GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)
(RAILWAY BOARD)

No. PC-VII/2017/I/7/5/8 **New Delhi, dated: 12/06/2023**

The General Managers
All Indian Railways and PUs
(as per standard mailing list)

Sub: Fixation of pay on promotion to regular JAG after officiating appointment in JAG(Ad-hoc)

Consequent to adoption of instructions issued by Department of Personnel & Training (DoP&T) regarding restriction of officiating pay under FR-35 (Rule 1329 of IREC Vol. II) in the context of RS(RP) Rules, 2016 vide Board's letter No. PC-VII/2017/I/7/5/8 dated 08.08.2019 (RBE 127/2019), certain Railways referred the issue to Board's Office stating that few Officers are drawing lesser pay on regular promotion to JAG in comparison to the pay drawn by them during officiating in JAG.

2. Above policy aspect has been examined in consultation with Department of Personnel & Training. It is advised that such cases may be dealt as per proviso to Rule 1313(I) of IREC Vol.II. Proviso to Rule 1313(I) of IREC Vol. II is reproduced under:-

"(b) If the conditions prescribed in clause (a) are not fulfilled, he shall draw as initial pay on the minimum of the time scale.

Provided that, both in cases covered by clause (a) and in cases, other than the cases of re-employment after resignation or removal or dismissal from the public service, covered by clause (b), if he;

(1) has previously held substantively or officiated in –

(i) the same post, or

(ii) a permanent or temporary post on the same time scale; or

(iii) a permanent post or a temporary post (including a post in a body, incorporated or not, which is wholly or substantially owned or controlled by the Government) on an identical time scale; or

(2) is appointed subject to the fulfillment of eligibility conditions as prescribed in the relevant recruitment rules to a tenure post on a time scale identical with that of another tenure post which he has previously held on regular basis; then the initial pay shall not, except in cases of reversion to parent cadre, governed by proviso (1) (iii) be less than the pay, other than special pay,personal pay or any other emoluments which may be classed as pay by the President under Rule 1303 (iii)- RII (FR-9 (21) (a) (iii)) which he drew on the last occasion, and he shall count the period during which he

drew that pay on a regular basis on such last and any previous occasions for increment in the stage of the time scale equivalent to that pay. If, however, the pay last drawn by the Railway servant in a temporary post had been inflated by the grant of premature increments, the pay which he would have drawn but for the grant of these increments shall, unless otherwise ordered by the authority competent to create the new post, be taken for the purposes of this proviso to be the pay which he last drew in the temporary post which he had held on a regular basis. The service rendered in a post referred to in proviso (1) (iii) shall, on reversion to the parent cadre, count towards initial fixation of pay, to the extent and subject to the conditions indicated below:"

3. It is requested that while deciding the case(s), relevant conditions stipulated in Rule 1313 of IREC may also be taken into account. Copy of Rule 1313 of IREC Vol.II is enclosed as ***Annexure-I***

4. This issues with the concurrence of Finance Directorate of Railway Board.

12/6/23

(Jaya Kumar G)
Deputy Director, Pay Commission-VII & HRMS
Railway Board
e-mail: jaya.kumarg@gov.in
Ph. No: 011-47845125

Annexure-I

1313. (FR-22) (I) –The initial pay of a railway servant who is appointed to a post on a time scale ofpay is regulated as follows:--

(a) (1)

"1313(F.R.22) (1) The initial pay of a railway servant who is appointed to a post on a time scale of pay is regulated as follows :-

(a)(1) where a Railway servant holding a post, other than a tenure post, in a substantive or temporary or officiating is promoted of appointed in a substantive, temporary of officiating capacity, as the case may be, subject to the fulfillment of the eligibility conditions as prescribed in the relevant Recruitment Rules, to another post carrying duties and responsibilities of greater Importance than those attaching to the post held by him, his initial pay in the time-scale shall be fixed by giving one increment in the level from which the Railway servant is promoted and he or she shall be placed at a cell equal to the figure so arrived at in the level of the post to which promoted or appointed and if no such cell is available in the level to which promoted or appointed, he shall be placed in the next higher cell in that level.

