

Eastern Railway
(Personnel Department)
17 N. S. Road, Kolkata - 700 001

Serial Circular No. 43/2020

No. E/PC-VII/2016/Policy (Vol. II)

Kolkata, Dated: 13/05/2020

All Concerned

(as per standard list)

Sub: Clarification on restriction of Officiating Pay under FR-35 (Rule 1329 IREC, Vol.II) in the context of RS (RP) Rules, 2016.

A copy of Ministry of Railways (Railway Board)'s letter bearing no. PC-VII/2017/I/7/5/8, dated 11/05/2020 along with its enclosures on the above cited subject is sent herewith for information, guidance and further necessary action. RBE No. 127/2019 mentioned therein was circulated under this office serial No. 167/2019.

DA: As above

A:
(Anjan Ray)
Dy. Chief Personnel Officer/Gaz.
For Pr. Chief Personnel Officer
Phone No.:24104 (Rly.)

[Signature]
13/5/2020

Index No. 1057: Clarification on restriction of Officiating Pay under FR-35 (Rule 1329 IREC, Vol.II)

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)**

No. PC-VII/2017/I/7/5/8

New Delhi, dated: 11.05.2020

**The General Managers,
All Zonal Railways & PUs
(As per standard mailing list)**

Sub: Clarification on restriction of Officiating Pay under FR-35 (Rule 1329 IREC Vol. II) in the context of RS(RP) Rules, 2016.

Subsequent to adoption of Department of Personnel & Training's (DoP&T) OM No. 1/4/2017-Estt.(Pay-I) dated 28.02.2019 regarding restriction of Officiating Pay under FR-35 (Rule 1329 IREC Vol. II) in the context of RS(RP) Rules, 2016 in lieu of Charge Allowance vide Board's letter RBE No. 127/2019 dated 08.08.2019, clarification has been sought by many Railways on issues related to FR-35.

2. The crux of the issues raised by all the Railways is broadly as under:-
 - (i) Pay fixation methodology on regular promotion to JAG following officiating appointment after 01.07.2017.
 - (ii) Pay fixation as per Para-4(illustration-3) of DoP&T's OM dated 28.02.2019.
 - (iii) Pay fixation after adoption of instant instructions in respect of Railway servants who have otherwise been officiating in higher grade prior to 01.07.2017.
3. The other issues raised by the Railways relate to (i) quantum of increment which in certain cases turns out to be less than 3%, (ii) date of adoption of DoP&T's OM on FR-35, (iii) drawal of higher pay by a junior officer in case his officiating appointment was made earlier to a senior officer etc.
4. In order to address the various issues raised by Zonal Railways, a detailed FAQ alongwith suitable illustrations to be followed in different circumstances are enclosed as ***Annexure-I***.
5. This issues are with the concurrence of Finance Directorate and Competent Authority.

