

Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
Establishment (Pay-I Section)

Pay Fixation

Department of Personnel and Training has issued various instructions from time to time on pay fixation of Government servants. These instructions are broadly categorized as under:

- A. Pay fixation on promotion and availability of option.
- B. Pay fixation on transfer to a lower post on own volition under FR 15(a).
- C. Restriction of Officiating Pay under FR 35.
- D. Stepping up of Pay.

2. All these instructions issued till date have been consolidated under easily comprehensible headings for the facility of reference and guidance of all concerned.

<u>Part- A : Pay fixation on promotion and availability of option:</u>

I. FUNDAMENTAL RULE

¹**F.R. 22 (I)** The initial pay of a Government servant who is appointed to a post on a time scale of pay is regulated as follows:

- ²**(a)(1)** Where a Government servant holding a post, other than a tenure post, in a substantive or temporary or officiating capacity is promoted or appointed in a substantive temporary or 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 Government 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 at 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 Government servant shall have the option, to be exercised within one month from the date of promotion or appointment, 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 the 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 Government Servant is promoted, his pay shall be re-fixed and two increments (one accrued on account of annual Increment and the second accrued on account of promotion) shall be granted in the level from which the Government 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 regularised to that post and later on has been assessed during the process of regularisation 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 became eligible to avail of option facility:

Provided that where a Government servant is immediately before his promotion or appointment on regular basis to a higher post, drawing pay at the maximum of the level 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.

- ³(2) When the appointment to the new post does not involve such assumption of duties and responsibilities of 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 Government 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 sub-rule (a) of Rule 15 of the said rules, 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) ⁴has 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 fulfilment of the 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 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 Government's 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 Government 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 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 Government servant would have held the post in his parent cadre had he not been appointed to the ex-cadre post.

(II) The President may specify post 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 of 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 Government 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 Government 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.

[1,3. [Notification No. 1/10/89-Estt.\(Pay-I\) dated 30.08.1989](#)]

[2. [Notification No. 13/1/2017-Estt.\(Pay-I\) dated 19.11.2018](#)]

[4. [Notification No. 1/10/89-Estt.\(Pay-I\) dated 28.11.1990](#)]

Note: Fundamental Rules 22 C, 30 and 31 were omitted vide Para 3 of DoPT's Notification No. 1/10/89-Estt.(Pay-I) dated 30.08.1989.

II. In context of CCS (RP) Rules, 2016 – with effect from 01.01.2016

(1) Availability of Option

FR 22(I)(a)(1) holds good with regard to availability of option clause for pay fixation, to a Government Servant holding a post, other than a tenure post, in a substantive or temporary or officiating capacity, who is promoted or appointed in a

substantive, temporary or officiating capacity, as the case may be, subject to the fulfilment of the eligibility conditions as prescribed in the relevant Recruitment Rules, to another post carrying duties or responsibilities of greater importance than those attaching to the post held by him/her. Such Government Servant may opt to have his/her pay fixed from the Date of his/her Next Increment (either 1st July or 1st January, as the case may be) accruing in the Level of the post from which he/she is promoted, except in cases of appointment on deputation basis to an ex-cadre post or on direct recruitment basis or appointment/promotion on ad-hoc basis.

(2) Method of fixation of pay from DNI

(a) In case, consequent upon his/her promotion, the Government Servant opts to have his/her pay fixed from the date of his/her next increment (either 1st July or 1st January, as the case may be) in the Level of the post from which Government Servant is promoted, then, from the date of promotion till his/her DNI, the Government Servant shall be placed at the next higher cell in the level of the post to which he/she is promoted.

Illustration:

1	Level in the revised pay structure : Level 4	Pay Band	(In Rupees) 5200-20200				
2	Basic Pay in the revised pay structure : Rs. 29600	Grade Pay	1800	1900	2000	2400	2800
3	Granted promotion in Level 5	Levels	1	2	3	4	5
		1	18000	19900	21700	25500	29200
		2	18500	20500	22400	26300	30100
		3	19100	21100	23100	27100	31000
		4	19700	21700	23800	27900	31900
		5	20300	22400	24500	28700	32900
		6	20900	23100	25200	29600	33900
		7	21500	23800	26000	30500	34900
		8	22100	24500	26800	31400	35900
		9	22800	25200	27600	32300	37000
		10	23500	26000	28400	33300	38100

(b) Subsequently, on DNI in the level of the post to which Government Servant is promoted, his//her Pay will be re-fixed and two increments (one accrued on account of annual increment and the second accrued on account of promotion) may be granted in the Level from which the Government Servant is promoted and he/she shall be placed, at a Cell equal to the figure so arrived, in the Level of the post to which he/she is

promoted; and if no such Cell is available in the Level to which he/she is promoted, he/she shall be placed at the next higher Cell in that Level.

