

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

Serial Circular No. 51/2020

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

Kolkata, Dated: 08/07/2020

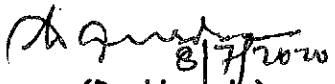
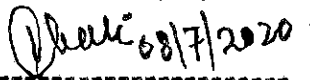
All Concerned

(as per standard list)

Sub: Representations received from various HAG level officers of Indian Railways regarding inconsistency in pay consequent upon implementation of 7th CPC recommendations.

A copy of Ministry of Railways (Railway Board)' letter bearing no. PC-VII/2017/R-U/1, dated 11/06/2020 is enclosed along with its enclosures (Annexure-I to Annexure-IV) for information, guidance and further necessary action.

DA: As above.


(D. Hansda)
Sr. Personnel Officer/RP
For Pr. Chief Personnel Officer
Phone No. 24112


Index No. 1057: Clarification regarding inconsistency in pay of HAG level officers consequent upon implementation of 7th CPC recommendations.

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

No. PC-VII/2017/R-U/1

New Delhi, dated: 11/06/2020

The General Manager/CAOs(R),
All Zonal Railways & Production Units,
(As per mailing list)

Sub: Representations received from various HAG level Officers of Indian Railways regarding inconsistency in pay consequent to implementation of 7th CPC recommendations.

Ref: Board's letter No. PC-VII/2017/R-U/1 dated 05.12.2017 (*Annexure-I*)

Please refer to Board's letter mentioned above advising that the issue arisen post 7th CPC implementation i.e. junior officers drawing more pay than those of seniors stood referred to Ministry of Finance (MoF). With reference to the context, it is stated that MoF vide their OM No. 4-9/2017 IC/E.IIIA dated 10.07.2019 (*Annexure-II*) provided detailed reply in respect of various situations. Representations received in Board's office were examined in the light of MoF's advice and separate replies were given to the respective Railway(s)/PU(s). However, queries on the subject matter are still are being made by certain Railways/officials. Therefore, in order to maintain uniformity across the Railways, clarification given by Ministry of Finance is enclosed as *Annexure-II* which inter-alia is tendering following advice:-

- (i) Disparity in pay between officials belonging to different cadres (Inter-cadre) is not an anomaly.
- (ii) Cases where the pay of senior and juniors officers belonging to same service (intra-service) failing at the same stage is not an anomaly.
- (iii) Cases of Intra-cadre disparity may be examined under relevant provisions by the Administrative department under consultation with Department of Personnel & Training.
- (iv) Ministry of Railways proposal seeking modification of Ministry of Finance's OM dated 07.09.2016 to reduce the period for granting the stagnation increment from two years to one year has not been agreed to by Ministry of Finance with views that the same is not possible due to wide ramifications across all the cadres.

2. With respect to the issue (iii) above, it is further advised that statutory provisions regarding stepping up of pay in cases where a Railway Servant promoted to a higher post immediately before 1st day of January, 2016 draws less pay in the revised pay structure than his junior who is promoted to the higher post on or after 1st day of January, 2016 are already contained in Rule 7(10) of RS(RP) Rules, 2016. As regards the cases arising after promotions effected after switching over to 7th CPC pay structure the same may be examined under the relevant instructions relating stepping up of pay issued vide letter No. F(E)II/94/PAI/2 dated 07.12.1994 (RBE No. 108/94) (*Annexure-III*) and the latest instructions issued by Department of Personnel & Training vide their OM No. 4/3/2017-Estt. (Pay-I) dated 26.10.2018 (*Annexure-IV*).

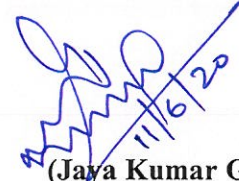
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- 2 -

3. Necessary action on the subject matter may be taken keeping in view of the position as mentioned above. Still, if any policy clarification is required on the issues not covered by above, detailed pay particulars of affected official(s) alongwith views of the Railway and Associate Finance of the concerned Railway may be sent to Board's office for examination.

4. This issues with the approval of Competent Authority.

Encl. As above.



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

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. PC-VII/2017/R-U/1

New Delhi, dated 05/12/2017

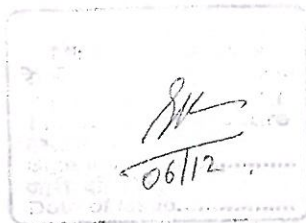
The General Manager/CAOs(R),
All Zonal Railways & Production Units,
(As per mailing list)

Sub: Representations received from various HAG level Officers of Indian Railways regarding inconsistency in pay consequent to implementation consequent to implementation of 7th CPC recommendations.

