pay) Rules, 2016. Short title and commencement.
 (2) These rules shall be deemed to have come into force from 19th July, 2016.
2. Except as otherwise provided, these rules shall apply to all Government employees but shall not apply to— Extent of application.
 (i) members of the All India Services;
 (ii) employees serving in a department under Haryana Government on deputation from Centre or any other State Government or any other source, for a limited duration.
- Note 1.**— The Speaker of the Legislative Assembly has agreed under clause (3) article 187 of the Constitution that until a law is made by the Legislature of the State under clause (2) of article 187 of the Constitution or rules are framed by the Governor in consultation with the Speaker of the Legislative Assembly under clause (3) of article 187 of the Constitution of India, these rules and amendments thereof, if any, after prior consent of the Speaker, shall apply to the secretarial staff of the Haryana Legislative Assembly.
- Note 2.**— The Chairman, Haryana Public Service Commission, has agreed to the application of these rules as amended from time to time, in the case of officers and employees of the Haryana Public Service Commission.
- Note 3.**— If any doubt arises as to whether these rules apply to any person or not, the decision shall lie with the Finance Department.
3. When in the opinion of the competent authority, special provisions inconsistent with these rules are required with reference to any particular post or any conditions of service, that authority may, notwithstanding anything otherwise contained in these rules, and subject to the provisions of clause (2) of article 310 of the Constitution of India, provide in the terms and conditions of appointment of the person appointed to such post for any matter in respect of which in the opinion of that authority special provisions are required to be made: Special provisions, if any, inconsistent with these rules.
 Provided that in respect of any matter for which no special provision has been made in the terms and conditions of appointment, provisions of these rules shall apply.
4. Unless otherwise provided in these rules or in the terms and conditions offered at the time of appointment and accepted by the person, nothing in these rules shall operate to deprive any person of any right or privilege to which he is entitled by or under any law. Right and privileges under other rules.
5. Unless otherwise provided in any rules, Government employee's claim to entitlements shall be regulated by the rules in force at the time of earning of the claim. Regulation of claim of Government employee.
6. The power to interpret, change, amend, relax and removal of doubt of these rules shall lie with the Finance Department. Power to interpret, amend and relax.
Note 1.— Communications regarding the interpretation and alteration of these rules shall be addressed to the Finance Department through the Administrative Department concerned.
Note 2.— Where the Finance Department is satisfied that the operation of any of these rules regulating the conditions of service of Government employees or any class of such Government employees, causes undue hardship in any particular case, it may by order dispense with or relax the requirements of that rule to such extent and subject to such conditions, as it may consider necessary for dealing with the case in a just and equitable manner.

Repeal.

7. (1) The rules contained in Punjab Civil Services Rules Volume-I, Part-I are hereby repealed.
- (2) Anything done or any action taken under rules so repealed, shall be deemed to have been done or taken under the corresponding provisions of these rules.
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Chapter - II**Definitions**

8. (a) Unless the context otherwise requires;

Definitions.

(1) “**ACP pay scale of a post**” means the pay scale higher than the functional pay scale of that post admissible to a Government employee subject to completion of prescribed length of service and/or certain conditions. Where there is more than one pay scale of a post, the first shall be the functional pay scale, the next and subsequent shall be the ACP pay scale;

(2) “**additional increment**” means the increment granted by the competent authority to a Government employee in addition to his normal increment;

(3) “**advance increment**” means the increment(s) granted by the competent authority to a Government employee in advance to be subsumed in future increment(s);

(4) “**basic pay**” of a Government employee means—

(i) the pay in the pay scale; and

(ii) any other emoluments which specifically classed as basic pay by the competent authority

Note.— It does not include any other type of pay like special pay, personal pay, pay granted in lieu of his personal qualification or otherwise as a separate component;

(5) “**dearness pay**” means a portion of dearness allowance converted as dearness pay by the competent authority which is treated as a part of basic pay for specified purpose;

(6) “**entry level pay of a post**” means pay equal to minimum of the functional pay scale of the post held by a Government employee or as prescribed by the competent authority at the time of appointment by direct recruitment or otherwise;

(7) “**functional pay scale of a post**” means the running pay scale prescribed for a post and shall not include any other pay scale which is granted after prescribed regular satisfactory service and/or certain other conditions or as a personal measure;

(8) “**increment**” means an enhancement in pay in the pay scale at prescribed rate admissible on the prescribed date every year subject to completion of prescribed qualifying service without any increase in pay in the pay scale and the same is admissible as a matter of course unless it is withheld;

(9) “**master pay scale**” means the running pay scale applicable to all Judicial Officers for the purpose of granting biennial increment after stagnation. The rate of increment depends upon the stage of pay of Judicial Officer in the master pay scale;

(10) “**next below rule**” means a provision to protect the interest of a Government employee who is working outside the cadre within or out of the parent department so that he may not be deprived of the benefit of officiating promotion which he would have otherwise availed had he been on the cadre post;

(11) “**pay in the pay scale**” means an amount of pay admissible to a Government employee in a pay scale. It does not include any other emoluments;

(12) “**pay**” means—

(i) basic pay;

(ii) special pay, personal pay, overseas pay ; and

(iii) any other emoluments specifically classed as pay by the competent authority.

(13) “**personal pay**” means additional pay granted to a Government employee—

(a) to save him from a loss of his substantive basic pay; or

(b) in exceptional circumstances, on other personal considerations;

(14) “**presumptive pay or presumptive basic pay**” means the pay or basic pay, as the case may be, which would have been admissible to a Government employee had he been working on the feeder post or on the post on which he holds a lien;

(15) “**proforma promotion**” means the officiating promotion of a Government employee, made under next below rule, who is working outside the cadre within the parent or any other department/organization;

- (16) **“qualifying service”** for the purpose of increment means the period of—
- (i) service treated as duty;
 - (ii) all leave except extraordinary leave; and
 - (iii) extraordinary leave sanctioned on medical certificate or in continuation of study leave under Chapter XI of the Haryana Civil Services (Leave) Rules, 2016.
- Note.**— In any case in which the Finance Department is satisfied that the extraordinary leave is taken for any cause beyond the control of Government employee the period of such leave may be treated as qualifying service;
- (17) **“selection grade of Judicial Officers”** means a pay scale higher than entry pay scale admissible to Judicial Officers as per provision in the relevant rules;
- (18) **“special pay”** means the pay granted—
- (a) in consideration of arduous nature of the duties;
 - (b) in consideration of specific addition to the work or responsibility; or
 - (c) in lieu of higher pay scale;
- (19) **“substantive pay or substantive basic pay”** means the pay or basic pay, as the case may be, of a permanent Government employee to which he is entitled, under the rules applicable to him, while holding a post;
- Note.**— Substantive pay does not include overseas pay or special pay (or any other pay) of arduous nature of duties;
- (20) **“super time scale of Judicial Officers”** means a pay scale higher than selection grade which is granted to them as per provision in the relevant rules.
- (b) The terms not defined in this chapter but defined in the Haryana Civil Services (General) Rules, 2016 shall have the same meaning for the purpose of these rules.
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Chapter- III**Fixation of pay on first or subsequent appointment**

9. On first appointment to a post, the entry level pay shall be fixed as under :-

Fixation of entry level pay.

(A) Entry level pay if pay scale not upgraded from 01.01.2006.—

The entry level pay of a post, the pay scale of which has not been upgraded from 01.01.2006 shall be fixed—

- (i) equal to the multiple of the factor 1.86 of the amount of minimum of the functional pay scale of the post as on 31.12.2005. Any fraction of a rupee or more than shall be rounded off to the next multiple of 10; or
- (ii) at minimum of the functional pay band;

whichever is higher. The functional grade pay corresponding to pre-revised pay scale of the post as on 31.12.2005 shall also be admissible in addition.

(B) Entry level pay if pay scale upgraded/modified from or after 01.01.2006.—

- (i) Where the pay scale of a post has been upgraded/modified from or after 01.01.2006 and such upgradation/ modification does not involve any change of pay band, the entry level pay of that post shall be fixed as per provision laid down in (A) above;
- (ii) Where the pay scale of a post has been upgraded from 01.01.2006 and such upgradation involves change of pay band, the entry level pay shall be fixed at minimum of the pay band corresponding to upgraded pay scale as on 01.01.2006;
- (iii) Where the pay structure of a post has been modified from a date after 01.01.2006 and such modification involves change of pay band, the entry level pay shall be fixed at minimum of the modified pay band.

