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Regulation of initial pay
on promotion/appointment
to a higher post under the
revised Rule 41 of the
Bombay Civil Services Rules -
Removal of anomalies in the -

CR1972050101

GOVERNMENT OF MAHARASHTRA
Finance Department.
Resolution No. PAY-1871/4311/S-1.
Sachivalaya, Bombay-32(BR), dated 1st May 1972.

RESOLUTION OF GOVERNMENT

1. Under Government Notification, Finance Department, No. PAY-1071/1078/Unit-1, dated the 20th March 1971, rules 41, 42, 51, 56 and 57 of the Bombay Civil Services Rules concerning fixation of pay have been revised with effect from the 1st April 1971. The main principle underlying the fixation of pay under the revised rule 41 of the Bombay Civil Services Rules is that on promotion to a higher post, the pay is first increased by one increment in the lower scale and then fixed in the higher scale at the stage next above the notional pay in the lower post. In doing so no distinction is made on the ground that the lower post was held in a permanent or temporary capacity.

2. By a strict application of the revised rule 41 of the Bombay Civil Services Rules, it may happen that a Government servant promoted and appointed to a higher post prior to 1st April 1971 may draw a lower rate of pay in that post than another Government servant, junior to him in the lower grade but promoted and appointed subsequently to another identical post on or after 1st April 1971. In order to remove this anomaly, Government is now pleased to direct that in such cases 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, under the rule 51 of the Bombay Civil Services Rules, with effect from the date of promotion of the junior Government servant, and it should be subject to the following conditions, viz.:-

- (A) Both, the junior and senior Government servants should belong to one and the same cadre and the posts in which they have been promoted or appointed, should be identical and in the same cadre and in the same line of promotion.
- (B) The scales of pay of the lower and higher post in which they are entitled to draw pay should be identical;
- (C) The anomaly should be directly as a result of the application of revised rule 41 of the Bombay Civil Services Rules. For example, if even in the lower post the junior Government servant draws from time to time a higher rate of pay than the senior by virtue of fixation of pay under the normal rules or by grant of advance increment (S) for any other reason, the provisions contained in this Resolution shall not be taken to step up the pay of the senior Government servant.

GCP.ROTA-FD-H-130(9,150+5-5-72)-1

3. The orders refixing the pay of senior person in accordance with the provision of this Resolution should be issued under rule 51 of the Bombay Civil Services Rules. The next increment of the senior person whose pay has been stepped up in accordance with the provisions contained in this Resolution, should be drawn on completion of the requisite qualifying service, with effect from the date of refixation of pay.

4. The powers to order the re-fixation of pay of the senior Government servant in accordance with the provisions contained in this Resolution under rule 51 of the Bombay Civil Services Rules in respect of Gazetted and non-Gazetted post, should be delegated to the Administration Departments of the Secretariat and the Heads of Departments, respectively.

5. These orders should take effect from the date of issue of this Resolution. Cases of senior persons promoted to the higher post on or after 1st April 1966 but drawing less pay than their junior who is promoted on or after 1st of April 1971 may be regulated under these orders but the arrears of pay and allowances admissible as a result of such re-fixation of pay should be admissible from the date of issue of these orders.

6. Some points of doubt, which may arise in implementing the above orders have been clarified in the Annexure *accompanying this Resolution. The authorities competent to order re-fixation of pay of a senior Government servant under this Resolution should specifically take into consideration the clarifications given in the Annexure before the powers delegated under rule 51 of the Bombay Civil Service Rules as above, are exercised.

By order and in the name of the Governor of Maharashtra,

M. D. SHANBHAG,
Deputy Secretary to the Government of Maharashtra,
Finance Department.

To

- \$The Secretary to Government of India,
Ministry of Finance, New Delhi,
- The Accountant General, Maharashtra, Bombay, with reference
to his Un-official Reference No.
- \$The Additional Accountant General, Office of the Accountant
General, Maharashtra, Nagpur Branch, Nagpur,
- The Pay and Accounts Officer, Bombay,
- The Resident Audit Officer, Bombay,
- The Chief Auditor, Local Fund Accounts, Bombay,
- The Secretary to Governor,
- The Private Secretary to Chief Minister,
- The Personal Assistants to all Ministers, Ministers for
State and Deputy Ministers,
- \$The Prothonotary and Senior Master, High Court of Judicature, Bombay,
- \$The Registrar, High Court of Judicature, Appellate Side, Bombay,