Post 7th CPC implementation, queries have been raised by several Railways regarding erstwhile Junior Officers drawing more pay than those senior in terms of DITS/date of entry in Group 'A' Service, in situations where 'Stepping-up' rules are not applicable.

2. It is conveyed that a comprehensive reference on this account has been sent to Ministry of Finance and response is awaited.


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



Annex-V

No.4-9/2017-IC/E.IIIA
Government of India
Ministry of Finance
Department of Expenditure

North Block, New Delhi-110001

Dated the 10th July, 2019

OFFICE MEMORANDUM

Subject :- Representations received from various HAG level officers of Indian Railways- Regarding inconsistency in pay due to 7th CPC recommendations - reg.

The undersigned is directed to refer to D.O. No. PC/VII/2017/R-U/1 dated 14.02.2019 from Chairman, Railway Board and Ex-officio Principal Secretary, Ministry of Railways addressed to then Finance Secretary on the above subject, in continuation of Ministry of Railways earlier O.M.s dated 23.03.2017 and 19.12.2017 suggesting to modified Ministry of Finance O.M. No. 1-6/2016-IC dated 07.09.2016 to permit one stagnation increment for all HAG and HAG+ officers who had reached the maximum of the scale of ₹ 79,000/- and ₹ 80,000 respectively, one year prior to 01.01.2016, for each completed year of stagnation instead of two years prescribed in the Ministry of Finance's above referred O.M.

2. In their earlier references Railway Board has made inter-service and intra-service comparisons and pointed out that the issues relating to inter-service anomalies in pay fixation due to 7th CPC implementation. With illustrations, Railways Board has highlighted that senior officer who was drawing more pay all along than his junior, but post 7th CPC, begin to draw same pay as an officer of the same service junior to him by several years.

3. Railway Board has also mentioned that the situation has arisen due to relative stagnation of senior HAG/HAG+ officers at the maximum of the pre-revised pay structure as on 01.01.2016 since the pay scales of HAG (67,000- 79,000) and HAG+ (75,500-80,000) were extremely narrow and in order to address this situation, Railway Board has proposed that the above modifications.

4. The pay disparity of different officers cited by the Railways have been examined and the following is observed:

(i) Shri Anil Handa, IRSME vrs Shri C.L.Bharti, IRPS – It is seen that both the officers belong to two different services. Shri Anil Handa got NF (HAG) on 07.08.2012 & regular HAG on 04.01.2013 i.e before 7th CPC and Shri C.L.Bharti got NF (HAG) on 01.11.2016 after 7th CPC. The pay of Shri C.L.Bharti has exceeded that of Shri Anil Handa after the former got NF (HAG) on 01.11.2016. Inter cadre pay disparity is not an anomaly.

(ii) Shri Anil Handa, IRSME (SCRA 75 Batch) vrs Shri Sunil Bajpai, IRSME (SCRA 80 Batch)- Both the officers belong to the same service. Shri Anil Handa got NF (HAG) on 07.08.2012 and regular HAG on 04.01.2013 before 7th CPC. Shri Sunil Bajpai, got NF(HAG) on 14.07.2016 after 7th CPC. As on 14.07.2016 both of them are at same stage i.e Rs. 2,11,300/- (Level 15). Both the senior and the junior are in the same stage. Therefore, there is no anomaly.

(iii) Shri P.V.Vidialingam, IRAS (1981) vrs Smt. Manjula Rangarajan, IRAS(1984)- Both of them belong to the same service. Shri P.V Vidialingam got HAG on 01.07.2013 and Smt. Manjula Rangarajan got HAG on 01.07.2015 both before 7th CPC. On 01.01.2016 (on pay fixation under 7th CPC) both of them have been placed at Rs. 2,05,100. Since the pay of the junior officer Smt. Rangarajan has not exceeded the pay of the senior officer, there is no anomaly.

(iv) Shri A.K Harit, IRSE (1977) vrs Shri M.K Gupta, IRSE(1979)- Both the officers belong to the same service. Both of them were in HAG grade (79000) on 30.12.2014. Shri A.K Harit got GM grade (80,000) on 31.12.2014 and Shri M.K Gupta continued to be on HAG grade. On 01.01.2016 the pay of Shri A.K Harit was fixed at Rs.2,11,600(Level 16) and the pay of Shri M.K.Gupta was fixed at Rs, 2,11,300 (Level 15) after grant of an increment. On 01.07.2016 the pay of Shri A.K. Harit was fixed at Rs.2,17,900(Level 16) and pay of Shri M.K.Gupta fixed at Rs.2,17,600 (Level 15) after grant of annual increment. Shri A.K.Harit retired on 31.08.2016 from Level 16 (Rs.2,17,900). Whereas Shri M.K.Gupta got promoted to GM grade on 25.07.2016 and his pay was fixed at Rs.2,24,400 (Level 16). The pay of Shri Gupta has exceeded that of Shri Harit on 25.07.2016. Since there is intra cadre disparity, the case of Shri Harit for stepping up pay with that of Shri M.K Gupta may be examined under relevant provisions by the Administrative Department in consultation with DOPT.