In addition to above, the functional grade pay corresponding to upgraded pay scale of the post as on 01.01.2006, or the modified grade pay, as the case may be, shall also be admissible in each case.

10. On subsequent appointment to a post of pay scale higher than or identical to functional or ACP pay scale in the same or any other department of Haryana Government where the application for the same has—

Fixation of pay on subsequent appointment to a post higher or identical to functional/ACP pay scale.

- (i) not been submitted through proper channel, pay shall be fixed at entry level pay of the post of subsequent appointment admissible under rule 9; or
- (ii) been submitted through proper channel, the pay shall be fixed at entry level pay of the post or equal to the basic pay already drawn, whichever is more advantageous.

Note 1.— Where pay in the pay band is fixed equal to entry level pay, the date of next increment in both the cases (i) and (ii) above shall be the 1st July subject to completion of minimum six months qualifying service upto 30th June on the post of subsequent appointment.

Note 2.— Where pay in the pay band is fixed equal to the pay already drawn, the date of next increment in both the cases (i) and (ii) above shall also be 1st July, if otherwise admissible on that day.

11. On subsequent appointment from one post to another of lower pay scale in the same or any other department of Haryana Government, while drawing pay in the higher pay scale (functional or ACP) the pay shall be fixed—

Fixation of pay on subsequent appointment to a post of lower than functional or ACP pay scale.

- (i) equal to entry level pay as per provision contained in rule 9, if not applied through proper channel; or
- (ii) by giving the notional benefit of past qualifying service in the same or higher pay structure which remained in existence from time to time, towards increment only in the pay scale(s) of the post of subsequent appointment provided the application for subsequent appointment is submitted through proper channel. However, the past qualifying service of lower pay scale, if any, shall not be taken into account towards increment of higher pay structure of the post of subsequent appointment.

Note 1.— Where pay is fixed under (i), the date of next increment shall be 1st July subject to completion of minimum six months qualifying service upto 30th June on the post of subsequent appointment.

Note 2.— Where pay in the pay band is fixed under (ii), the date of next increment shall also be 1st July, if otherwise admissible under these rules on that day.

Pay on
appointment to
an ex-cadre post.

12. On appointment by any mode of recruitment to an ex-cadre post of higher, same or lower pay scale, while drawing pay in functional or ACP pay scale, within the same or in any other Department or on foreign service in any organization under Haryana Government, the pay shall be fixed as per provision contained in rule 10 or 11, as the case may be.

Chapter - IV

Fixation/Re-fixation of pay on promotion

13. On appointment by promotion to a cadre post of higher pay structure while drawing pay in functional pay band, the pay shall be fixed—

- (i) with the benefit of one increment of promotion with effect from the date of option exercised as per provision in these rules, which shall be added to pay in the pay band drawn before promotion; or
- (ii) equal to entry level pay of the promotional post as per provision contained in rule 9; whichever is higher.

Note 1.— For date of next increment see rule 37 infra.

Note 2.— Where there are two or more lines of promotion for a feeder post, in such case, for the purpose of these rules, the promotion from feeder post to any post shall be treated as promotion on a cadre post. However, on change of line of promotion, the service of previous promotional post shall be treated as service on an ex-cadre post and pay on the post of changed line shall be fixed with reference to presumptive pay of the feeder post the seniority of which has been kept in view at the time of promotion to a post of changed line.

Example.— A Clerk while drawing pay in functional pay band and having knowledge of shorthand is promoted to the post of Stenographer. His pay on the post of Stenographer has been fixed with the benefit of one increment of promotion. While working as Stenographer he is promoted to the post of Assistant w.r.t. his seniority of the post of Clerk, as per provision in the respective service rules. His pay on the post of Assistant shall be fixed w.r.t. his presumptive pay admissible to him in the pay scale of Clerk on the date of assuming charge of the post of Assistant. The service rendered by him as Stenographer shall be treated as service on an ex-cadre post.

14. On promotion from PB-4 to HAG, the pay shall be fixed as under:-

(A) Promotion to higher administrative grade (HAG) while drawing functional grade pay of 10,000—

- (1) In case of promotion from a date between 2nd January and 30th June with the option for benefit of one increment of promotion from 1st July, an additional grade pay of Rs. 2,000 in addition to pay already drawn shall be admissible from the date of assuming charge to the 30th June of the year. Further fixation shall be done on 1st of July with the benefit of two increments; one normal increment, if otherwise admissible under the rules and one increment on account of promotion. While computing these two increments, pay drawn before promotion shall be taken into account.
- (2) In case of promotion between 1st July and 1st January and option for benefit of one increment of promotion is exercised from the date of joining, the pay shall be fixed with the benefit of one increment with effect from the date of assuming charge of promotional post.

As there is no grade pay with HAG, the functional grade pay Rs. 10,000 already drawn and an additional amount of Rs. 2,000/- (i.e. an amount equal to the difference between Rs. 12,000/- and the functional grade pay Rs. 10,000/- already drawn) shall also be added, in both the cases. The pay fixed above shall not be less than minimum of the HAG, i.e. Rs. 67,000/-, and more than the maximum, i.e. Rs. 79,000/-.

(B) Promotion to higher administrative grade (HAG) while drawing assured career progression (ACP) pay scale—

In case of promotion to HAG while drawing pay in ACP pay scale, the benefit of one increment of promotion shall not be admissible. The pay shall be fixed equal to pay in the pay band plus ACP grade pay already drawn or at minimum of HAG, whichever is more. The date of next increment shall be 1st July, if otherwise admissible on that day.

Pay on promotion to a post of higher pay structure while drawing pay in functional pay structure.

Pay on promotion from PB-4 to HAG 67000-79000.

Pay on promotion to a post of same pay structure (Clubbed from or after 01.04.1979).

15. The benefit of one increment of promotion shall be admissible on promotion from one post to another where functional pay scale of feeder and promotional posts have been clubbed from or after 1st April, 1979 and at present the pay scale of both the posts is same.

Note.— The benefit admissible under this rule shall be treated as financial upgradation for the purpose of grant of benefit under Haryana Civil Services (Assured Career Progression) Rules.

Pay on promotion to a post of same pay structure (identical/same prior to 01.04.1979).

16. The benefit of one increment shall not be admissible on promotion from one post to another where the functional pay band of feeder and promotional posts were same/identical prior to 1st April, 1979 or from the date of creation of post (feeder/promotional); and at present the pay scale of both the posts is also the same. In such cases, on promotion from one post to another, pay and date of increment shall remain unchanged.

Note.— As the pay scale of promotional post has never remained higher than that of feeder post, therefore, the benefit of one increment of promotion shall not be admissible.

Pay on promotion while drawing special pay in lieu of higher time scale.

17. (1) On promotion from one post to another while drawing pay in functional or ACP pay scale alongwith special pay in lieu of higher time scale the pay shall be fixed as per provision in rule 13 or 20, as the case may be.

(2) Special pay in lieu of higher time scale of the feeder post shall—

- (a) be merged in pay in the pay band of promotional post so fixed if there is no special pay in lieu of higher time scale with the promotional post; or
- (b) not be merged if both feeder and promotional posts carry special pay in lieu of higher time scale.

(3) The pay fixed above shall not be less than the Entry Level Pay of promotional post.

Note 1.— If special pay in lieu of higher time scale of feeder post is more than that of the special pay of the promotional post, the difference between special pay of both the posts shall be merged in the pay of promotional post.

Note 2.— Special pay of arduous nature of duties drawn before promotion shall not be merged at the time of fixation of pay of promotional post.

Note 3.— Where feeder post carry special pay in lieu of higher time scale and promotional post carry special pay of arduous nature of duties, the special pay in lieu of higher time scale shall be merged.

Note 4.— Where, on promotion from one post to another before 1st July, pay in the pay band is increased by way of merging special pay in lieu of higher time scale without any benefit of one increment of promotion, such increase shall be ignored for the purpose of grant of normal increment, if otherwise admissible on 1st July.