Save in cases of appointment on deputation to an ex-cadre post or to a post on ad-hoc basis or on direct recruitment basis, the Railway servant shall have the option, to be exercised within one month from the date of promotion or appointment or as the case may be, to have the pay fixed under this rule from the date of such promotion or appointment or to have the pay fixed initially at the next higher cell in the level of post to which he or she is promoted on regular basis and subsequently, on the date of accrual of next increment in the level of the post from which Railway servant is promoted, shall be re-fixed and two-increments his pay (one accrued on account of annual increments and second accrued on account of promotion) shall be granted in the level from which the Railway Servant is promoted and he or she shall be placed, at a cell equal to the figure so arrived, in the level of the post to which he or she is promoted; and if no such cell is available in the level to which he or she is promoted, he or she shall be placed at the next higher cell in that level.

In cases where an ad hoc promotion is followed by regular appointment without break, the option is admissible from the date of initial appointment or promotion, to be exercised within one month from the date of such regular appointment.

In cases where an officer has retired as ad-hoc before being regularized to that post and later on has been assessed during the process of regularization and found fit by the competent authority along with his or her juniors, who are still in service and are eligible to avail of the option facility from a date on which the retired employee was still in service, the same option facility shall also be extended to the retired employee, to be exercised within three months from the date when his or her junior became eligible to avail of option facility and in cases where such retired employee was himself the junior most, he or she may exercise the option facility within three months from the date when his or her immediate senior become eligible to avail of option facility:

Provided that where a Railway servant is, immediately before his promotion or appointment on regular basis to a higher post, drawing pay at the maximum of the lower post, his initial pay in the level of the higher post shall be fixed at the cell equal to the figure so arrived at in the level of the post to which promoted or appointed by increasing his pay in respect of the lower post held by him on regular basis by an amount equal to the last increment in the level of the lower post and if no such cell is available in the level to which

he is promoted or appointed, he shall be placed at the next higher cell in that level."

(Authority Board's letter No.2018/F (E)II/3(1)/1, dated 15/03/2019)

(2) When the appointment to the new post does not involve such assumption of duties and responsibilities or greater importance, he shall draw as initial pay, the stage of the time scale which is equal to his pay in respect of the old post held by him on regular basis, or, if there is no such stage, the stage next above his pay in respect of the old post held by him on regular basis;

Provided that where the minimum pay of the time scale of the new post is higher than his pay in respect of the post held by him regularly, he shall draw the minimum as the initial pay; Provided further that in a case where pay is fixed at the same stage, he shall continue to draw that pay until such time as he would have received an increment in the time scale of the old post; in cases where pay is fixed at the higher stage, he shall get his next increment on completion of the period when an increment is earned in the time scale of the new post.

On appointment on regular basis to such a new post, other than to an ex-cadre post on deputation, the Railway servant shall have the option, to be exercised within one month from the date of such appointment, for fixation of his pay in the new post with effect from the date of appointment to the new post or with effect from the date of increment in the old post.

(3) When appointment to the new post is made on his own request under (Rule 227 (a) (2)-RI (FR-15A) (2)) and the maximum pay in the time scale of that post is lower than his pay in respect of the old post held regularly, he shall draw that maximum as his initial pay.

(b) If the conditions prescribed in clause (a) are not fulfilled, he shall draw as initial pay on the minimum of the time scale.

