

GOVERNMENT OF HARYANA

FINANCE DEPARTMENT

No: 1/83/2008-2 PR(FD) Dated Chandigarh, the 18.8.2009

ORDER

[made under rule 17 and rule 19 of the Haryana Civil Services (Revised pay) Rules,
2008]

Subject: Setting the anomaly between 'pre 1.1.2006' and 'post 1.1.2006' direct recruits arising out of the application of Haryana Civil Services (Revised pay) Rules, 2008 right.

Whereas a large cross section of Government employees who were directly recruited in the pre-revised structure of pay before 1.1.2006 have represented against the distortions/anomaly induced due to the relevant provisions of the Haryana Civil Services (Revised pay) Rules, 2008 determining the structure of 'Entry Pay in the revised pay structure for direct recruits appointed on or after 1.1.2006'. They have asserted that:

- i By prescribing relatively much higher 'Entry Pay in the revised pay structure for direct recruits appointed on or after 1.1.2006', a glaring disparity resulting in anomaly has occurred between the directly recruited incumbents in the categories of 'pre 1.1.2006' and 'post 1.1.2006' as the pay in the pay band for the 'post 1.1.2006' recruits as fixed in terms of rule 8 (enabling them to be granted the pay in pay band in terms of the Section II of THE FIRST SCHEDULE, PART - A of the said Rules) works out to be much higher compared to 'pre 1.1.2006' recruits (who are otherwise senior to them) as fixed in terms of provisions of rule 7 of the Revised Pay Rules. As a result an anomaly occurs where seniors' entitlement to pay becomes less than that of juniors'.
- ii Further to it, in a large number of categories of posts where the scales of pay has been upgraded with effect from 1.1.2006 by way of improvement, the severity of anomaly is much more acute in its pitch. Quoting instance, example has been taken where scale has been upgraded from pre-existing 6500-10500 to 8000-13500 [i.e. from Grade Pay 4200 to 5400 in PB-2 (9300-34800)] in case of Senior Scientific Officer in FSL, Madhuban. Here a 'pre 1.1.2006' direct recruit incumbent with over 8 years of service shall draw a pay less than a 'post 1.1.2006' recruited incumbent. [A 'pre 1.1.2006' recruit will fall within the purview of Note 2 below rule 7 for the purposes of pay fixation and thus when drawing pay at the 8th stage in the pre-revised scale i.e. with a seniority of 8 years, get fixed at 'Pay in the Pay Band: 14700/- + Grade Pay: 5400/- = Rs. 20,100/-. On the other hand, a 'post 1.1.2006' recruit falling within the purview of rule 8 for the purposes of pay fixation even when drawing pay at the 1st stage itself i.e. less than one year of service and seniority, get fixed at 'Pay in the Pay Band: 14880/- + Grade Pay: 5400/- = Rs. 20,280/- in terms of Section II of First Schedule Part I. Accordingly, a 'pre 1.1.2006 direct recruit' with 8 years of seniority

gets less pay compared with a freshly recruit 'post 1.1.2006 direct recruit'.] It has further been asserted that at places such an anomaly occurs in cases of 'pre 1.1.2006 recruits' even with 16 years of seniority.

2. And whereas after saying so, they have represented to set the distortions/anomaly right by increasing the admissibility of pay as a consequence of revision drastically in cases of pre-'1.1.2006' recruits further.

3. And whereas the post-'1.1.2006' recruits have also represented against any such attempt to set right the said anomaly that amounts to reducing their admissibility as it would be disrespectful to them. Moreover the pay once afforded cannot be reduced on any pretext.

4. And whereas understanding some of the aspects of the policy followed by the Haryana Government in process of Pay Revision, Government of Haryana implemented the revised pay structure by adopting by and large the structures of Grade Pay and Pay Band as notified by the Central Government for their employees based on the recommendations of 6th Central Pay Commission and while doing so, wherever the exigencies so required, the pre-existing scales of pay were retained in Haryana, even though some of them were merged by the Central Government. As a consequence, some additional 'Grade Pay and Pay Band' structures unique to the State of Haryana were carved out largely out of the pattern as notified by the Central Government. Accordingly, Haryana has carved out its own structure of pay scales, which at places are at variance with the one in Central Government.

5. And whereas the structure of 'Entry Pay in the revised pay structure for direct recruits appointed on or after 1.1.2006' was framed and notified in case of Haryana as included in the Section II of Part - A of the First Schedule as appended to the Haryana Civil Services (Revised Pay) Rules, 2008 (the Rules).