5. As may be seen from para 4 above, the examples at para 4(i), (ii) and (iii) above are not pay anomaly. The example cited at para 4 (iv) seems to be an anomaly which may be examined under the relevant provisions of stepping up of pay in consultation with DOPT. In view of the above, the proposal of Railway to permit one stagnation increment for all such HAG and HAG+ grade officers who

had reached the maximum of the scale of Rs.79,000 and 80,000 respectively one year prior to 01.01.2016, instead of two years prescribed at present, is also not possible. Further this may have wide ramifications across all the cadres. Therefore, the proposal of Railway is not agreed to.



(Ram Gopal)

Under Secretary to the Government of India

Tele: 23095629

To

Ministry of Railways,
(Executive Director, PC-II),
Pragati Maidan Metro Station,
New Delhi

Annex-III

Government of India (Bharat Sarkar)
Ministry of Railways (Rail Mantralaya)
(Railway Board)

R.B.E. No. 108/94

No. F(E)II/94/PAI/2.

New Delhi, dated 7.12.94

1. All General Managers(P)/FA&CAOs
(As per Standard List I)
2. All attached Offices, Subordinate Offices, RRBs,
Training Institutes, Railway Tribunals & Others,
(As per Standard List II)
3. All Railway Public Sector Undertakings/Corporations,
(As per Standard List VI)

Sub:- Stepping up of Pay.

A copy of the Department of Personnel's Office
Memorandum No. 4/7/92-Estt(Pay-I) dated 4.11.1993 on the
above subject is forwarded herewith for information and
guidance.


(K. BISWAL)
Dy. Director, Finance(Estt.) I
Railway Board.

DA/As above.

No. F(E)II/94/PAI/2

New Delhi, dated 7-12-1994

Copy (with 40 spares) forwarded to ADAI (Railways)
New Delhi.


(K. BISWAL)
for Financial Commissioner(Railways)

Contd....P/2.

- : 2 : -

No. F(E)^{II}-94 PA1/2

New Delhi, dated

- 7-12-1994

Copy to :-

1. The General Secretary, NFIR, 3 Chelmsford Road, New Delhi. (with 35 spares)
 2. The Genl. (Secretary, AIRF, 4- State Entry Road, New Delhi (with 35 spares)
 3. All members of the National Council/Department Council and Secretary, Staff Side, National Council, 13-C, Ferozeshah Road, New Delhi. (with 90 spares)
- (As per standard list III)

Subsidiary
for Secretary, Railway Board

Copy to :-

PSs to CRB, FC, MS, Adv. (F), Adv. (S), Secretary, EDF(B), EDA, EDE(G), EDE, DEPC, JS(E), JS, JS(G), EDPC-II, DF(E), JDE (REP) I/II, DS(D) & DS(E), DS(A), DS(G), DDE(N)-II, DDF(E)-I/II/III, DDE (REP) DDER/I/II DDE(G) with one spare, US(E), PAO, Welfare Officer.

E(G), Cash I/II/III, F(E)-I/II/Spl. E(P&A) I/II
F(X) I/II Sec(E) SEC(ABE) with 10 spares.

PC-III/IV G(Acc), ERB-I/II/III/IV/V/D, E(GR)
I/II, E(IR), I/III.

E(IR) II with 2 spares, O&M with 2 spares, E(O)
I/II with one spare, E(Rep)-I, II, III.

No. 4/7/32-1st.(P)-1)
GOVERNMENT OF INDIA
DEPARTMENT OF PERSONNEL & TRAINING

New Delhi, 12th 4-11-1932

OFFICE MEMORANDUM

Subject:- Stepping up of pay.

Cases for stepping up of the pay of seniors in a pay scale to that of juniors are generally considered if the following conditions are satisfied:-

- (a) both the junior and senior officer should belong to the same cadre and the posts in which they have been promoted to appointed should be identical and in the same cadre;
- (b) the scales of pay of the lower and higher posts in which the junior and senior officer are entitled to draw pay should be identical;
- (c) the anomaly should be directly as a result of the application of Pt 22-C. For example, if even in the lower post the junior officer draws from time to time a higher rate of pay than the senior by virtue of grant of advance increments or on any other account the above provisions will not be invoked to step up the pay of senior officer.

