



दक्षिण रेलवे/ **SOUTHERN RAILWAY**

No.P(PC)524/P/Fixation/Vol.VII

प्रधानकार्यालय/ Headquarters Office
कार्मिक शाखा/ Personnel Branch
चेन्नै/Chennai - 600 003
दि./ Dated:24-10-2018

आर बी ई सं/RBE No. 158 / 2018

पी बी सी सं/ PBC No: 216 / 2018

All PHODs / DRMs / CWMs / CEWE / CAO / CPM / Dy.CPOs / Sr.DPOs /
DPOs / SPOs / WPOs / APOs of HQ / Divisions / Workshops / other Units,
etc.,

(As per mailing list -'A')

विषय/Sub: Railway Services (Revised Pay) rules, 2008 – Section II
of the Part 'A' of the First Schedule thereto – entry pay for
direct recruits appointed on or after 01-01-2006 and pay
fixation in the case of persons other than such direct
recruits.

A copy of Railway Board's letter No. PC-VI/2018/II/RSRP/1 dated
12-10-2018 (RBE No. 158/2018) alongwith a copy of Ministry of Finance,
Department of Expenditure's OM No. 8-23/2017-E.111A dated 28-09-2018 on
the above subject is enclosed for information, guidance and necessary action.

Railway Board's letter dated 04-09-2008 referred therein has circulated
as PBC No. 123 / 2008.

मंलग्न/Encl: as above

(V.SRINIVASAN)
वरिष्ठ कार्मिक अधिकारी/नियम
Senior Personnel Officer/Rules
For Principal Chief Personnel Officer

प्रतिलिपि/Copy to : The Genl Secy / SRMU
The Genl Secy / AISCSTREA
The Genl Secy / AIOBCREA
The Genl Secy / NFIR

GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)
(RAILWAY BOARD)

S.No.PC-VI/ 389

RBE No. 158/2018

No. PC-VI /2018/1/RSRP/1

New Delhi, dated 12.10.2018

The General Managers
All Indian Railways & PUs,
(As per mailing list)

Sub: Railway Services(Revised Pay) rules, 2008-Section II of the Part 'A' of the First Schedule thereto- entry pay for direct recruits appointed on or after 1.1.2006 and pay fixation in the case of persons other than such direct recruits.

A copy of Ministry of Finance, Department of Expenditure's OM No. 8-23/2017-E.IIIA dated 28.9.2018 on the above subject is enclosed for information and compliance. These instructions shall apply mutatis mutandis on the Railways also.

2. A concordance of Ministry of Finance's instructions referred to in the enclosed Office Memorandum and Railway Board's corresponding instructions are given below:-

S. No	No. and date of notification issued by Ministry of Finance's O.M./Orders	No. and date of corresponding notification issued by Ministry of Railways (Railway Board).
1	Central Civil Services (Revised Pay) Rules, 2008 notified vide G.S.R. 622(E) dated 29.8.2008.	Railway Services (Revised Pay) Rules 2008 notified vide G.S.R. 643(E) dated 04.09.2008 (RBI: No.103/2008).

3 This issues with concurrence of the Finance Directorate of the Ministry of Railways.


(S.Balachandra Iyer)

Executive Director, Pay Commission-I
Railway Board

No. 8-23/2017-E.IIIA
Government of India
Ministry of Finance
Department of Expenditure

North Block, New Delhi
28th September, 2018

Office Memorandum

Subject: Central Civil Services (Revised Pay) Rules, 2008 - Section II of the Part 'A' of the First Schedule thereto- entry pay for direct recruits appointed on or after 1.1.2006 and pay fixation in the case of persons other than such direct recruits.

The undersigned is directed to invite the attention to the provisions contained in Section-2 of Part 'A' of the First Schedule of the Central Civil Services (Revised Pay) Rules, 2008 which provides for entry pay in the revised pay structure (pay structure effective from 1.1.2006 up to 31.12.2015) for direct recruits appointed on or after 1.1.2006 on a post and to say that pay in respect of persons appointed to the same posts before 1.1.2006 is required to be fixed as on 1.1.2006 under Rule 7 (1)(A)(i) and pay in respect persons appointed on the same post on promotion on or after 1.1.2006 is required to be fixed under Rule 13 thereof.