Pay on premature promotion.

18. (1) On premature promotion (i.e. promotion before the completion of prescribed experience) in public interest while drawing pay in the functional pay band, the pay for the period upto the date of completion of deficiency of prescribed experience, shall be fixed equal to—

- (i) entry level pay (excluding grade pay) of promotional post as per provision in rule 9; or
- (ii) presumptive pay in the pay band of feeder post; whichever is more. However, the functional grade pay of the promotional post shall be admissible from the date of premature promotion.

(2) After completion of prescribed experience, the pay shall be re-fixed under normal rules, as per option, as if the incumbent has been promoted on that day. At the time of re-fixation of pay of promotional post, presumptive basic pay of the feeder post shall be taken into consideration.

Note.— The period of service from the date of premature promotion shall be counted for further promotion, if any.

Pay on appointment by promotion on the same post after reversion.

19. On re-appointment by promotion to a post previously held, the pay on promotional post shall be fixed—

- (i) equal to pay in the pay band already drawn at previous occasion; or
- (ii) as admissible under these rules in case of promotion afresh, whichever is more.

In case of fixation as at (i) above, the period of qualifying service of the same pay in the pay band previously drawn shall be taken into account at the time of computing minimum six months qualifying service upto the 30th June for the purpose of grant of normal increment of promotional post on the 1st July. However, in case of (ii) above, the annual increment shall be admissible as per normal rules.

Note 1.— The ‘same post’ also includes the interchangeable promotional post of same pay scale.

Note 2.— For the date of next increment, see rule 37(i) if pay is fixed under (i) above and see rule 37(ii), if pay is fixed under (ii) above.

20. On promotion to a post of pay scale identical to, lower or higher than ACP pay scale drawn at the time of promotion, the pay shall be fixed equal to—

- (i) pay in the ACP pay scale already drawn on feeder post; or
- (ii) entry level pay of promotional post, as per provision in rule 9, whichever is more advantageous.

Note 1.— Where pay is fixed under (i) above, the date of next increment shall be the 1st July, if otherwise admissible on that day. If pay is fixed under (ii) above, the date of next increment shall also be the 1st July subject to completion of minimum six months qualifying service upto the 30th June on the promotional post. If the grade pay of promotional post is more than the grade pay already drawn, the same shall be taken into account for the purpose of normal increment subject to completion of minimum six months qualifying service upto the 30th June on the promotional post.

Note 2.— If functional pay band of promotional post is identical to ACP pay scale already drawn, the nomenclature of the ACP pay scale shall be changed to functional pay scale.

21. While working on promotional post, if basic pay (pay in the pay band and/or functional grade pay) drawn is inferior than the presumptive basic pay which would have otherwise been admissible—

- (i) in ACP pay scale of feeder post, had the promotion not been made before the date of eligibility of next ACP pay scale, if any; or
- (ii) on promotion from functional to functional pay band of feeder and promotional post(s) had the ACP pay scale not been granted before promotion(s);

as the case may be, the basic pay (pay in the pay band and/or functional pay scale) shall be re-fixed, as a special entitlement, equal to the—

- (a) presumptive basic pay in ACP pay scale (pay in the pay band and/or ACP grade pay) of the feeder post which would have otherwise been admissible had the promotion not been made with the change of nomenclature as ACP pay structure ; or
- (b) basic pay (pay in the pay band and/or functional grade pay) which would have otherwise been admissible on promotion from functional to functional pay band of feeder and promotional post(s) had the ACP pay scale not been granted.

22. Where the promotional posts are filled from amongst more than one feeder cadres on inter-se seniority basis, the pay of incumbent shall be fixed keeping in view the basic pay of the feeder post the seniority of which has been kept in view at the time of promotion.

Illustration : In various departments as per provision in their service rules, the posts of Assistant are filled by promotion from amongst Clerk/Steno-typist/Junior Scale Stenographer on inter-se seniority basis. Two employees Mr. ‘A’ & ‘B’ initially joined service as Clerk, later on, after qualifying departmental test of shorthand Mr. ‘B’ is promoted to the post of Steno-typist and thereafter to the post of Junior Scale Stenographer, but in the meanwhile Mr. ‘C’ has directly joined service as Jr. Scale Stenographer before promotion of Mr. ‘B’ as Jr. Scale Stenographer and Mr. ‘C’ is senior to Mr. ‘B’ in the seniority list of Jr. Scale Stenographer. At present Mr. ‘A’ is working as Clerk and is senior to Mr. B in the seniority list of Clerks, Mr. ‘B’ & ‘C’ are Junior Scale Stenographer and Mr. ‘C’ is senior to Mr. ‘B’ in

Pay on promotion while drawing pay in ACP pay scale.

Re-fixation of pay as a special entitlement.

pay on promotion in case of inter-se seniority.

the seniority list of Junior Scale Stenographers. Two vacant posts of Assistants are to be filled by promotion amongst Clerks/Steno-typists/Junior Scale Stenographers on inter-se seniority. The Service record of all the above three employees is satisfactory. Under the rules, Mr. 'A' & 'B' would be promoted to the post of Assistant w.r.t. their seniority as Clerk. Mr. 'B' has been promoted to the post of Assistant while working as Junior Scale Stenographer with reference to his seniority of Clerk, therefore, his pay as Assistant shall be fixed keeping in view his presumptive pay of Clerk instead of the pay actually drawn by him as Junior Scale Stenographer at the time of promotion. If pay of Mr. 'B' to the post of Assistant is fixed w.r.t. his presumptive pay of Clerk, the promotion already availed by him to the post of Junior Scale Stenographer shall be ignored treating it as appointment on ex-cadre post for a limited period otherwise it shall be a financial upgradation for the purpose of grant of ACP pay scale and may create anomaly between junior and senior.

Chapter - V**Option for fixation of pay on promotion**

23. Where at the time of promotion from one post to another, the benefit of one increment is admissible under these rules, the incumbent has an option for fixation of his pay of promotional post either from the date of assuming charge of promotional post or from the date of next increment, viz. 1st July. This option shall be exercised on plain paper within a period of three months from the date of order of promotion. If the intimation regarding option is not received within the prescribed period, it shall be deemed to have been opted from the date of assuming charge of promotional post.

Option for fixation of pay on promotion.

Note.— The option once exercised shall be final and shall not be changed except where the pay is refixed retrospectively from a date prior to the date of promotion.

24. (1) If option is from the date of next increment i.e. 1st July.-

Fixation of pay.

On promotion from one post to another while drawing functional pay band, if option to get the benefit of one increment is exercised from the date of next increment i.e. from 1st July, in such case, pay in the pay band already drawn plus functional grade pay of the promotional post shall be admissible upto 30th June. Further re-fixation shall be done from the date of his next increment i.e. 1st July. On that day, two increments shall be granted; one normal increment, if otherwise admissible, and another on account of promotion. While computing these two increments, basic pay prior to the date of promotion shall be taken into account.

To illustrate, if the basic pay (pay in pay band plus grade pay) prior to the date of promotion is Rs. 20,000, first increment shall be computed on Rs. 20,000 and the next on Rs. 20,600.

(2) If option is from the date of promotion.—

If option to get the benefit of one increment of promotion, admissible under these rules, is exercised from the date of assuming charge of promotional post, in such case the pay shall be fixed from that day with the benefit of one increment, but normal increment on the 1st July shall be admissible subject to completion of minimum six months qualifying service on promotional post upto 30th June.

Chapter - VI**Fixation of pay on Reversion**

Pay on reversion from ex-cadre to cadre post.

25. (1) Pay drawn on ex-cadre post of higher pay structure in the same or any other department shall not be protected on return to a post of parent cadre. However, the period of qualifying service of ex-cadre post in the pay scale identical to or higher than that of the cadre post shall be counted towards increment in the pay scale of cadre post(s). On return, the pay shall be re-fixed with reference to presumptive basic pay which would have been admissible had the appointment not been made on ex-cadre post.

(2) On reversion from ex-cadre post of lower pay structure to cadre post of higher pay structure, the pay shall be fixed equal to last drawn pay in the pay band of cadre post or ex-cadre post, whichever is more.