Encl: As above


(Jaya Kumar G)
Dy. Director, Pay Commission-VII
Railway Board

Annexure-I

S. No.	Query	Clarification
1	Fixation of pay in case an officer of junior batch gets the benefit of officiating pay and his pay in the officiating level fixed higher to pay of senior officer drawing pay in lower level.	Pay fixation methodology is enclosed at Annexure 'A' .
2	Fixation of pay in case of different dates of officiating in higher grade in respect of officers of same batch working in different railways.	Pay fixation methodology is enclosed at Annexure 'B' .
3	Fixation of pay as per Para-4 (Illustration 3) of DoP&T's OM dated 28.02.2019.	Pay fixation methodology is enclosed at Annexure 'C' .
4	Pay fixation after adoption of instant instructions in respect of railway servants who have otherwise been officiating in higher grade prior to 01.07.2017.	Pay fixation methodology is enclosed at Annexure 'D' .
5	As per instructions contained in DoP&T's OM, in case of where pay of the officials (in Level-11) is fixed after granting the maximum benefit under FR-35 (i.e. 12.5% of Basic Pay subject to a maximum of Rs. 6700) falls below the first Cell in the officiating grade (Level-12), their pay after grant of increment as per the given condition of one year after reaching/surpassing minimum of the level of the officiating grade turns out to be only Rs. 300.	Instructions issued by DoP&T cover all the Ministries under Government of India. While granting benefit under FR-35, the conditionality specified therein has to be adhered to and no unilateral deviation with respect to the instructions issued by DoP&T can be made.
6	Fixation of pay in case of an officiating railway servant working in one Railway is transferred to another Railway and posted in substantive capacity.	Benefits under the instant instructions are to be given to an officer when he is officiating in a higher level. When the officer is posted in his substantive capacity, he will not be entitled for any of the benefit under these instructions.
7	Date of adoption of DoP&T's instructions with effect from 01.07.2017 whereas the DoP&T has adopted the same with effect from 01.01.2016.	Prior to 7 th Central Pay Commission, Charge Allowance was granted in Indian Railways to officers officiating on a higher post in administrative exigencies and this was in force till 30.06.2017 i.e. the date till which the allowance under the 6 th CPC regime in force. It was only from 01.07.2017 that grant of Charge Allowance has to be discontinued, as such a conscious decision has been taken by the Competent Authority after considering

		all aspects to adopt the instructions issued by DoP&T regarding restriction of officiating pay under FR-35 with effect from 01.07.2017.
8	Pay fixation after regular promotion in the respective grade.	Pay fixation shall be done on the basis of substantive pay in the feeder grade.

#Note: After pay fixation in any of the case(s), annual increment shall be accrued strictly in terms of relevant provisions of RS(RP) Rules, 2016 and subsequent instructions in this regard.

Annexure 'A'

CASE-I : In case an officer of junior batch gets the benefit of officiating pay and his pay in the officiating level fixed higher to pay of senior officer drawing pay in lower level.

S. No.	Event	Employee A (Senior)	Employee B (Junior) working in another Railway
1	Pay as on 01.07.2017 (Senior Scale)	80900 in Level-11	78500 in Level-11
2	Date of officiating in JAG (Level-12)	15.01.2019	10.07.2017
3	(i) Pay on officiating in Level-12 as per Rule 13 of RS(RP) Rules, 2016	Pay as on 01.07.2017 : 80900 in Level-11 Pay as on 01.07.2018 : 83300 in Level-11 Pay as on 15.01.2019 (Date of Officiating in higher grade): 86100 in Level-12	Pay as on 01.07.2017 : 78500 in Level-11 Pay as on 10.07.2017 (Date of Officiating in higher grade): 81200 in Level-12
	(ii) Pay after restriction under FR-35 in terms of para 2 & 3 of DoP&T's OM.	86100 in Level-12 (w.e.f. 15.01.2019)	81200 in Level-12 (W.e.f. 10.07.2017. From this date junior officer started drawing higher pay in officiating level w.r.t. senior officer drawing lower pay in lower level. No Stepping Up of Pay is admissible in this case)
4	Date of Regular Promotion in JAG (Level-12)	05.03.2020	10.01.2021
5	Pay fixation with effect from the date of Regular Promotion in JAG after grant of promotional increment as per Rule 13 of RS(RP) Rules, 2016*.	Pay as on 01.07.2017 : 80900 in Level-11 Pay as on 01.07.2018 : 83300 in Level-11 Pay as on 01.07.2019: 85800 in Level-11 Pay as on 05.03.2020 (date of regular promotion): 88700 in Level-12	Pay as on 01.07.2017 : 78500 in Level-11 Pay as on 01.07.2018 : 80900 in Level-11 Pay as on 01.07.2019: 83300 in Level-11 Pay as on 01.07.2020: 85800 in Level-11 Pay as on 10.01.2021 (date of regular promotion): 88700 in Level-12

**Note: The Illustration is indicative only. Option for fixation of pay from Date of Next Increment under FR-22 (Rule 1313) is also available and Cell in Level-12 may change as per option exercised by the employee.*

Annexure 'B'

CASE-II: Different dates of officiating in higher grade in respect of officers of same batch working in different Railways.