Provided that, both in cases covered by clause (a) and in cases, other than the cases of re-employment after resignation or removal or dismissal from the public service, covered by clause (b), if he;

(1) has previously held substantively or officiated in –

(i) the same post, or

(ii) a permanent or temporary post on the same time scale; or

(iii) a permanent post or a temporary post (including a post in a body, incorporated or not, which is wholly or substantially owned or controlled by the Government) on an identical time scale; or

(2) is appointed subject to the fulfillment of eligibility conditions as prescribed in the relevant recruitment rules to a tenure post on a time scale identical with that of another tenure post which he has previously held on regular basis; then the initial pay shall not, except in cases of reversion to parent cadre, governed by proviso (1) (iii) be less than the pay, other than special pay,personal pay or any other emoluments which may be classed as pay by the President under Rule 1303 (iii)- RII (FR-9 (21) (a) (iii)) which he drew on the last occasion, and he shall count the period during which he drew that pay on a regular basis on such last and any previous occasions for increment in the stage of the time scale equivalent to that pay. If, however, the pay last drawn by the Railway servant in a

temporary post had been inflated by the grant of premature increments, the pay which he would have drawn but for the grant of these increments shall, unless otherwise ordered by the authority competent to create the new post, be taken for the purposes of this proviso to be the pay which he last drew in the temporary post which he had held on a regular basis. The service rendered in a post referred to in proviso (1) (iii) shall, on reversion to the parent cadre, count towards initial fixation of pay, to the extent and subject to the conditions indicated below: -

(a) The Railway servant should have been approved for appointment to the particular grade or post in which the previous service is to be counted;

(b) All his seniors, except those regarded as unfit for such appointment, were serving in posts carrying the scale of pay in which benefit is to be allowed or in the higher posts, whether in the Department itself or elsewhere and at least one junior was holding a post in that Department carrying the scale of pay in which the benefit is to be allowed; and

(c) The service will count from the date his junior is promoted on a regular basis and the benefit will be limited to the period the railway servant would have held the post in his parent cadre had he not been appointed to the ex-cadre post.

Railway Board's Orders

(1) These rules will not apply to ad-hoc promotions from Group 'B' to Group 'A' and ad-hoc promotions within Group 'A' for which separate orders issued by Railway Board will good.

(2) Duties and responsibilities of greater importance for the purpose of Rule 1313(FR-22):

(i) For the purpose of fixation of substantive pay (including presumptive pay) a junior scale post shall be deemed to carry duties and responsibilities of greater importance than those attached to Class II post (including the post of an Assistant Accounts Officer).

(This takes effect from 2nd July, 1959)

(ii) Appointments of the following classes shall be deemed to involve the assumption of duties and responsibilities of greater importance-

(a) appointment to the Assistant Officer's grade or Lower Gazetted Service from a non- gazetted post;

(b) appointment to the District Grade from an Assistant Officer's or lower grade post;

(c) appointment to junior administrative post from the District or Lower grade;

(d) appointment to a senior or inter-administrative post from a junior administrative post or from a lower grade;

(e) appointment to a senior administrative post from an intermediate administrative post;

(f) appointment to a senior administrative post in the erstwhile

scale of Rs.1800-2250 from a senior administrative post in the scale of Rs. 1800-2200 (RS).

(3) A temporary post on a certain rate of pay (fixed or time-scale) which is converted into a permanent post on a different rate of pay is not the same post as the permanent post even though the duties remain the same.

II. The President may specify posts outside the ordinary line of service the holder of which may, notwithstanding the provisions of this rule and subject to such conditions as the President may prescribe, be given officiating promotion in the cadre of the service which the authority competent to order promotion may decide, and may thereupon be granted the same pay whether with or without any special pay attached to such posts as they would have received if still in the ordinary line.

III. For the purpose of this rule, the appointment shall not be deemed to involve the assumption of duties and responsibilities or greater importance if the post to which it is made is on the same scale of pay as the post, other than a tenure post, which the railway servant holds on a regular basis at the time of his promotion or appointment or on a scale of pay identical therewith.

IV. Notwithstanding anything contained in this rule, where a railway servant holding an ex-cadre post is promoted or appointed regularly to a post in his cadre, his pay in the cadre post will be fixed only with reference to his presumptive pay in the cadre post which he would have held but for his holding any ex-cadre post outside the ordinary line of service by virtue of which he becomes eligible for such promotion or appointment.

(Authority No. F (E)II/89/FR-1/1 dated 12-12-1991)