Pay on reversion from higher to lower pay structure or from promotional to feeder post.

26. On reversion from one post to another of lower pay structure while drawing pay in functional pay band on his own accord or due to administrative reasons, but not as a measure of punishment, the pay shall be fixed equal to the pay which would have been admissible in the lower pay structure or the pay scale of feeder post, as the case may be, on the date of reversion, had the promotion or appointment not been made on the post of higher pay scale. The qualifying service of the higher pay structure shall be counted towards increment in the pay scale of feeder post.

Chapter - VII

Fixation of pay on modification of pay structure

27. (1) Except as otherwise provided in any case, on modification of grade pay from a date later than the 1st January, 2006, the modified grade pay shall be admissible from the date of modification. On the 1st July while computing normal increment, the modified grade pay shall be taken into account subject to completion of minimum six months qualifying service upto the 30th June; otherwise the previous grade pay shall be taken into account. There is no need of any option for fixation of pay in the modified grade pay.

Pay on
modification of
grade pay after
01.01.2006

(2) On modification of grade pay from a date later than the 1st January, 2006, in such cases 1st/2nd/3rd ACP pay scale of that post shall be equal to—

- (i) the ACP pay scale corresponding to pre-modified functional grade pay as on the 1st January, 2006;
- (ii) the modified functional grade pay ;
whichever is higher.

Where ACP pay scale is due from a date after the date of effect of modified functional grade pay the benefit of one increment on account of ACP pay scale shall be admissible, irrespective of any increase in his grade pay.

(3) Where the pay is already being drawn in ACP pay scale on the date of modification and the ACP pay scale is—

- (a) inferior than the modified functional pay structure of the post, the ACP pay scale shall be upgraded equal to modified functional pay structure ; or
- (b) equal to the modified functional pay structure of the post, the same shall remain unchanged.

However, the nomenclature of the grade pay in both the cases shall remain ACP pay scale.

28. (1) On modification of pay band, the option shall be exercised within a period of three months from the date of order of the modification, for fixation of pay either from the date of modification or from the date of next increment, i.e. the 1st July, whichever is more beneficial. If no response is received within the prescribed period from the concerned Government employee, the date of modification of pay band shall be deemed to be the date of his option for the purpose of fixation of pay.

Pay on
modification of
pay band after
01.01.2006

(2) On modification of pay band (with or without grade pay) from a date later than the 1st January, 2006, the pay shall be fixed, from the date it is opted, equal to the pay already drawn in the existing pay band or minimum of the modified pay band, whichever is more, plus grade pay modified or otherwise.

Note.— Where the pay is fixed at minimum of the modified pay band, the normal increment shall be admissible on the 1st July subject to completion of minimum six months qualifying service in the modified pay band upto the 30th June otherwise on the 1st July of next year. In all other cases the date of next increment shall be the 1st July, if otherwise admissible under the normal rules.

(3) Where modified pay band is opted from the date of next increment, in such case the existing pay in the pay band plus modified grade pay, if any, shall be admissible upto that period. pay in the modified pay band shall be fixed with effect from the date it has been opted.

(4) Option once exercised shall be final and shall not be changed in any circumstances except where the pay is refixed with retrospective effect from a date prior to the date of effect of modification of pay band.

Chapter – VIII

Increment

Grant of
Increment.

29. (1) Save as otherwise provided in these rules, the normal increment (annual increment) shall ordinarily be drawn as a matter of course, if otherwise admissible, unless it is withheld before the date it is due. It shall be granted on the 1st July every year subject to completion of minimum six months qualifying service without any increase of pay in the pay band upto the 30th June.

(2) Advance or non-compoundable increment(s) which are granted as a result of passing of certain examination, higher qualification or otherwise, shall be regulated by the relevant rules and orders issued from time to time by the competent authority.

(3) The Head of office shall be competent authority to allow annual increment in normal course to subordinates working under him. The increment to Head of office shall be allowed by the next designated higher authority.

Service
qualifying for
increment.

30. The following periods of service rendered by a Government employee appointed on regular basis shall be qualifying for the purpose of increment :-

- (a) the period of suspension, dismissal, removal, compulsory retirement, followed by re-instatement and treated as duty for the purpose of pay by the competent authority;
- (b) any other period of service treated as duty for the purpose of increment by the competent authority.

Note 1.— In any case in which the Finance Department is satisfied that the extraordinary leave is taken for any cause beyond the control of Government employee or for prosecuting higher scientific, technical or professional studies connected with his duties, the same may be allowed to be counted for increment.

Note 2.— The period of suspension shall not be treated as qualifying service unless any such final decision for this period is taken by the competent authority.

Note 3.— The period of dies non, if any, shall not be treated as qualifying service.

Rate of
increment in a
pay band.

31. (1) Save as otherwise provided in these rules, the rate of increment shall be 3% (three percent) of the sum of pay in the pay band plus grade pay or as amended from time to time. The amount of increment shall be added to the existing pay in the pay band. At the time of computing of increment, paise shall be ignored, but any amount of a rupee or more shall be rounded off to the next multiple of 10 (ten).

Note.— For instance, if the amount of increment comes to Rs. 600.90 paise, then it shall be rounded off to Rs. 600; if the amount of increment works out to be Rs. 601 then it shall be rounded off to Rs. 610.

(2) On first entry into Government service, the first increment shall be granted proportionately keeping in view the completed months of qualifying service upto the 30th June. In case of joining between 1st and 15th of a month that month shall be treated as a completed month and in case of joining on or after 16th of a month, the month of joining shall be ignored for the purpose of grant of proportionate increment. If completed months before the 1st July are—

- (a) 7, the proportionate increment shall be admissible equal to the amount of 3% of basic pay x 7/12, rounded off to the next multiple of 10;
- (b) 5, the proportionate increment shall be admissible equal to the amount of 3% of basic pay x 5/12, rounded off to the next multiple of 10.

Note.— No benefit of increment proportionate or otherwise shall be admissible to a Government employee who is not in service on the 1st July.

Date of
increment in a
pay band.

32. (1) There shall be a uniform date of normal increment viz. the 1st July of every year. If pay is being drawn in any pay band upto HAG, the normal increment shall be granted on that day subject to completion of minimum six months qualifying service upto the 30th June, without any increase in pay in the pay band.

Exception.— Any increase in pay in the pay band by way of merging special pay at the time of fixation of pay on promotion or subsequent appointment from one post to another, shall be ignored at the time of computing minimum six months qualifying service upto the 30th June.

(2) On promotion to a post of higher grade pay on the 1st July, i.e., on the date of normal increment, first the normal increment shall be granted on the basic pay drawn before promotion, if otherwise admissible under the rules on that day, thereafter, the pay shall be fixed on promotional post.

(3) In case of death while in service, the normal increment on the 1st July shall, subject to eligibility, be granted to the Government employee—

- (a) actually, in case of death on the 1st July while not on leave; and
- (b) notionally, in case of death on or after the 1st July while on leave provided the same would have been admissible had he been on duty on the date of death.

33. The increment due on the 1st July shall, subject to eligibility, be granted notionally if the Government employee is on leave (other than casual leave) on that day and actually from the date of joining duty after return from leave, provided the leave has been sanctioned by the competent authority.

Grant of increment while on leave on 1st July.

Note.— Any period of absence without proper sanction of the competent authority shall not be considered as leave.

34. When a Government employee on promotion is otherwise able to join his duty but could not join due to holiday, or series of holidays, falling on 1st of January, and joins on forenoon of 1st working day of the year, i.e. on or after 2nd January, he shall be treated to have completed 6 months qualifying service upto 30th June of that year for the purpose of grant of normal increment provided the same shall have been admissible to him on 1st July with the grade pay of the promotional post had there been no holiday or series of holidays on 1st January. However, the pay shall be admissible from the date of actually joining duty and not from 1st January. In all other cases where the duty is joined in a higher grade pay between the period of afternoon of the 1st January and 30th June, this benefit shall not be admissible.

Date of increment if there is holiday on 1st January.