S. No.	Event	Employee A (Senior in the batch)	Employee B
1	Pay as on 01.07.2017 (Senior Scale)	80900 in Level-11	80900 in Level-11
2	Date of Officiating in JAG	15.01.2019	10.07.2017 (<i>employee B has been officiating in higher grade earlier to Employee A though both belonging to same batch</i>)
3	(i) Pay on officiating in Level-12 as per Rule 13 of RS(RP) Rules, 2016	Pay as on 01.07.2017 : 80900 in Level-11 Pay as on 01.07.2018 : 83300 in Level-11 Pay as on 15.01.2019 (Date of Officiating in higher grade): 86100 in Level-12	Pay as on 01.07.2017 : 80900 in Level-11 Pay as on 10.07.2017 (Date of Officiating in higher grade): 83600 in Level-12
	(ii) Pay after restriction under FR-35 in terms of para 2 & 3 of DoP&T's OM.	86100 in Level-12 (w.e.f. 15.01.2019)	83600 in Level-12 (W.e.f. 10.07.2017. From this date Employee 'B' started drawing higher pay in officiating level w.r.t. employee 'A' drawing lower pay in lower level. No Stepping Up of Pay is admissible in this case)
4	Date of Regular Promotion in JAG grade (Level-12)	05.03.2020	05.03.2020
5	Pay fixation with effect from the date of Regular Promotion in JAG after grant of promotional increment as per Rule 13 of RS(RP) Rules, 2016*.	Pay as on 01.07.2017 : 80900 in Level-11 Pay as on 01.07.2018 : 83300 in Level-11 Pay as on 01.07.2019: 85800 in Level-11 Pay as on 05.03.2020 (date of regular promotion): 88700 in Level-12	Pay as on 01.07.2017 : 80900 in Level-11 Pay as on 01.07.2018 : 83300 in Level-11 Pay as on 01.07.2019: 85800 in Level-11 Pay as on 05.03.2020 (date of regular promotion): 88700 in Level-12

**Note: The Illustration is indicative only. Option for fixation of pay from Date of Next Increment under FR-22 (Rule 1313) is also available and Cell in Level-12 may change as per option exercised by the employee.*

CASE-III: Fixation of Pay as per Para-4 (Illustration-3) of DoP&T's OM dated 28.02.2019

(a) Officiating in Level-7 from Level-6

S. No.	Event	Particulars
1	Pay as on 01.07.2017	Rs. 36500 in Level-6
2	Date of Officiating in Level-7	15.08.2017
3	Pay after grant of one increment in Level-6	Rs. 37600 in Level-6
4	Minimum Cell value in Level-7	Rs. 44900
5	Increase in Pay	Rs. 44900 - Rs. 37600 = Rs. 8400 The increase is more than increase of 12.5% of 36500 (Rs. 4562.5) which is substantial increase for the purpose of restriction of pay under FR.
6	Pay Fixation in Level-6 on the date of Officiating in higher grade.	Therefore, basic pay is to be fixed at Rs. 36500 + Rs. 4562.50 = Rs. 41062.50 in Level-6. Since no such cell is available, the pay is to be fixed at next cell Rs. 41100 in Level-6 breaching the limit of 12.5%.
7	Pay as on 01.07.2018 after accrual of annual increment	Rs. 42300 in Level-6
8	Pay as on 01.07.2019 after accrual of annual increment	Rs. 43600 in Level-6
9	Pay as on 01.07.2020 after accrual of annual increment	Rs. 44900 in Level-6 The pay has reached to minimum of the Level of Officiating post i.e. Level-7. After one year of reaching/surpassing the pay fixation shall be done in Cell-2 of the Level of the Pay Matrix of the Officiating post i.e. Level-7.
10	Pay as on 01.07.2021	Rs. 46200 (Cell-2 of Level-7)

(b) Officiating in JAG (Level-12) from Senior Scale (Level-11).