2. In cases have come to the notice of this Department requesting for stepping up of pay due to the following reasons:-

- (a) where a senior proceeds on Extra Ordinary Leave which results in postponement of Date of Next increment in the lower post, consequently he starts drawing less pay than his junior in the lower grade itself. He, therefore, cannot claim pay parity on promotion even though he may be promoted earlier to the higher grade.
- (b) If a senior foregoes/refuses promotion leading to his junior being promoted/appointed to the higher post earlier, junior draws higher pay than the senior. The senior may be on deputation while junior avails of the ad-hoc promotion in the cadre. The increased pay drawn by a junior either due to ad-hoc promotion in the cadre, the increased pay drawn by a junior either due to ad-hoc officiating/regular service rendered in the higher posts for periods earlier than the senior, cannot therefore, be as anomaly in strict sense of the term.
- (c) If a senior joins the higher post later than the junior, for whatsoever reasons, whereby he draws less pay than the junior, in such cases senior cannot claim stepping up of pay at par with the junior.

(d) If a senior is appointed later than the junior in the lower post itself whereby he is in receipt of lesser pay than the junior, in such cases also the senior cannot claim pay parity in the higher post though he may 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 by him in the lower post under FR 22-A and he is likely to get more pay than a direct appointee whose pay is fixed under different set of rules. For example, a ULC on promotion to the post of Assistant gets his pay fixed under FR 22-C with reference to the pay drawn in the post of ULC, whereas the pay of Assistant (A) is fixed normally at the minimum under FR 22-B(2). 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 due to additional increments earned on attaining higher qualifications.

3. In the instances referred to in paragraph 2 above, a junior drawing more pay than the senior will not constitute an anomaly. In such cases, stepping up of pay will not, therefore, be admissible.

4. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders have been issued after consultation with the Comptroller and Auditor General of India.

5. Hindi version will follow.

Sd/-
(MRS. REVATHY TYER)
DEPUTY SECRETARY TO THE GOI

To

All Ministries/Departments of Government of India
Office of Comptroller & Auditor General of India.

Annex-IV

No.4/3/2017-Estt(Pay-I)

Government of India

Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

List of earlier OMs on the
subject
DoE's OM No.F.2(78)-
E.III(A)63 dated 02.02.1966

DoP&T's OM No.4/7/92-
Estt(Pay-I) dated 04.11.1993

North Block, New Delhi,
Dated the 17th October, 2018
26

OFFICE MEMORANDUM

Subject:- Stepping up of pay-Consolidated guidelines-reg.

The undersigned is directed to say that the issue of anomaly relating to senior Government employees drawing less pay than their juniors due to application of provisions of FR 22(I)(a)(1) is considered on merits for allowing stepping up pay of the seniors so as to bring it at par with that of the junior in accordance with the guidelines scattered in various OMs noted in the margin. A need has been felt to consolidate guidelines on stepping up of pay at one place keeping in view the provisions of the Central Civil Services (Revised Pay) Rules, 2016, [in short CCS(RP)Rules, 2016] as the frequent references on such issues continue to be received in this Department.

2. Consequent upon implementation of CCS(RP)Rules, 2016, the President is pleased to decide the following:

(i) In order to remove the anomaly of a Government servant promoted or appointed to a higher post on or after 1-1-2016 drawing lower pay in that post than another Government servant junior to him in the lower grade and promoted or appointed subsequently to another identical post, the pay of the senior Government servant in the higher post should be stepped up to a figure equal to the pay as fixed for the junior Government servant in that higher post. The stepping up should be done with effect from the date of promotion or appointment of the junior Government servant and will be subject to the following conditions, namely:

- (a) both the junior and the senior Government servants should belong to the same cadre and the posts in which they have been promoted are identical in the same cadre;
- (b) the Level in the Pay Matrix of the lower and higher posts in which they are entitled to draw pay should be identical;

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Babbar
26/10/18

- (c) the anomaly is directly as a result of the application of the provisions of Fundamental Rule 22(I)(a)(1) read with Rule 13 of CCS(RP)Rules, 2016. For example, if the junior officer was drawing more pay in the existing pay structure than the senior by virtue of any advance increments granted to him, the provisions of this sub-rule should not be invoked to step up the pay of the senior officer.

(ii) The order relating to re-fixation of the pay of the senior officer in accordance with clause (i) shall be issued under Fundamental Rule 27 and the senior officer shall be entitled to the next increment on completion of his required qualifying service with effect from the date of re-fixation of pay.