2. A number of references were received in Ministry of Finance, Department of Expenditure, stating that the pay of seniors of a post was fixed at a stage lower than the entry pay applicable to the persons appointed on direct recruitment basis on that post on or after 1.1.2006. In such cases, stepping of pay was allowed to the senior employee at par with the entry pay of direct recruits of those posts, subject to the conditions, inter-alia, that stepping up of pay of seniors is applicable only in those cases which have an element of direct recruitment and where a directly recruited junior is actually drawing more basic pay than the seniors. Thus, the stepping up of pay of senior employees was admissible from the date a junior direct recruit joined on or after 1.1.2006.

3. The matter was also considered in the meeting of the National Anomaly Committee (NAC) held on 17.7.2012 based on a demand raised by the Staff Side under the JCM. NAC had recommended that in cases where Recruitment Rules provide for direct recruitment, then the stepping up of pay of senior may be considered, even if no actual direct recruitment takes place or no direct recruit has actually joined. However, it was decided that stepping up of the pay of seniors can be claimed only in the case of those cadres which have an element of direct recruitment and in cases where a directly recruited junior is actually drawing more basic pay than the seniors. Thus, stepping up of pay was dependent upon actual joining of a direct recruit.



4. Trained Graduate Teachers (TGTs) of the Government of National Capital Territories of Delhi (GNCTD) filed an OA No. 3217/2014 before the Hon'ble Principal Bench of CAT. The 13 petitioners of the post of Trained Graduate Teachers (TGT) comprised those who were appointed as TGT before 1.1.2006 as also those who were promoted to the post of TGT on or after 1.1.2006. The pay of these 13 employees had been fixed as per the relevant provisions of the CCS(RP) Rules, 2008 and the same happened to be lower than the entry pay as applicable to direct recruits of the post of TGT appointed on or after 1.1.2006. These petitioners prayed for re-fixing their pay as applicable to direct recruits appointed on or after 1.1.2006.

5. The Hon'ble Principal Bench of CAT in their order dated 4.4.2016 in OA No.3217/2014 allowed the application and directed the Government to ensure that none of the applicant's pay is fixed at a stage lower than the pay which could be drawn by a direct recruit appointed on or after 1.1.2006. The order of Hon'ble CAT dated 4.4.2016 was upheld by the Hon'ble Delhi High Court in terms of their order dated 23.3.2017 in WP(C) No.2634/2017. The Hon'ble Delhi High Court in its order dated 23.3.2017 observed, inter-alia, that the plea of stepping up of pay, as mentioned in para 2 above, means that the direct recruits should have actually joined before any stepping up of pay can be granted and the date of joining would be different as filling up of direct recruit vacancies in the cadre would depend upon vacancy position, selection etc. The Hon'ble Delhi High Court held that this was unacceptable.

6. The matter arising out of the aforesaid order of Hon'ble Delhi High Court dated 23.3.2017 was heard by the Hon'ble Supreme Court as part of the SLP and in its order dated 01.09.2017 (Dy. No. 23663/2017), the Hon'ble Supreme Court has observed that once the question, in principle, has been settled, it is only appropriate on the part of the Government to issue a Circular. The Hon'ble Supreme Court further observed that the present situation is that the stepping up is available only to those who have approached the Court, but since the issue otherwise became final, the Hon'ble Supreme Court directed Government to immediately look into the matter and issue appropriate orders.

7. Accordingly, the matter has been considered in the light of the above background and in the context of the specific orders of Hon'ble Supreme Court dated 01.09.2017 as arising out of the original issue raised by the Trained Graduated Teachers of GNCTD in terms of their OA No. 3217/2014. As mentioned above, the petitioners in that case were those who were appointed as TGT before 1.1.2006 and also promoted as TGT on or after 1.1.2006, and had occasion for grievance because their pay in the pay structure in vogue from 1.1.2006 had been fixed lower than the entry pay as prescribed for direct recruits appointed as TGT on or after 1.1.2006. Therefore, the principle of the benefit of pay fixation, as flowing from the aforesaid orders of Hon'ble CAT, Hon'ble Delhi

High Court and the Hon'ble Supreme Court, is that the pay of those who were appointed to the post prior to 1.1.2006 and those who were appointed to the post on promotion in the pay structure effective from 1.1.2006 onwards, and where in respect of such posts entry pay for direct recruits appointed on or after 1.1.2006 has been prescribed giving rise to differential pay, may not be lower than the said entry pay. It is the case of differential pay in respect of employees of a post, as caused by the existence of entry pay applicable for direct recruits on that post appointed on or after 1.1.2006, that has been addressed in the aforesaid case of the post of TGTs. In case entry pay, as per Section II of Part A of the First Schedule of the CCS(RP) Rules, 2008 is not applicable in case of a post, the same will not give rise to differential pay for holders of the post and, hence, not covered under the ratio of the case of TGT.