35. Except in case of proportionate increment, where the qualifying service is less than six months during the period from the 1st July to the 30th June of next year, on whatsoever reason, such as due to extraordinary leave without medical certificate, period of dies non, undecided suspension period, treatment of suspension period as non-duty, period of un-authorized absence, due to increase in pay in the pay band after the 1st January etc., it shall have the effect of postponing the increment to the 1st July of the next year.

Postponement of increment in case of non-qualifying service.

36. When a Government employee is not actually present in office on the date of his next increment (i.e. on 1st July) but under the rules he is on duty, like on training, tour, compulsory waiting period, availing joining time, vacation or otherwise, the normal increment shall be granted if the same shall have otherwise been admissible had he been in office on the 1st July.

Increment on 1st July while on duty.

37. Where the pay band and/or grade pay is changed from lower to higher or vice-versa on whatsoever reason, such as due to promotion, grant of assured career progression (ACP) pay scale, modification of pay scale, transfer on deputation, subsequent appointment, etc. with effect from a date before the 1st July, the normal increment on the 1st July shall be admissible subject to completion of minimum six months qualifying service, upto the 30th June in—

Increment where pay band and/or grade pay is changed before 1st July.

- (i) one or more pay scale without any increase of pay in the pay band. Any enhancement in grade pay from lower to higher, shall be ignored for this purpose, however, the higher grade pay shall be taken into account subject to completion of minimum six months or more qualifying service upto the 30th June in the higher grade pay otherwise the lower grade pay shall be taken into account; or
- (ii) the new pay scale, if such change involves any increase of pay in the pay band or pay is fixed at entry level pay of the post, as the case may be.

Note.— Where pay in the pay band and/or grade pay is changed from higher to lower, on whatsoever reasons, the lower pay in the pay band and/or grade pay only shall be taken into account in all cases while computing normal increment, if otherwise, admissible on 1st July.

38. On appointment by direct recruitment to a post where, as per provision in service rules, passing of any departmental test or fulfilling of other conditions is a pre-requisite to get the normal increment and the same is qualified/fulfilled before the date of first increment due on the 1st July, the normal increment shall be granted on the 1st July if otherwise admissible. If the same is qualified thereafter, the increment(s) shall be granted notionally from the due date(s) at the rate applicable from time to time and actually from the last date of appearance of test(s) which has/have been qualified;

Grant of increment in case departmental test is a pre-condition.

Provided that on appointment by promotion to such a post, the presumptive basic pay of feeder post shall, if it is more advantageous, be admissible till qualifying the departmental test or fulfilling of other conditions prescribed for normal increment of promotional post.

Increment nearer to or after maximum of pay band.

39. Where the pay in pay band is being drawn—

- (i) at maximum of the pay band; or
- (ii) nearer to maximum of pay band or on the date of next increment, maximum of the pay band falls short of the pay after adding the admissible amount of increment, it shall be deemed that pay is being drawn at maximum of pay band;

the pay band shall be changed to immediate next higher at the time of grant of increment without any change in grade pay.

Note.— This benefit shall be admissible upto PB-4, i.e. Rs. 37400-67000, after Rs. 67000 no further increment(s) shall be admissible.

Regulation of increment during the period of Probation.

40. The normal increment shall be admissible on 1st July, subject to eligibility, on appointment as 'Probationer' or 'on Probation' by direct recruitment or otherwise unless any provision contrary to this rule exists in the terms and conditions of appointment or in service rules regulating the service conditions of the post held.

Chapter – IX

Punishment of withholding of increment or reduction to lower Pay

41. Increment of any Government employee may be withheld by the competent authority under Haryana Civil Services (Punishment and Appeal) Rules, 2016 or any other rules. In ordering the withholding of increment, the withholding authority shall clearly state the number of increments and/or the period for which the same are to be withheld, and whether the postponement shall have the effect of postponing future increment or not, i.e. whether withholding of increment is with or without cumulative effect.

Pay on withholding of increment.

Explanation 1.— If a punishment of ‘withholding of three increments without cumulative effect’ is awarded, the same shall be effective from the date of next increment due on the 1st July. No normal increment shall be admissible for a period of three consecutive years and on the 1st July of fourth year, normal increment shall be allowed, if otherwise admissible, alongwith three increments withheld previously.

Explanation 2.— If punishment of ‘withholding of three increments with cumulative effect’ is awarded, no normal increment shall be admissible for a period of three consecutive years. On the 1st July of fourth year, only one normal increment shall be allowed, if otherwise admissible.

Note.— Postponement of normal increment, during the currency of punishment, due to non-qualifying service of more than six months, shall have the effect on punishment already awarded and shall be deemed to be extended upto that extent.

42. In case of imposition of penalties of stoppage of increment one after the other in separate cases, the effect of the first punishment of stoppage of increment shall continue for the period specified in the punishment order. Thereafter the pay shall be raised (if the penalty is without cumulative effect) by giving increment(s) which, but for the imposition of the penalty, shall have been admissible and only then the second order of stoppage of increment(s) shall be made effective which shall continue for the period specified in the second punishment order and so on.

When a series of penalties of stoppage of increment is imposed.

43. The authority competent to revert or transfer as a measure of punishment from a higher to lower post shall also withdraw ACP or reduce pay in the pay band to a stage at which it may think proper. The competent authority ordering any punishment of reduction of pay shall specify—

Reduction of pay in the pay band as a measure of punishment.

- (i) the stage at which pay in the pay band is to be fixed;
- (ii) whether the punishment shall be operative for a limited or permanent period; if for limited period at which stage pay is to be fixed after the expiry of punishment period, i.e. equal to the pay which shall have been admissible had the punishment not been awarded or the pay last drawn before punishment;
- (iii) whether the normal increment(s) shall or shall not be earned during the period of punishment.

44. (A) While drawing functional pay scale—

On reduction to a feeder post as a measure of punishment, the pay shall be fixed equal to the presumptive pay in the—

Reduction to lower post or pay scale.

- (i) functional pay band of feeder post which would have been admissible had he not been promoted; or
- (ii) one step down in ACP pay scale of feeder post which would have been admissible had he not been granted last ACP pay scale identical to functional pay band of promotional post.

Once the pay is fixed in lower pay scale, the annual increment(s) shall be admissible under the normal rules. On re-appointment by promotion on the same post, in case of (i) above, the pay shall be regulated under rule 19; and in case of (ii) above, before fixation of pay in the pay band of promotional post, the pay shall be re-fixed in the ACP pay scale in which the pay is being drawn before awarding punishment of reduction to lower post or pay scale.

(B) While drawing pay in ACP pay scale.—

If punishment of reduction to feeder post is awarded while drawing pay in—

- (i) ACP pay scale of the post held; or

- (ii) ACP pay scale of the feeder post but working on the promotional/ higher post, the ACP pay scale last granted shall be deemed to have been withdrawn automatically. In such case the pay shall be fixed equal to the presumptive pay in the functional or ACP pay scale which shall have been admissible had the last ACP pay scale not been granted. On re-appointment by promotion on the same post, before fixation of pay in the pay band of promotional post, the last ACP pay scale already withdrawn shall be granted and thereafter the pay of promotional post shall be re-fixed.

Definite and clear order of punishment.

45. Every order passed by a competent authority imposing the penalty of withholding of increment, reduction to a lower post/stage of pay in the pay band or withdrawal of ACP pay scale shall be definite and clear and shall be in the form as given below:-

It is, therefore, ordered that—

Shri _____ is awarded a punishment of withholding of _____ increment(s) with/without cumulative effect. The currency of the effect of punishment shall automatically stand extended if he otherwise becomes ineligible for any normal increment(s) due on the 1st July. The effect of punishment shall continue even if the pay band and/or grade pay is changed on whatsoever reason during the currency of punishment.

OR

Shri _____ is awarded a punishment of reduction of pay from Rs. _____ to _____ in his pay band for a period from _____ to _____. He shall/shall not earn annual increment during the period of punishment. Further, his pay shall be fixed Rs. _____ after the expiry of punishment period, i.e. equal to the pay which shall have been admissible to him had he not been awarded this punishment/the pay already drawn before punishment.

OR

Shri _____ is awarded a punishment of withdrawal of ACP PB/grade pay and he shall draw the presumptive basic pay which shall have been admissible had he not been granted the last ACP being withdrawn for a period of _____.