3. The following instances/events wherein juniors draw more pay than seniors, do not constitute anomaly and, therefore, stepping up of pay will not be admissible in such events:

- (a) Where a senior proceeds on Extra Ordinary Leave which results in postponement of his Date of Next Increment in the lower post and consequently he starts drawing less pay than his junior in the lower grade itself. He, therefore, cannot claim pay parity on promotion even though he may be promoted earlier to the higher grade than his junior(s);
- (b) If a senior forgoes/refuses promotion leading to his junior being promoted/appointed to the higher post earlier and the junior draws higher pay than the senior.
- (c) If the senior is on deputation while junior avails of the ad-hoc promotion in the cadre, the increased pay drawn by the junior due to ad-hoc/officiating and/or regular promotion following such ad-hoc promotion in the higher posts vis-à-vis senior, is not an anomaly in strict sense of the term;
- (d) If a senior joins the higher post later than the junior, for whatsoever reasons, whereby he starts drawing less pay than the junior. In such cases, senior cannot claim stepping up of pay at par with that of his junior.
- (e) If a senior is appointed later than the junior in the lower post itself whereby he is in receipt of lesser pay than the junior, in such cases also the senior cannot claim pay parity in the higher post if he draws

(Signature) 3/-
26/11/18

less pay than his junior though he may have been promoted earlier to the higher post.

- (f) Where an employee is promoted from lower post to a higher post, his pay is fixed with reference to the pay drawn by him in the lower post under FR22(I)(a)(1) read with Rule 13 of CCS(RP)Rules, 2016 and due to his longer length of service in the lower grade, his pay may get fixed at a higher stage than that of a senior direct recruit appointed to the same higher grade and whose pay is fixed under different set of rules. For example a Senior Secretariat Assistant (SSA) on promotion to the post of Assistant Section Officer (ASO) gets his pay fixed under FR 22(I)(a)(1) with reference to the pay drawn in the post of SSA, whereas the pay of ASO(DR) is fixed under Rule 8 of CCS(RP)Rules, 2016 at the minimum pay or the first Cell in the Level, applicable to ASO to which he is appointed. In such a case, the senior ASO (DR) cannot claim pay parity with that of the promotee junior ASO.
- (g) Where a senior is appointed in higher post on ad-hoc basis and is drawing less pay than his junior who is appointed in the same cadre and in same post on ad-hoc basis subsequently, the senior cannot claim pay parity with reference to the pay of that junior since the ad-hoc officiating service in higher post is reversible and also since full benefits of FR22(I)(a)(I) are not available on ad-hoc promotion but only on regular promotion following such ad-hoc promotion without break.
- (h) Where a junior gets more pay due to additional increments earned on acquiring higher qualifications.

Note: The above instances/events are only illustrative and not exhaustive.

4. These orders shall be in supersession of D/o Expenditure's OM No.F.2(78)-E.III(A)63 dated 2nd February, 1966 and DOP&T's OM No.4/7/92-Estt(Pay-I) dated 4th November, 1993.

5. This OM is effective from 01.01.2016.

6. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders have been issued after consultation with the Comptroller and Auditor General of India.

A. Bahadur
26/11/18

.....4/-

7. Hindi version will follow.

R Bahree
26/11/18
(Rajeev Bahree)

Under Secretary to the Government of India.

To

1. All Ministries / Departments of Government of India.
2. NIC, DO&PT – with a request to upload this OM on the Department's website under OMs & Orders (Establishment → Pay Rules) and also under "What is New".

Copy also forwarded to:

1. Office of Comptroller & Auditor General of India
2. Secretary General, Supreme Court of India, Secretaries to Union Public Service Commission /Lok Sabha Sectt./Rajya Sabha Sectt./Cabinet Sectt./Central Vigilance Commission/ President's Sectt./Vice-President's Sectt./Prime Minister's Office / Niti Ayog.
3. Controller General of Accounts, Ministry of Finance.
4. Department of Personnel and Training (AIS Division) / JCA /Admn. Section.
5. Governors of all States/Lt. Governors of all Union Territories.
6. Secretary, National Council of JCM (Staff Side), 13-C, Feroz Shah Road, New Delhi.
7. All Members of Staff Side of the National Council of JCM / Departmental Council
8. All Officers/Sections of DoPT/Deptt. Of Administrative Reforms & Public Grievances/Department of Pensions & Pensioners Welfare/ PESB.
9. Joint Secretary (Pers), Ministry of Finance, D/o Expenditure.
10. Additional Secretary(Union Territories), Ministry of Home Affairs

R Bahree
26/11/18
(Rajeev Bahree)

Under Secretary to the Government of India