8. Accordingly, the President is pleased to decide that in respect of those posts where entry pay for direct recruits appointed on or after 1.1.2006, as per Section II of Part A of the First Schedule of CCS(RP) Rules, 2008, becomes applicable by virtue of the provision of the element of direct recruitment in the relevant recruitment rules, the pay of Central government employees who were appointed to such posts prior to 1.1.2006 and whose pay, as fixed in the revised pay structure under Rule 7 thereof as on 1.1.2006 turns out to be lower than the prescribed entry pay for direct recruits of that post, shall not be less than such entry pay w.e.f. 1.1.2006. Likewise, the pay of Central Government employees who were appointed to such posts by way of promotion on or after 1.1.2006 and whose pay, as fixed under Rule 13 of CCS(RP) Rules, 2008, happens to be lower than the said entry pay, shall also not be less than such entry pay from the date of their promotion taking place on or after 1.1.2006.

9. In their application to the employees of office of Indian Audits and Accounts Department, these orders issue after consultation with the Comptroller and Auditor General of India.

10. Hindi version of these orders is attached.


(Amar Nath Singh)
Director

To

- 1) All Ministries / Departments of the Government of India (As per Standard List).
- 2) C&AG
- 3) UPSC
- 4) Lok Sabha Secretariat
- 5) Rajya Sabha Secretariat
- 6) NIC

भारत सरकार
रेल मंत्रालय
(रेलवे बोर्ड)

पीसी-VI सं. 389

सं.पीसी-VI/2018/आई/आरएसआरपी/1

आरबीई सं. 158/2018

नई दिल्ली, दिनांक 12.10.2018

महाप्रबंधक,

सभी भारतीय रेलें एवं उत्पादन इकाइयां

(डाक सूची के अनुसार)

विषय: रेल सेवा (संशोधित वेतन) नियम, 2008 की पहली अनुसूची के भाग 'क' का खण्ड-II 01.01.2006 को या उसके बाद सीधी भर्ती के आधार पर नियुक्त कर्मचारियों का शुरुआती वेतन और ऐसे भर्ती के आधार पर नियुक्त कर्मचारियों से भिन्न कर्मचारियों के मामले में वेतन निर्धारण।

उपर्युक्त विषय पर वित्त मंत्रालय, व्यय विभाग के दिनांक 28.09.2018 के कार्यालय जापन सं. 8-23/2017-ई.।।।-ए की एक प्रति सूचना एवं अनुपालन के लिए संलग्न है। ये अनुदेश यथोचित परिवर्तनों सहित भारतीय रेलों में भी लागू होंगे।

2. संलग्न कार्यालय जापन में निर्दिष्ट वित्त मंत्रालय के निर्देशों और रेलवे बोर्ड के संबंधित निर्देशों का समन्वय नीचे दिया गया है।

वित्त मंत्रालय द्वारा जारी अधिसूचना संख्या एवं दिनांक	रेलवे बोर्ड द्वारा जारी अधिसूचना संख्या एवं दिनांक
केंद्रीय सिविल सेवा (संशोधित वेतन) नियम, 2008; अधिसूचना संख्या सा.का.नि. 622(अ), दिनांक 29.08.2008	रेल सेवा (संशोधित वेतन) नियम, 2008; अधिसूचना संख्या सा.का.नि. 643(अ), दिनांक 04.09.2008 (आरबीई संख्या 103/2008)

3. इसे रेल मंत्रालय के वित्त निदेशालय की सहमति से जारी किया जा रहा है।

संलग्न: यथोक्त।

बी-31/18

(एस. बालाचंद्र अय्यर)

कार्यकारी निदेशक, वेतन आयोग- II

रेलवे बोर्ड

वेतन एवं लेखा कार्यालय,

रेल मंत्रालय (रेलवे बोर्ड),

नई दिल्ली- 110001

सं.पीसी-VI/2018/आई/आरएसआरपी/1

नई दिल्ली, दिनांक 12.10.2018

प्रतिलिपि भारत के उप नियंत्रक एवं महालेखा परीक्षक (रेलें), कमरा सं. 222, रेल भवन, नई दिल्ली को अग्रेषित (40 अतिरिक्त प्रतियां सहित)

रुतिका मुक्ति
कृते वित्त आयुक्त, रेलें.