

F. No. 7/13/2017-CS-I (A)
Government of India
Ministry of Personnel, Public Grievances and Pension
Department of Personnel & Training
CS-I (A) Section

Lok Nayak Bhawan, New Delhi
Dated 28th December, 2017

OFFICE MEMORANDUM

Subject: Review of Pay fixation of DR ASOs appointed after 01.01.2006 –
Stepping up of pay of DRs with reference to pay of Junior promotee
Assistants – Reg.

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The undersigned is directed to draw attention to the orders issued
by the following Ministries/Departments on the issue of stepping up of
pay of Direct Recruit ASOs (erstwhile Assistants):

Sl.No.	Name of Ministry/Department	Order No. and date of order	No. of ASOs given the benefit of stepping up of pay
1	Ministry of Housing & Urban Affairs (erstwhile M/o Urban Development)	A-32013/2/2015-Admn.I dated 05.07.16	09
2	-do-	A-32013/2/2015-Admn.I dated 17.10.16	01
3	Ministry of Health and F.W	Z-28015/33/2016-Estt.I dated 19.08.16	09
4	Ministry of Mines	P-1/550/2014-Estt. dated 21.10.2016	01
5	Ministry of Youth Affairs and Sports	F.PF.N/43-Admn. Dated 27.01.17	01
6	Department of Posts	17-01/2017-Admn. Dated 06.04.17	03

7	Department of Higher Education	A.44011/32/2016-E-I dated 25.07.17	01
8	Department of Commerce (Supply Division)	A-19011/6/17-A-III dated 31.08.17	02

2. The above orders have been made part of attached documents of M.A (No.4260/2017) in O.A. No.150/2016 filed in Hon'ble CAT, PB by Shri Ajay Lawania and others vs. UoI and Others through which they have demanded extension of similar benefits to the remaining applicants of above OA No.150/2016. Out of the above 27 ASOs, 24 ASOs are also party to the O.A No.150/2016 and the OA No. 150/2016 is still sub-judice in Hon'ble CAT, PB, New Delhi. The next date of hearing in the OA No.150/2016 is 09.01.2018.

3. The matter in regard to stepping-up of pay of DR ASOs with reference to promotees, in brief, is as under:

3.1 Shri Kamlesh Kumar (Rank No. 148) and Shri Santosh Kumar Gaund (Rank No.390, joined as ASOs on 07.07.2008 through CGLE-2005 in Ministry of Defence. M/o Defence sought advice of DoP&T for stepping up of their pay with the promotee Assistant namely, Shri Suresh Kumar (SL:2008), who was promoted on 10.07.2008 in the Ministry of I&B. DoPT advised M/o Defence to step up the pay of Shri Kamlesh Kumar and Shri Santosh Kumar Gaund with reference to their junior Shri Suresh Kumar subject to the following conditions:

- a. The senior was drawing more pay in the pre-revised scale in the post of Assistant;
- b. The junior has started drawing more pay than the senior as a consequence of fixation of pay in the revised scale.

It was further advised that the pay be stepped up from the date of occurrence of (b) above and officials shall not be entitled to arrears from 01.01.2006 till the date of stepping up of pay.

3.2. Accordingly, Ministry of Defence stepped up the pay of both DR ASOs Shri Kamlesh Kumar (Rank No. 148) and Shri Santosh Kumar Gaund (Rank No.390) with the pay of promotee ASO namely Shri Suresh Kumar. Based on the stepping up pay of Shri Santosh Kumar Gaund, other ASOs of the CGLE-2005, who were higher in the rank, claimed the benefit from their respective Ministries with reference to the junior DR ASOs of the same batch working in the different Ministries and the same was granted by some Ministries.

3.3. The matter was re-examined and Department of Expenditure, vide their D.O. letter dated 23.02.15 clarified that it would not be appropriate to create a new concept of stepping up of pay in deviation of established principles, if the pay of DR ASOs appointed after 01.01.2006 is stepped up with that of UDCs promoted to the post of ASOs between 01.01.2006 and 31.08.2008.