6. And whereas in the process of setting right the anomaly, if any, if higher than what was 'justified upgradation' is afforded to all the employees across the board, it would, apart from being prohibitively burdensome to the exchequer, also afford 'unjustifiable and excessive upgradation' across the board to the employees. 'Justified upgradation' as worked out by the 6th CPC after detailed analysis happens to be what is provided in terms of rule 7 i.e. 'the pay shall be - 'the pay in the pay band/ pay scale determined by multiplying the existing basic pay as on 1.1.2006 by a factor of 1.86 and rounding off the resultant figure to the next multiple of 10' + 'the applicable Grade Pay there upon'. 'Entry Pay in the revised pay structure for direct recruits appointed on or after 1.1.2006' was framed and notified by following a mechanism outside the recommendation of the 6th CPC with a limited purpose of determining the entry pay of 'direct recruits appointed on or after 1.1.2006'. Any system of setting right the anomaly that sterilises the 'justified upgradation' as worked out by the 6th CPC after detailed analysis and affords the excessive upgradations by increasing the admissibility of pay as a consequence of revision drastically in cases of pre-'1.1.2006' recruits would thus be illogical and unacceptable for these reasons. Thus, while setting right the anomaly, if any, the 'Entry Pay in the revised pay structure for direct recruits appointed on or after

1.1.2006' could only be readjusted so that it fall consistent with the 'justified upgradation' as worked out based on the recommendations of the 6th CPC after detailed analysis rather than the converse.

7. And whereas promotees and direct recruits to the same post constitute two different class of employees and can be treated differently not being equals, a distinction within the category of direct recruits to the same post in terms of 'pre 1.1.2006' and 'post 1.1.2006' direct recruits is not justifiable and constitute an anomaly that needs to be addressed.

8. And whereas the complete analysis of the scales of pay and the applicability of the relevant provisions of the Rules demonstrates that the implications of applicability of rule 7 in case of pre-'1.1.2006' recruits and rule 8 in case of post-'1.1.2006' recruits in the existing form has indeed induced anomaly at several places where the admissible resultant pay of senior similarly recruited pre-'1.1.2006' employee becomes less than the junior post-'1.1.2006' recruits.

9. And whereas as per the scheme of revised pay structures defined in components of 'Pay in the Pay Band' and 'Grade Pay', it is the 'Grade Pay' that determines the 'status of employee in the same hierarchy', wherever the Grade Pay is different and pay in the Pay Band becomes irrelevant in determining the relative status (with higher Grade Pay signifying higher status). But within the same Grade Pay, pay in the Pay Band becomes relevant in determining relative seniority and status amongst equals.

10. And whereas it happens to be a cardinal principle of 'pay as a reward to service rendered' remains that all the other circumstances remaining identical and equal, a senior with longer length of service must be afforded equal or more pay compared to his juniors. Thus if a senior draws less pay compared to his juniors, it would be an anomaly.

11. And whereas a 'direct recruit' whether 'pre 1.1.2006 recruit' or 'post 1.1.2006 recruit' remain equals, a 'post 1.1.2006 recruit' cannot be afforded higher pay than a 'pre 1.1.2006 recruit' solely on the ground that they become distinguishable on their respective dates of recruitment vis-à-vis the cut off date (of implementation of the Revised Rules).

12. And whereas it is not appropriate to presume that structures of pay once afforded cannot be altered or change at all even when it has resulted in glaring anomaly. Maximum extent to which a protection is required to be conceded justifiably happens to be limited to the extent that the readjustments should not cause any implied financial loss to the affected class and category of employee compared to what he actually drew immediately before the readjustment.

13. Therefore, in consideration of the totality of circumstances, there is a cause to set right following distortions that has emerged as a consequence to the implementation of the Haryana Civil Services (Revised pay) Rules, 2008 as explained above:

- i To ensure that the 'post 1.1.2006' direct recruits, being junior in service on the same post than the 'pre 1.1.2006' direct recruits, should not be afforded a higher pay in the pay band (while inducted in the same corresponding

Grade Pay) at any time as a consequence of application of the provisions of the Haryana Civil Services (Revised pay) Rules, 2008; and

- ii The consequence of modification ordered to be made to meet the objective (i) above should not result in any disadvantage in financial terms to any body compared to what he was getting prior to this order. In other words, his emoluments as he was drawing immediately before this order comes into force must be protected to that extent.

