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Maharashtra Civil Services
(Revised Pay) Rules, 1978 -
Clarification regarding -

GOVERNMENT OF MAHARASHTRA
Finance Department.

CR1979083001

Resolution No. PCR-1379/CR-841/SER-10.
Mantralaya, Bombay-400 032, Dated 30th August 1979.

READ:- Government Resolution, Finance Department,
No. PCR-1278/CR-12/SER-10, dated the 17th April 1978.

*** RESOLUTION:-** Certain doubts have been raised about the fixation of pay under the Maharashtra Civil Services (Revised Pay) Rules, 1978 in respect of Government Employees who were under suspension or whose pay was reduced as a result of some penalty. Government is pleased to clarify them as follows:-

(A) Government employees who were under suspension on or from a date prior to 1st April 1976 and were reinstated in service after 1st April, 1976:-

(i) Under Bombay Civil Services Rule 151, a Government employee while under suspension, is entitled for subsistence allowance at an amount equal to the leave salary as admissible under the rules. The leave salary is based on the last pay drawn. Therefore, in the case of an employee who was under suspension on or from a date prior to 1st April 1976 is reinstated in service after that date (i.e. after 1st April, 1976) and whose period of suspension is treated as suspension only, he will not be eligible for the benefit of revision of pay scales during the period of suspension. On reinstatement in service, the pay of such employee should be fixed notionally as on 1st April 1976 or as per his option exercised on reinstatement in service, in the revised scale on the basis of the pay drawn by him immediately before his suspension or the pay admissible on the date from which he opts to come over to the revised pay scale and the pay so fixed should be allowed to him from the date of his reinstatement in service, or the date from which he comes over to the revised pay scale, as the case may be.

(ii) In cases where the period of suspension is treated as duty, such employee shall be eligible for the benefit of revision of pay scales with effect from 1st April 1976 and his pay as on that date or on the date as per his option should be fixed under the Maharashtra Civil Services (Revised Pay) Rules, 1978.

(B) Government employees who were under suspension on or from a date prior to 1st April, 1976 and were removed from service after that date without reinstatement:-

Such employees will not be eligible for the benefit of revision of pay scales.

(C) Government employees whose pay was reduced as a result of some penalty:-

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(1) In case of Government employees who were drawing reduced pay on 1st April, 1976 as a result of some penalty with a provision for restoration of their pay on the expiry of the period of penalty e.g. stoppage of increments without cumulative effect.

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or reduction to a lower stage in the timescale without cumulative effect, the pay of such employee if he opts for the revised scale from 1st April, 1976 should be fixed both:-

(i) on the basis of pay actually drawn on 1st April, 1976; and

(ii) on the basis of pay which would have been drawn but for the penalty.

The revised pay as fixed at (i) above may be allowed with effect from 1st April, 1976 to the date of expiry of the penalty and the revised pay fixed as at (ii) above from the date following the date of the expiry of the penalty after allowing increments, if any, that might have notionally fallen due in the revised scale during the period from 1st April 1976 till the date of the expiry of the penalty. The next increment in the revised scale should be regulated in accordance with Rule 9 of the Maharashtra Civil Services (Revised Pay) Rules, 1978.

(2) The provisions of para C(1) above will also apply mutatis mutandis to Government employees who opt for the revised pay scale from a date subsequent to 1st April 1976 but not later than 1st April 1979.

2. Government employees covered by para C(1) and C(2) above should be allowed a fresh option within a period of 3 months from the date of issue of these orders.

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

S.G. PAI,
Deputy Secretary to Government,
Finance Department.

To
The Accountant General, Maharashtra I, Bombay (with 30 copies),
The Accountant General, Maharashtra II, Nagpur (with 30 copies),
The Pay and Accounts Officer, Bombay,
The Resident Audit Officer, Bombay,
The Chief Auditor, Local Fund Accounts, Bombay,
The Secretary to Governor,
The Secretary to Chief Minister,
The Personal Assistants to all Ministers and Ministers for State,
*The Prothonotary and Senior Master, High Court, Bombay,
*The Registrar, High Court, Appellate Side, Bombay,
*The Secretary, Maharashtra Public Service Commission, Bombay,
*The Secretary, Maharashtra Legislature Secretariat, Bombay,
*The Registrar, Office of the Lokayukta and Upa-Lokayukta, Bombay,
All Departments of the Mantralaya,
All Heads of Departments and Offices under the various Departments of the Mantralaya,
The Chief Executive Officers of all Zilla Parishads,
All Desks in Finance Department,
The Select File, Desk SER-10.

*By letter.

No. AL/AC-517

Copy forwarded for information and guidance to Dy. Director of Land Records. dt.- 9-10-1979

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I, II, III, IV.

for Settlement Commissioner &
Director of Land Records,
Pune.