

GOVERNMENT OF KERALA

Abstract

RULES—KERALA SERVICE RULES—INITIAL PAY ON PROMOTION—BENEFIT OF
INCREMENTS—MODIFICATIONS—ORDERED.

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FINANCE DEPARTMENT

G. O. (P) 339/63/Fin.

Dated, Trivandrum, 6th June 1963

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Read:

1. G.O. (P) 222/Fin. dated 1-6-1962.
2. Letter No. TM. 1/12-28/59-63/469 dated 8-11-62 from the Accountant General.
3. Letter No. TM. 1/12-28/59-63/608 dated 7-1-63 from the Accountant General
4. U.O. No. TM1/12-28/Pay/777 dated 22-3-63 from the Accountant General.

ORDER

In the G.O. read above introducing the new Rule 28 A in the Kerala Service Rules, Part I, Government accepted the principle adopted by the Govt. of India. in the matter of fixation of pay on promotion to a higher post with a view to enabling persons promoted to higher posts to get some tangible monetary benefit. Accordingly it was ordered that on promotion to a higher post, except where the promotion is from posts carrying a scale of pay the maximum of which exceeds Rs.550, the pay of the employee should first be increased by one increment in the lower scale and then fixed in the higher scale at the stage next above. It was also ordered that in order to avoid anomalies arising consequent on the fixation of pay under the above rule, a re fixation of pay will be allowed on the basis of this rule whenever there is a change of pay in the lower time scale irrespective of whether or nor the officer is confirmed in the post carrying the higher time scale of pay.

The Accountant General has pointed out in his letter read as second paper that in cases where the Government Servants have been confirmed in the higher posts they cease to have any connection with the lower post from the date of confirmation in the higher posts and that therefore it would not be correct to recognize any notional benefit that would have accrued but for the confirmation and allow the benefit of re fixation of pay on that basis. The Accountant General has also suggested that in case where this would give rise to anomalies as in the instance where an officer officiating in a higher post is allowed to have his pay refixed at a stage higher post on the same scale of pay, the anomaly may be removed by the issue of a suitable ruling under Rule 28A on the lines of the orders contained in office Memorandum No. F-2(10) Est-III/62 dated 6.3.62 of the Government of India (Ministry of Finance), by which a refixation will be allowed on the basis of the pay of the junior, if by the application of the above rule, the junior happens to get a higher pay.

Government accept the suggestions of the Accountant General and are pleased to order the amendment of Rule 28 A, Part I, Kerala Service Rules so as to exclude

refixation of pay on the basis of a notional change of pay in the lower post in the case of those who hold the higher post substantively.

NOTIFICATIONS

I

In exercise of the powers conferred by the Proviso, to Article 309 of the Constitution of India the Governor of Kerala hereby makes the following amendment to the Kerala Service Rules, namely:--

AMENDMENT

C.S. No. 22/63.

In Part I of the said Rules in Rule 28A, for the 2nd sentence, the following shall be substituted, namely:--

“ A refixation of pay will be allowed whenever there is a change of pay in the lower time scale”.

(This amendment shall be deemed to have come into force from 3-2-1962).

II

The Governor of Kerala hereby makes the following as a ruling under Rule 28A, Part I, Kerala Service Rules.

RULING

No. 4 / 63.

In cases where the application of the rule would give rise to anomalies in as much as an officer officiating in a higher post could get his pay refixed at a stage higher than the pay drawn by another who stands confirmed in the higher post on the same scale of pay the anomaly will be removed by refixing the pay of the senior officer at the stage equal to that fixed for the junior officer in the higher post, the orders of re-fixation being issued by the competent authority under Rule 34, Part I, Kerala Service Rules. The refixation of pay in such cases will be made subject to the following conditions:--

(a) Both the junior and senior officers should belong to the same cadre and the posts in which they have been promoted or confirmed, as the case may be, should be identical and in the same cadre.

(b) The scale of pay of the lower post in which they would have drawn their pay but for their promotion or confirmation should be identical.

(c) The anomaly should be directly as a result of the application of Rule 28 A. For example, if the junior officer draws from time to time a higher rate of pay than the senior by virtue of fixation of pay under the normal rules or any advance increment granted to him, the provision contained in this ruling should not be invoked to step up the pay of the senior officer.

(d) The refixation of pay of the senior officer should be done with effect from the date of refixation of pay the junior officer. The next increment of the senior officer will

however be drawn on the date on which it would have fallen due but for this re-fixation of pay.

By order of the Governor,
C. THOMAS,
Special Secretary (Finance)

To

The Accountant General.
All Heads of Departments and Offices.
The Secretary, Kerala Public Service Commission (with C.L)
The Secretary to the Governor.
The Registrar of High Court, Ernakulam (with C.L)
The Registrar of Kerala University, Trivandrum (with C.L)
All Departments of the Secretariat.
The Private Secretaries to the Chief Minister and other Ministers.
The Secretaries, Additional Secretaries, Joint Secretaries, Deputy Secretaries,
Under Secretaries and Assistant Secretaries to Government.
The Superintendent, Government Presses, Trivandrum.