14. Accordingly, in exercise of the power vested under the provision of rule 17 and rule 19 of the Haryana Civil Services (Revised pay) Rules, 2008 and all other powers enabling the Government so to do, it is ordered that:

- (a) The existing provisions under SECTION II (Entry Pay in the revised pay structure for direct recruits appointed on or after 1.1.2006) of Part A of the FIRST SCHEDULE of the Haryana Civil Services (Revised pay) Rules, 2008 shall be omitted to be substituted by the following with immediate effect:

“SECTION II

Entry Pay in the revised pay structure for direct recruits appointed on or after 1.1.2006

-1S (Rs.4440-7440)

Grade Pay	Pay in the Pay Band	Total
1300	4750	6050
1400	4750	6150
1650	4750	6400

PB-1 (Rs.5200-20200)

Grade Pay	Pay in the Pay Band	Total
1800	5200	7000
1900	5680	7580
1950	5680	7630
2000	5960	7960
2400	7440	9840
2500	7440	9940
2800	7440	10240

PB-2 (Rs.9300-34800)

Grade Pay	Pay in the Pay Band	Total
3200	9300	12500
3300	9300	12600
3600	9300	12900
4000	9300	13300
4200	9300	13500
4600	10230	14830
4800	10230	15030
5200	12090	17290
5400	12090	17490

PB-3 (Rs.15600-39100)

Grade Pay	Pay in the Pay Band	Total
5400	15600	21000
6000	15600	21600
6400	15600	22000
6600	15600	22200
7600	18600	26200
8000	18600	26600

PB-4 (Rs.37400-67000)

Grade Pay	Pay in the Pay Band	Total
8700	37400	46100
8800	37400	46200
8900	37400	46300
9500	37400	46900
9800	37400	47200
10000	37400	47400
12000	37400	49400

- (b) The pay in the Pay Band of all the Government servants who have been appointed on or after 1.1.2006 as direct recruit shall be re-fixed in terms of the revised structure of 'Entry Pay in the revised pay structure for direct recruits appointed on or after 1.1.2006' as detailed above from the respective date of their induction and their entitled 'pay in the Pay Band' and the 'Grade Pay' in terms of this revised structure shall be worked out to be the admissible 'pay in the Pay Band' and the 'Grade Pay' in terms of the Haryana Civil Services (Revised pay) Rules, 2008.
- (c) To ensure that this readjustment does not cause any adverse financial implication, if any, to the respective Government servant affected by it, the difference between what 'Grade Pay + pay in the Pay Band' he was drawing prior to the re-adjustment ordered by this order and what he would be entitled to draw as a consequence of the re-adjustment ordered by this order shall be worked out and shall be afforded to him in addition to the entitled 'pay in the Pay Band' and the 'Grade Pay' in terms of the revised structure in terms of this order as 'Personal Pay' to be adjusted and subsumed in the future increments.

This concludes the order.

(Ajit M. Sharan)

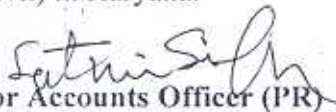
Financial Commissioner & Principal Secretary
to the Government of Haryana, Finance Department

Endst. No. 1/83/2008-2PR(FD)

Dated: 18.08.2009

A copy is forwarded to the following for information and further necessary action at their end:-

1. All the Financial Commissioners & Principal Secretaries/ Administrative Secretaries to Government of Haryana.
2. Registrar (General), the High Court of Punjab & Haryana.
3. All the Heads of Departments in Haryana.
4. All the Divisional Commissioners in Haryana.
5. All the Deputy Commissioners in Haryana
6. All the Sub Divisional Officers (Civil) in Haryana.


Senior Accounts Officer (PR)
for Financial Commissioner & Principal Secretary to
Government, Haryana, Finance Department

Endst. No. 1/83/2008-2PR(FD)

Dated: 18.08.2009

A copy is forwarded to the following for information and necessary action at their end:-

- i. Accountant General (A&E/ Audit), Haryana.
- ii Home Secretary, Chandigarh Administration.


Senior Accounts Officer (PR)
for Financial Commissioner & Principal Secretary to
Government, Haryana, Finance Department

INTERNAL CIRCULATIONS

- i. All the Officers/Deputy Secretaries/Under Secretaries/ Superintendents of F.D.
- ii. In charge, Computer Cell(F.D.)