OR

Shri _____ is awarded a punishment of reversion from the post of _____ to _____. His pay in the pay band and Grade pay in the pay band of the post on which he has been reverted shall be fixed equal to the pay which shall have been admissible to him had he not been appointed on promotional post.

Re-fixation of pay when an order of punishment is set aside or modified.

46. Where an order of penalty of withholding of increment, reversion to lower post/ service, reduction in Pay, withdrawal of ACP etc. is set aside or modified by a competent authority on appeal or review, the pay shall, notwithstanding anything contained in these rules, be regulated in the following manner:-

- (a) If the said order is set aside, the difference between the pay which shall have been admissible had the punishment not been awarded shall be given for the period such order remained in force;
- (b) If the said order is modified, the pay shall be regulated as if the order so modified had been made in the first instance.

Explanation.— If the pay is re-fixed in respect of any period prior to the issue of orders of competent reviewing or appellate authority, the difference of due and drawn (other than Travelling Allowance), if any, admissible during that period shall be paid.

Note 1.— In respect of cases falling under clause (a) of this rule, the qualifying service of the lower pay scale, post or at lower stage of pay in the pay band due to withholding of increment(s), from the date of imposition of such penalty by the punishing authority to the date on which the order of penalty is set aside by the competent reviewing or appellate authority, shall count towards increment and for other purposes for the post which is being held immediately before the imposition of the penalty or any other post which shall have been held but for the order of penalty.

Note 2.— In respect of cases falling under clause (b) of this rule, the qualifying service from the date of imposition of the penalty by the punishing authority to the date on which the order is modified by the reviewing or appellate authority, shall be counted towards increment and for other purposes for the post which is being held immediately before the imposition of the penalty or any other post which shall have been held but for the order of penalty, to the extent, the modified order permits for such counting.

Illustration.— An officer in PB-4, 37400-67000 is reverted to a post of PB-3, 15600-39100 for a period of, say two years, and after six months, the order of punishment of reversion to lower post of PB-3 is set aside by the appellate authority, the period of six months shall count for increment in the pay of the post of PB-4 held before punishment. If, on the other hand, the order of penalty is modified as reduction to a lower pay scale for a specified period or withholding of increment in that pay band for specified period, the period that has already elapsed since the date of imposition of the original penalty shall be taken into account only for the purpose of computing the specified period of penalty under the modified order.

Note 3.— A post vacated by a Government employee reverted to lower post/service as measure of punishment shall not be filled substantively until the expiry of a period of one year from the date of such reversion. Where on the expiry of period of the one year, the post is filled and the original incumbent of the post is reinstated thereafter, he shall be accommodated against any post which may be vacant in the grade to which his previous post belonged. If there is no such vacant post, he shall be accommodated against a supernumerary or temporary post which shall be created in this grade with proper sanction and with the stipulation that it shall be terminated on the occurrence of the first vacancy in that grade.

Chapter - X**Next Below Rule**

The next below rule.

47. (1) A Government employee working outside the ordinary line, i.e. on ex-cadre post in the same or any other department or on deputation/foreign service within or out of India, shall be allowed by the competent authority proforma officiating promotion in the pay band and grade pay of the promotional post if he is otherwise fit for the same subject to following conditions :-

- (a) Person junior to him have been promoted. If immediate junior is ineligible for promotion then next junior have been promoted. In such case this benefit shall be admissible from the date junior to him has been promoted;
- (b) if no junior is eligible for promotion and the post has been lying unfilled for want of an eligible person junior to him, in such case this benefit shall be admissible from the date of order of the competent authority for proforma promotion;
- (c) he shall be accommodated to a post identical to pay scale of promotional post by the organization where he is working on a post outside the regular line; and
- (d) all Government employees senior to the Government employee to whom the benefit under this rule is to be allowed are also drawing officiating pay in the same or higher pay band and/or grade pay unless they are passed over by reason of inefficiency or unsuitability etc.

(2) The intention of this rule is to protect the public interest as well as of a Government employee working outside the regular line of service or on foreign service. In order to ensure to fill up the vacancy within the cadre and also to protect the interest of a Government employee gone out of his regular line, one for one principle shall be adopted for proforma promotion with or without any change in the duties subject to conditions mentioned above.

(3) Government employee gone out of the regular line shall not be eligible for benefit under next below rule in case a junior Government employee is promoted in exceptional circumstances, e.g. promotion as a reward of outstanding achievements or any other personal measures.

One for one principle under next below rule.

48. In case where a consecutive series of two or more employees in a cadre are on deputation/foreign service to post outside the regular line, and the employee next below them is promoted to officiate in a higher post in the cadre. In such cases only one employee, i.e., the senior most employee eligible for promotion shall be allowed the benefit under the next below rule.

When senior most employee does not require the benefit under next below rule.

49. In case the senior most employee serving outside the regular line does not require to be protected under the next below rule as he is already holding a post carrying a pay scale identical to or higher than that of the promotional post of parent cadre, and on return is eligible for the pay and incremental benefits of the higher post in the regular line. In such cases, the protection under the next below rule in respect of any one vacancy occurring in the regular line shall go to the next senior most eligible employee of the series serving outside the cadre.

Fixation of pay on proforma promotion under next below rule.

50. A Government employee outside the regular line granted the benefit under next below rule is entitled to draw the higher rate of pay to which he may have been entitled had he been in his regular line. Further, the period of qualifying service from the date of proforma promotion shall be counted for the purpose of increment on return to parent cadre..

Benefit of ACP under next below rule.

51. The benefit of next below rule shall also be extended in regard to grant of assured career progression (ACP) pay band and/or assured career progression (ACP) pay scale subject to eligibility under the Haryana Civil Services (ACP) Rules.

Chapter - XI

Fixation of pay on re-employment after retirement

52. (1) No Government employee shall retire from service before attaining the age of superannuation with a view to being re-employed and drawing pension in addition to pay, whether in any department or organization under Haryana Government. However, appointment after retirement, on or before attaining the age of superannuation, by way of direct recruitment or otherwise, shall be treated as re-employment for the purpose of these rules.

Fixation of pay on re-employment after retirement.

(2) On re-employment of a pensioner (including military pensioner retired on or after attaining the age of 55 years) to a post of pay band—

- (a) identical to or higher than the pay band last held, the pay shall be fixed equal to last drawn pay (pay in the pay band) or entry level pay (excluding grade pay) of re-employed post, whichever is more, minus pension (including commuted portion of pension);
- (b) if maximum of the pay band of the re-employed post is lower than the pay in the pay band last held, pay shall be fixed equal to 'last drawn pay in the pay band' (excluding grade pay) or maximum of the pay band of re-employed post, whichever is less, minus Pension (including commuted portion of pension):

Provided that the pay in the pay band fixed above plus pension shall not exceed—

- (a) Rs. 67000, if appointed to a post upto pay band-4; or
- (b) Rs. 79000, if appointed to a post in HAG.

The grade pay of the re-employed post shall be admissible in addition. The appointing authority shall be competent to fix pay at any stage but not more than the pay admissible under this rule.

Note.— The retirement gratuity (i.e. PEG) shall not be a part of pension for the purpose of this rule.

(3) The increment shall be admissible on the 1st July subject to completion of minimum six months qualifying service on re-employed post. At the time of computing normal increment at the rate of 3%, the entire amount of pay, (i.e. pay in the pay band allowed before deducting non-ignorable part of pension plus grade pay of the re-employed post) shall be taken into account.

Illustration 1.— Mr. 'A' while drawing pay Rs. 20000 in PB-2, plus grade pay 4800 is retired from service on attaining the age of superannuation. His Pension including the commuted portion of pension is fixed Rs. 12,400 p.m. He is re-employed in public interest to a post of higher pay band, PB-3 of 15,600-39,100 plus grade pay 5,400. His pay shall be fixed upto Rs. 20,000 minus 12,400 i.e. Rs. 7,600 + grade pay Rs. 5,400.

Illustration 2.— Mr. 'B' while drawing pay Rs. 44,500 in PB-4, plus grade pay 9,500 is retired from service on attaining the age of superannuation. His Pension including the commuted portion of pension is fixed Rs. 27,000 p.m. He is re-employed in public interest to a post of same pay band but grade pay 8,700. His pay shall be fixed upto Rs. 44,500 minus 27,000 i.e. Rs. 17,500 + grade pay Rs. 8,700.