Normally, as per CCS (RP) Rules, 2008, the stepping is allowed if the anomaly, if at all arising, is a direct outcome of fixation of pay in the revised pay scale from the pre-revised scale to the effect that the senior who was drawing higher pay in the pre-revised scale, starts drawing lower pay in the revised scale. In the instant case, seniors have never drawn pay in the pre-revised scale prior to 01.01.2006 as they were not borne on the service.

3.4 Department of Expenditure's U.O. Note No.10/1/2009-IC dated 14.12.2009 is in regard to fixation of pay in the revised pay structure of Assistants/PAs of Central Secretariat vis-à-vis the pay drawn by them earlier as Assistant/PA or on lower post of UDC in the pre-revised pay structure obtaining prior to 01.01.2006. Therefore, the provisions contained in the U.O note dated 14.12.2009 is for bringing over the employees drawing pay in the pre-revised pay scale to the revised pay structure based on the Sixth Central Pay Commission effective from 01.01.2006.

3.5 In view of the above, a need has been felt to review, all cases wherein stepping up of pay had been allowed to senior DR ASOs appointed after 01.01.2006 w.r.t juniors promoted between 1.1.06 to 31.08.08 and further to revise pay fixation in such cases and also to effect recoveries of excess payment, if any. Accordingly, this Department issued O.M. No.7/7/2008-CS-I(A) dated 25.05.15 for revision of pay fixation in revised pay structure of such DR ASOs and also for initiating action for effecting recoveries of excess payment. However, this O.M. dated 25.05.15 was challenged in Hon'ble CAT, PB through O.A. No.2147/2015 (Kamlesh Kumar & Others vs. UoI) and the operation of above O.M. was stayed by Hon'ble CAT, PB vide their Order dated 23.06.15 and the same was communicated to all Ministries/Departments by this Department vide O.M.No. 9/1/2015 -CS-I(A) dated 24.07.15. Therefore, the matter regarding stepping up of pay of DR ASOs (CGLE-2005) appointed after 01.01.2006 is still sub-judice.

4. Shri Ajay Lawania, ASO (now Section Officer) in DoPT also sought similar stepping up of his pay with reference to his juniors in CGLE-2005 vide his representation dated 04.06.15. This was not agreed to by this Department and the same has been communicated vide O.M. dated 15.06.15 in view of this Department's O.M. dated 25.05.15, as mentioned above. Therefore, Shri Ajay Lawania alongwith 76 other applicants, through his O.A No.150/2016, sought relief from Hon'ble CAT, PB for quashing of this Department's O.M dated 15.06.15 and also stepping up of pay with reference to his junior. While the above OA is pending in Hon'ble CAT, PB, Shri Ajay Lawania has also filed the M.A as mentioned at para-2 above.

5. Meanwhile, some of the Ministries including those mentioned at para-1 above have issued orders for stepping up of pay of DR ASOs of CGLE-2005 after 25.05.2015 including for those who are also party to the above OA (150/2016) when that the matter is presently sub-judice.

6. As the issue of stepping up of pay of DR ASOs of CGLE-2005, appointed after 01.01.2006 w.r.t juniors promoted between 01.01.06 to 31.08.08 is presently sub-judice, as explained above, all the Ministries/Departments are hereby directed:-

- i. Not to issue any stepping up of pay orders in respect of DR ASOs of CGLE-2005 till the issue is finalized in the above mentioned court cases;
- ii. The orders issued by Ministries as mentioned in para-1 will all be subject to review on the outcome of the court cases filed in Hon'ble CAT, PB in this regard (OA No.2147/2015-Kamlesh Kumar, OA and OA No.150/2016-Ajay Lawania).

7. The above may be noted for strict compliance.



(D.Banerjee)

Under Secretary (CS.I(A)
Ph. 24642705

To,

All Ministries/Departments

Copy to: Estt. (Pay), DoP&T, w.r.t. their note No. 3123955/2017-Estt. (Pay-I)
dated 08/12/2016.