

S.No. 113

Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel & Training  
Estt. (Pay - I) Section  
\*\*\*\*\*

The proposal received from Ministry of Railways regarding fixation of pay in case of employees transferred to a lower post on their own request under FR-15(a) and subsequently promoted to higher post in the new unit, has been examined in this Department in consultation with Department of Expenditure.

2. The referring Department vide their OM No. F(E)II/2003/FOP/1(Misc) dated November, 2018 has sought clarification on the following two cases:

(i) An employee who joined government service in a particular grade/scale of pay was, after being regularized but before getting any promotion to higher grade/scale, transferred to a lower post on his own request under FR 15(a). Accordingly, his pay was fixed in terms of FR 22(I)(a)(3). Subsequently, he has become eligible for regular promotion to a higher grade/scale which may be the same or lower to his old grade/scale of pay from which he was transferred. Now a doubt has arisen as to whether his pay on subsequent regular promotion is to be fixed under FR 22(I)(a)(1) or FR 22(I)(a)(2).

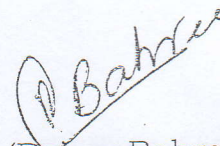
(ii) An employee who joined government service in particular grade/scale of pay and after getting promotion to higher grade/scale, was transferred to a lower post on his own request under FR 15(a). Accordingly, his pay has been fixed in terms of FR 22(I)(a)(3). Subsequently, he has become eligible for regular promotion to that higher grade/scale from which he has been transferred to lower grade/scale. Now a doubt has arisen as to whether his pay on subsequent regular promotion is to be fixed under FR 22(I)(a)(1) or FR 22(I)(a)(2) or otherwise and the manner of fixation of pay.

3. With respect to the clarification sought in para 2(i) above, it is seen that the Government servant has been transferred to lower post under FR 15(a) and his/her pay is protected in terms of FR 22(I)(a)(3). However, if subsequent regular promotion in the adopted cadre in higher post/grade/Level happens to be in same or lower grade/Level/post than the grade/post/Level of the higher post held on regular basis from which he/she is transferred to a lower post/Level under FR 15(a), such Government servant may not be



allowed any promotional increment till he/she reaches to the Level equal to the Level from which he/she is transferred to a lower post on regular basis in the same or another cadre under FR 15(a) in view of the fact that it has a potential to create double/additional pay fixation benefits and also while determining the pay structure/pay scale of any post, promotional aspects/relativity with the lower Level(s) are also taken into account.

4. As regards case in para 2(ii) mentioned above, same mechanism of pay fixation mentioned above may be adopted in cases where the Government servant is promoted to a higher grade/scale of pay/Level and after getting promotion to a higher grade/scale/Level was transferred to a lower post/Level/grade on his/her own request under FR 15(a) and subsequent promotion in higher grade in the adopted cadre happens to be in same or lower post/Level than the promotional grade/post/Level from which he/she is transferred to a lower post under FR 15(a). Thus such Government servant would not draw any promotional increment in the adopted cadre till he/she surpasses the Level from which he/she was transferred to a lower post/Level under FR15(a) in that cadre.



(Rajeev Bahree)

Under Secretary (Pay)

☎ 011-23040 489

Director Finance (Estt.), Railway Board, Ministry of Railways, Rail Bhawan, New Delhi -110 001

DoPT ID Note No. 13/1/2019-Estt.(Pay-I) dated 8<sup>th</sup> November, 2019