

**GOVERNMENT OF INDIA
MINISTRY OF FINANCE**

**LOK SABHA
UNSTARRED QUESTION NO. 1227
TO BE ANSWERED ON MONDAY, FEBRUARY 10, 2020
MAGHA 21 , 1941 (SAKA)**

PAY FIXATION METHOD

1227: SHRI KAUSHAL KISHORE

Will the Minister of Finance be pleased to state:

- (a) whether the pay-fixation method for regular promotion and MACP from 4200 Grade Pay to 4600 Pay are done in same manner for the Central Government employees in departments following 6th Central Pay Commission (CPC) and if not, the comments of the Ministry thereon;
- (b) the details of the Rule 11 of the Central Civil Service (Revised Pay) Rule, 2008;
- (c) whether the Hon'ble Supreme Court has ordered for pay-fixation in MACP case from 4200 Grade Pay to 4600 Grade Pay to a minimum of Rs.18460/- under Rule 11 of the Central Civil Service (Revised Pay) Rule, 2008 in Appeal No 3052/2019 in case of Union of India and others in their judgment dated 14.03.2019 and if so, the details thereof and the Government reaction thereto;
- (d) whether the employees with similar/identical cases could use/rely on the said order for applying for their pay- fixation or they have to separately undergo the same strenuous and unnecessary lengthy litigation process and if so, the details thereof; and
- (e) whether a general order is necessary or the copy of the above order after will be sufficient enough for seeking pay-fixation for employee having similar/identical cases and if not, the time by which the general orders will be brought by the Ministry for guiding the concerned Departments in this regard?

ANSWER

**MINISTER OF STATE FOR FINANCE
(SHRI ANURAG SINGH THAKUR)**

- (a) As per Rule 13 of Central Civil Services (Revised Pay) Rules 2008[CCS (RP) Rules 2008], the fixation of pay in the case of promotion from one Grade Pay to another Grade Pay is required to be done by granting one increment equal to 3% of the sum of the Pay in the Pay Band and the existing Grade Pay of the particular post will be computed and rounded off to next multiple of 10. This will be added to the existing Pay in the Pay Band. The Grade Pay corresponding to the promotion post will thereafter be granted in addition to this Pay in the Pay Band.

No separate method of fixation has been prescribed under MACP scheme. The benefit of pay fixation available at the time of regular promotion shall also be allowed at the time of financial upgradation under MACP scheme. Therefore, the pay shall be raised by 3% of total Pay in the Pay Band and Grade Pay drawn before such upgradation. There shall, however, be no further fixation of pay at the time of regular promotion if it is in the same Grade Pay as granted under MACP scheme. However, at the time of actual promotion if it happens to be in a post carrying higher Grade Pay than what is available under MACP scheme, no pay fixation would be available and only difference of Grade Pay would be made available. Further, in case of promotion to a higher Grade Pay other than what has been given under MACP, the employee shall have the option to draw the difference of Grade Pays from the date of such regular promotion/grant of Non-Functional Scale or the date of accrual of next increment in the pay allowed under MACP.

(b) The Rule 11 of CCS (RP) Rules, 2008 provides that where a Government servant continues to draw his pay in the existing scale and is brought over to the revised pay structure from a date later than 1st day of January, 2006, his Pay from the later date in the revised pay structure shall be fixed in the following manner:-

Pay in the Pay Band will be fixed by adding the Basic Pay applicable on the later date, the Dearness Pay applicable on that date and the pre-revised Dearness Allowance based on rates applicable as on 01.01.2006. This figure will be rounded off to the next multiple of 10 and will then become the Pay in the applicable Pay Band. In addition to this, the Grade Pay corresponding to the pre-revised pay scale will be payable. Where the Government servant is in receipt of special pay or non-practicing allowance, the methodology followed will be as prescribed in Rule 7(i),(B),(C) or (D) as applicable, except that the basic pay and dearness pay to be taken in to account will be the basic pay and dearness pay applicable as on that date but dearness allowance will be calculated as per rates applicable on 1.1.2006.

(c) No, sir. Hon'ble Supreme Court has directed to fix the pay in terms of Rule 11 of CCS (RP) Rules 2008.

(d) The claims of the employees for fixation of pay in revised pay structure are to be addressed by the concerned Ministries/ Departments strictly in terms of CCS (RP) Rules 2008 in consultation with Ministry of Finance/Department of Expenditure wherever required;

(e) Hon'ble Supreme Court judgment dated 14.03.2019 in Civil Appeal No. 3052/2019 in the case of Union of India and others vs Raj Kumar Anand and others is specific to pay fixation matter of Shri Raj Kumar Anand and others and is in consonance with CCS(RP) Rules, 2008. Therefore, no general order / Office Memorandum is required to be issued by this Ministry/Department.