Illustration 3.— Mr. 'X' is re-employed after attaining the age of superannuation. His last pay drawn is Rs. 53,700 (i.e. pay in pay band-4, 45,000 plus grade pay 8,700) and his basic Pension is fixed Rs. 26,850. He is re-employed on a post of PB-3 plus grade pay 7,600. His pay shall be fixed upto maximum of the PB-3, 39,100 minus pension 26,850 = 12,250 plus grade pay Rs. 7,600.

53. On re-employment of military pensioners in civil service before attaining the age of 55 years, at the time of fixation of pay of military pensioners—

Fixation of pay of military pensioner on re-employment before 55 years.

- (i) below Commissioned officers whole military pension shall be ignored and their pay shall be fixed equal to entry level pay of the re-employed post; and
- (ii) of Commissioned officers first Rs. 4,000 of military pension shall be ignored for the purpose of fixation of pay. The remaining provision of rule 52 above shall be applicable.

Fixation of pay of invalid pensioner or compensation pensioner.

54. On subsequent appointment or re-employment of an invalid pensioner or compensation pensioner of Haryana Government only, the benefit of past qualifying service rendered in any Department of Haryana Government in the same or higher pay structure shall be admissible towards increment in the pay structure of re-employed post.

Fixation of pay of a Government employee who is retired prior to revision of pay scales and re-employed thereafter.

55. The pay of a re-employed pensioner retired prior to revision of pay scales shall be fixed notionally from unrevised to revised pay scale as if he had retired under the revised pay scale. This shall be done with reference to the fitment table prescribed for the employees who were actually in service on the date of revision of pay scales. Thereafter treating it his last pay drawn, the pay of re-employed post shall be fixed as per provision in rule 52. In such case, the revised pension shall be taken into account while fixing the pay of re-employed post in the revised pay scale.

Fixation of pay on re-employment of an employee retired with CPF benefit.

56. For fixation of pay of a person who has availed benefit under the Contributory Provident Fund and/or Defined Contributory Pension Scheme at the time of retirement and has been re-employed in any Department, the contribution made by the employer in the contributory provident fund account of the incumbent alongwith interest thereon shall be worked out and thereafter pension equivalent of contributory provident fund shall be calculated on the basis of commutation table with the following formula :-

$$X = (A + \text{Pension if any}) \div (B \times 12)$$

X is the amount of Pension equivalent of CPF plus actual pension, if any.

A is the amount of Employer share of CPF plus interest thereon.

B is the commutation value to be ascertained from the commutation table against the relevant age on next birth day after retirement.

Note 1.— While working out the amount of employer share in CPF, the actual amount received by the incumbent at the time of retirement shall not be kept in view because the same may be less due to getting refundable/non-refundable advances.

The figure worked out above as 'X' shall be treated as pension for the purpose of fixation of pay of such re-employed person. Formula for fixation of pay shall be the same as provided in rule 52 above.

Note 2.— This provision shall also be applicable in case of re-employment after availing the benefit of defined contributory pension scheme.

Chapter - XII

Stepping up of pay of senior Government employee

57. In the instances listed below, stepping up of pay shall not be admissible even if a junior Government employee is drawing more pay than that of senior Government employee :-

Instances where stepping up of pay of senior is not admissible.

- (a) Where a senior proceeds on extraordinary leave resulting in postponement of date of next increment, consequently he starts drawing less pay than that of his junior in the lower grade itself. Therefore, in such case senior shall not claim pay parity on promotion even though he has been promoted earlier to the higher pay scale.
- (b) If a senior forgoes/refuses promotion leading to his junior being promoted/ appointed to the higher post earlier, junior draws higher pay than the senior.
- (c) If a senior joins the higher post later than the junior, for whatsoever reasons, whereby he draws less pay than that of junior. In such cases, senior shall not claim stepping up of pay at par with the junior. e.g. on promotion from one post to another junior joins on 1st January and senior joins on 2nd January or thereafter, the pay of junior shall be more than that of senior.
- (d) If a senior has joined later than the junior in the feeder post whereby he is in receipt of less pay than that of junior, in such cases also the senior shall not claim pay parity in the higher post though he shall have been promoted earlier to the higher post.
- (e) Where a person is promoted from lower to a higher post, his pay is fixed with reference to the pay drawn on the lower post under rule 13 and he is likely to get more pay than a direct appointee whose pay is fixed under different set of rules. For example, a Junior Scale Stenographer on promotion to the post of Senior Scale Stenographer gets his pay fixed under rule 13 with reference to the pay drawn on the post of Junior Scale Stenographer, whereas the pay of direct recruit Senior Scale Stenographer is fixed under rule 9. In such cases, the senior direct recruit cannot claim pay parity with the junior promoted from a lower post to higher post as seniority alone is not a criteria for allowing stepping up.
- (f) Where a junior gets more pay than his senior due to length of service, appointment by transfer, adjustment in any department after being declared surplus or otherwise.
- (g) Where a senior draws less pay than that of junior due to different date(s) of option for fixation of pay in the pay band revised or modified from time to time.
- (h) Where a senior draws less pay than that of junior due to different date(s) of option for fixation of pay on promotion from one post to another or grant of ACP pay scale/pay band.
- (i) If a senior who has been awarded any punishment of reduction of pay or withholding of increment(s) with cumulative effect etc. and is drawing less pay than that of junior.
- (j) If a senior, who is placed under suspension and the period of suspension has been treated as non-duty, is drawing less pay than that of junior.
- (k) Where a junior gets more pay than his senior due to additional increment(s) granted to him on acquiring higher qualifications or as a personal measure or otherwise.

58. In case of any anomaly between junior and senior Government employee which shall not cover in the list of instances as laid down in rule 57 and satisfy the conditions given below shall be sent to Finance Department alongwith documents required under rule 59 through Administrative Department for consideration:-

Instances where stepping up of pay of senior is admissible.

- (a) both the junior and senior Government employee should belong to the same cadre and the posts in which they have been promoted or appointed are identical and in the same cadre;
- (b) the pay scale of the both lower and higher posts in which the junior and senior Government employees are entitled to draw pay are identical;
- (c) the anomaly is directly as a result of the application of these rules.

Pre-requisites to refer the case to competent authority for stepping up of pay.

59. The following facts/documents are required before sending the case to the Finance Department for stepping up of pay of a senior Government employee who is drawing less pay than that of his junior.—

- (i) primary reason for request of stepping up;
- (ii) whether all the conditions of stepping up are fulfilled in terms of provision in rule 58. If not, which condition is not fulfilled;
- (iii) copy of promotion order of the senior and junior;
- (iv) comparative pay fixation statements of both employees from the date of joining service;
- (v) whether promotion is on regular basis or for stop gap arrangement;
- (vi) whether senior and junior belong to same cadre;
- (vii) whether the pay scales of lower and higher posts of both employees are identical;
- (viii) specify the cause of anomaly or any other reason;
- (ix) specific views of Accounts Personnel of the Department on this point with reference to rules/instructions,

Note.— If the case is to be referred to Finance Department, the same shall be referred with the views/opinion of Administrative Secretary of the Department

Chapter - XIII

Fixation of pay of Judicial Officers

60. The provision of this chapter shall be applicable to the Judicial Officers for fixation of their pay on first appointment or appointment from one post to another :-

Fixation of pay of Judicial Officers.