S. No.	Event	Particulars
1	Pay as on 01.07.2017	Rs. 71800 in Level-11
2	Date of Officiating in Level-12	15.08.2017
3	Pay after grant of one increment in Level-11	Rs. 74000 in Level-11
4	Minimum Cell value in Level-12	Rs. 78800
5	Increase in Pay	Rs. 78800 - Rs. 71800 = Rs. 7000 The increase is more than increase of Rs. 6700 which is substantial increase for the purpose of restriction of pay under FR.

6	Pay Fixation in Level-11 on the date of Officiating in higher grade.	Therefore, basic pay is to be fixed at Rs. 71800 + 6700 = Rs. 78500 in Level 11
7	Pay as on 01.07.2018 after accrual of annual increment	Rs. 80900 in Level-11 The pay has surpassed the minimum of the Level of Officiating post i.e. Level-12. After one year of reaching/surpassing, the pay fixation shall be done in Cell-2 of the Level of the Pay Matrix of the Officiating post i.e. in Level-12.
8	Pay as on 01.07.2019	Rs. 81200 in Level-12 The increment benefit comes to Rs. 81200 – 80900 = Rs. 300 which is less than 3%. There are grievances to fix pay in such cases at next stage. In this regard, it is advised that deviation from DoP&T's OM is not permissible.

CASE-IV: Pay Fixation after adoption of instant instructions in respect of Railway servants who have otherwise been officiating in higher grade prior to 01.07.2017.

(a) Officiating appointment prior to 01.01.2016.

S. No.	Event	Particulars
1	Pay as on 01.07.2015 (Senior Scale)	Rs. 19810 + 6600 = Rs. 26410 in PB-2/GP-6600
2	Date of officiating in JAG (PB-2/GP-7600)	06.07.2015 (prior to 01.01.2016)
3	Pay fixation w.e.f. the date officiating in JAG in terms of instructions on Charge Allowance	Rs. 26410 + 1500 (Charge Allowance)
4	Pay Fixation in 7 th CPC as on 01.01.2016	Rs. 69700 in Level-11 + 1500 (Charge Allowance)
5	Pay as on 01.07.2016 after accrual of annual increment	Rs. 71800 in Level-11 + 1500 (Charge Allowance)
6	Pay as on 01.07.2017 after accrual of annual increment	74000 in Level-11 (Charge Allowance stands discontinued from this date)
7	Revision of Pay w.e.f. 01.07.2017 (date of effect of instructions under FR-35) from Senior Scale to JAG.	Pay as on 01.07.2017 in Level-11 : 74000 Pay after grant of one increment in Level-11 : Rs. 76200 Minimum Cell value of Level-12 : 78800 Increase in Pay: Rs. 78800-74000 = Rs. 4800 which is not a substantial increase. Therefore, pay shall be fixed at Rs. 78800 in Level-12

(b) Officiating appointment between 01.1.2016 to 01.07.2017

S. No.	Event	Particulars
1	Pay as on 01.07.2016 (Senior Scale)	78500 in Level-11
2	Date of Officiating in JAG (Level-12)	15.08.2016 (prior to date of effect of instructions on FR-35)
3	Pay Fixation with effect from the date officiating in JAG in terms of instructions on Charge Allowance	Rs. 78500 (Level-11) + 1500 (Charge Allowance)
4	Pay as on 01.07.2017	80900 (Level-11) (Charge Allowance stands discontinued from this date)
5	Revision of Pay with effect from 01.07.2017 (date of effect of instructions under FR-35) from Senior Scale to JAG.	Pay as on 01.07.2017 in Level-11 : 80900 Pay after grant of one increment in Level-11: 83300 Fixation of Pay in officiating level i.e. in Level-12 : 83600