Pay scales of Judicial Officers.—

The pay scales revised from 01.01.2006 of Judicial Officers are as under :-

Sr. No.	Functional pay scale as on 31.12.2005	Functional pay scale as on 01.01.2006	1st ACP pay scale as on 01.01.2006	2nd ACP pay scale as on 01.01.2006
I.	Civil Judge (Junior Division)			
1	Rs. 9000-250-10750-300-13150-350-14550	Rs. 27700-770-33090-920-40450-1080-44770	Rs. 33090-920-40450-1080-45850 (After 5 years of regular satisfactory service)	Rs. 39530-920-40450-1080-43090-1230-54010 (After another 5 years of the grant of 1st Assured Career Progression pay scale)
II.	Civil Judge (Senior Division)			
2	Rs. 12850-300-13150-350-15950-400-17550	Rs. 39530-920-40450-1080-43090-1230-54010	Rs. 43690-1080-49090-1230-56470 (After 5 years of regular satisfactory service, after placement in the senior division)	Rs. 51550-1230-58930-1380-63070 (After another 5 years of the grant of 1st Assured Career Progression pay scale)
III.	District Judge	Functional pay scale	Selection Grade	Super-time pay scale
3	Pay scale(s) as on 31.12.2005 =	Rs. 16750-400-19150-450-20500	Rs. 18750-400-19150-450-21850-500-22850 (for 25% of the posts with 5 years service in cadre subject to suitability)	Rs. 22850-500-24850 (for 10% of the posts in the cadre as District Judge with minimum of 3 years service in selection grade)
	Pay scale(s) as on 01.01.2006 =	Rs. 51550-1230-58930-1380-63070	Rs. 57700-1230-58930-1380-67210-1540-70290 (for 25% of the posts with 5 years service in cadre subject to suitability)	Rs. 70290-1540-76450 (for 10% of the posts in the cadre as District Judge with minimum of 3 years service in selection grade)

Fixation of pay on promotion.

61. On promotion of a Judicial Officer from one post to another of higher pay structure, the pay shall be fixed at the stage next above or minimum of the pay scale of promotional post, whichever is higher.

Fixation of pay on grant of ACP.

62. On grant of ACP pay scale to a Judicial Officer the pay shall be fixed at the stage next above or minimum of the ACP scale, whichever is higher.

Fixation of pay on grant of selection grade or supertime scale.

63. On grant of selection grade or supertime scale, the pay of Judicial Officer shall be fixed at the stage next above or minimum of the selection grade or supertime scale, as the case may be, whichever is higher.

Fixation of pay on promotion while drawing ACP.

64. On promotion while drawing ACP, the benefit of next stage shall not be admissible but the pay shall not be fixed less than the minimum of functional pay scale of promotional post.

Increment.

65. The increment shall be admissible on first of the month in which it is due. But an officer, who reaches stagnation level, shall be eligible for the grant of biennial stagnation increment(s) in the master pay scale subject to such increments not exceeding five in a particular cadre.

Chapter - XIV

Miscellaneous

- 66.** Except as specifically provided in these rules, the Head of Department or Appointing Authority, whichever is lower, is competent to fix the pay of a Government employee upto the stage admissible under these rules. No authority is competent to fix more or less pay than the pay admissible under these rules without prior sanction of the Finance Department. However, pay of a Government employee may be reduced by the punishing authority under Haryana Civil Services (Punishment & Appeal) Rules, 2016. Competent authority for fixation of pay.
- Note.**— Heads of the Departments or Appointing Authorities concerned shall re-delegate the powers, to any gazetted officer subordinate to them on their own overall responsibility and subject to condition of verification of pay from the officer of SAS Cadre and restrictions as they shall like to impose.
- 67.** Where the Haryana Public Service Commission/ Haryana Staff Selection Commission recommends pay higher than entry level pay, in such case the prior approval of Finance Department shall be sought before issuing the appointment letter by the appointing authority. Fixation of pay above entry level pay.
- 68.** Subject to any exceptions specifically provided in these rules, a Government employee commences or ceases to be entitled to pay and allowances of a post with effect from the— Date of reckoning of pay and allowances.
- (a) day, he assumes or relinquishes charge in the forenoon; or
- (b) next day, he assumes or relinquishes charge in the afternoon.
- 69.** (a) Except as otherwise provided in these rules or any other rules, a Government employee, during a course of training, compulsory waiting period or any other period of service treated as duty under Haryana Civil Services Rules, shall draw basic pay including special pay in lieu of higher pay scale/grade pay, if any, equal to the basic pay which may have been admissible from time to time had he been actually on duty. Pay during the period treated as duty under the rules.
- (b) In respect of any other period of absence (i.e. period of suspension or otherwise) treated as duty by the competent authority, a Government employee shall be granted such pay as the competent authority may allow but in no case exceeding the pay which would have been admissible to him had he actually been on duty.
- 70.** On appointment from one post to another as a 'Probationer' or 'on Probation', by promotion, direct recruitment or otherwise, the pay shall be fixed under normal rules, like promotion, subsequent appointment or otherwise, as the case may be. Fixation of pay in case of appointment as Probationer or on Probation.
- 71.** On subsequent appointment from one post to another in any Department of Haryana Government by direct recruitment or otherwise, the resignation from service shall be a technical formality for the purpose of fixation of pay provided the application has been submitted through proper channel for such post. The period of break, if any, limited to joining time may be condoned. The pay shall be fixed as per provision in rule 10 or 11, as the case may be. Treatment of Resignation from service for the purpose of pay fixation.
- Note.**— The resignation shall also be treated technical formality for the purpose of fixation of pay if the Government employee is not in service at the time when the application for subsequent appointment is directly submitted by him.
- 72.** On subsequent appointment on the same post or the post of same or higher pay scale in the same or any other department under Haryana Government while working on adhoc basis, including purely temporary basis or where services are terminated or discharged while drawing pay in the prescribed pay scale due to— Regulation of pay on subsequent appointment after termination.
- (i) abolition of post; or
- (ii) replacement by a candidate selected by the Staff Selection Commission or any Approved Agency against the post held by discharged employee,
- the pay shall be fixed under Rule 10 or 11, as the case may be, provided no pensionary benefit has been availed for the past service at the time of termination/discharge from service and the application has been submitted through proper channel.
- Note 1.**— The above provision shall also be applicable where application for subsequent appointment is submitted directly at the time when the incumbent is not in service.

Note 2.— Period of break, if any, between termination of adhoc service and appointment on regular basis shall be condoned by the Administrative Department subject to the following conditions:-

- (i) The interruption should have been caused by reasons beyond the control of the Government employee.
- (ii) Service preceding the interruption shall not be less than two years' duration.
- (iii) The interruption shall not be more than one year's duration.

Note 3.— This provision shall not be applicable on re-employment after removal from service as a measure of punishment.

Fixation of pay in case of suspension before revision and/or modification but retirement after revision/modification of pay scale.

73. A Government employee placed under suspension before revision and/or modification of pay scales and retired from service while under suspension after the revision and/or modification of pay scale, shall not be entitled to actual pay in the revised pay scale. However, the pay shall be fixed notionally from the pre-revised to revised and/or modified pay scale with reference to pay actually drawn in the pre-revised pay scale before the date of suspension, and it shall be taken into account for the purpose of calculation of retiral benefits, if any, until the final decision on suspension period is taken by the competent authority.

Appointment from an Organization to any Department under Haryana Government or vice-versa.

74. On appointment from an organization under the control of Haryana Government to any Department of Haryana Government to a post of higher, same or lower pay scale, the pay shall be fixed under rule 10 or 11, as the case may be. Any extraordinary benefit (in the shape of additional increments, personal pay etc.) granted by the previous organization over and above the rules/instructions issued from time to time applicable to Haryana Government employees shall not be allowed to be continued and the same shall be excluded at the time of fixation of pay.

Pay on charge of one or more posts of identical or higher pay scale.

75. On appointment, in addition to ordinary duties as a temporary measure, to hold full charge of the duties of one or more posts of identical or higher pay structure in the same department and in the same cadre/line of promotion, no additional or higher pay shall be admissible. However, the special pay of arduous nature of duties and/or compensatory allowance(s), if any, attached with such post(s) shall be admissible.

Fixation of pay on current duty charge.

76. No additional pay shall be admissible for holding, independently or in addition to own duties, current duty charge of another post(s) of the same or higher grade pay regardless of the duration.

Note.— The current charge of the duties of another post(s) should be given in exceptional circumstances with the approval of appointing authority.

Grant of personal pay and/or special pay.

77. In exceptional circumstances or other personal considerations, the Finance Department may grant to any Government employee or a class of Government employees, with recorded detailed reasons thereon :-

- (a) personal pay;
- (b) special pay; or
- (c) both personal pay and special pay.

SANJEEV KAUSHAL,
Additional Chief Secretary to Government Haryana,
Finance Department.