Illustration:

1	Level in the revised pay structure : Level 4	Pay Band	(In Rupees) 5200-20200				
2	Basic Pay in the revised pay structure : Rs. 29600	Grade Pay	1800	1900	2000	2400	2800
3	Granted promotion in Level 5	Levels	1	2	3	4	5
		1	18000	19900	21700	25500	29200
		2	18500	20500	22400	26300	30100
		3	19100	21100	23100	27100	31000
		4	19700	21700	23800	27900	31900
		5	20300	22400	24500	28700	32900
		6	20900	23100	25200	29600	33900
		7	21500	23800	26000	30500	34900
		8	22100	24500	26800	31400	35900
		9	22800	25200	27600	32300	37000
		10	23500	26000	28400	33300	38100
4	Pay from the date of promotion till DNI: Rs. 30100						
5	Re-fixation on DNI: Pay after giving two increment in Level 4 : Rs. 31400						
6	Pay in the upgraded Level i.e. Level 5 : Rs. 31900 (either equal to or next higher to Rs. 31400 in Level 5)						

(c) In such cases where Government Servant opts to have his/her pay fixed from the date of his/her next increment in the Level of the post from which he/she is promoted, the next increment as well as Date of Next Increment (DNI) will be regulated accordingly.

(3) 'Option' clause in promotion order

In order to enable the officials to exercise the option within the time limit prescribed, the option clause for pay fixation on promotion with effect from date of promotion/DNI shall invariably be incorporated in the promotion/appointment order so that there are no cases of delay in exercising the options due to administrative lapse.

[\[OM No. 13/02/2017-Estt.\(Pay-I\) dated 27.07.2017\]](#)

III. Revision/Change of option

Pursuant to any unforeseen developments or change of rules, a Government Servant may give a revised option for pay fixation under FR 22(I)(a)(1) within one month from the date of orders of such unforeseen developments or change of rules. Acceptance of such revised option may thereafter be examined and decided on merits by the Ministry/Department concerned with the approval of Department of Personnel &

Training. In case, it is decided to allow fresh option to the Government Servant concerned, the option once exercised shall be treated as final.

[\[Para 2 of OM No. 16/8/2000-Estt.\(Pay-I\) dated 25.02.2003\]](#)

IV. Procedure for referring the cases to DoPT for clarification

Proposals on pay fixation, pay protection, etc. are to be referred to DoPT, through administrative Ministry/Department concerned, giving full facts of the case in chronological order with all relevant documents properly flagged and specifying the point of reference without ambiguity. It needs to be ensured that all the points listed out in the checklist are available in the file for proper appreciation of the case.

(a) CHECK LIST FOR CASES OF BELATED OPTIONS

1. Primary reason for request for exercising belated option;
2. Copy of the promotion order to be furnished;
3. Whether option clause was incorporated in the promotion order;
4. Primary reason for condonation of delay, whether it is due to Administrative fault or individual fault;
5. If Administrative fault whether responsibility has been fixed for the lapse;
6. Steps taken to avoid recurrence of such administrative lapse in future;
7. Option exercised by the official concerned;
8. Period of delay;
9. Reasons for delay;
10. Whether it is an isolated case;
11. Comparative pay fixation statement with/without option duly verified by the competent authority to be furnished;
12. Recommendation/views of IFU/FA on the specific point of reference. **¹All the references should be made to DOP&T with the approval of the Secretary of the Administrative Ministry/Department;**
13. Relevant rule(s)/instructions issued on the subject to be quoted;

14. Illustration of the case;
15. ¹While sending the proposal, the name, designation of the Joint Secretary/Director (Phone number and e-mail id) who can be contacted for further correspondence to be indicated.

(b) CHECK LIST FOR CASES OF REVISED OPTIONS

1. Primary reason for the request for revised option;
2. Reason for not exercising revised option earlier;
3. Period of delay;
4. Reasons for delay;
5. Copies of earlier option and revised option exercised by the official along with the promotion order;
6. Quantum of loss, if revised option is not allowed, to be indicated;
7. Whether the proposal is covered under unforeseen development/change of rules as per this Department's [OM No. 16/8/2000-\(Pay-I\) dated 25.02.2003](#);
8. Unforeseen development/change of rules due to which option sought to be revised need to be specified;
9. Whether the option was exercised by the individual within the stipulated period i.e. one month as envisaged under [OM No. 16/8/2000-\(Pay-I\) dated 25.02.2003](#);
10. Whether unforeseen development has any effect on the DNI/pay drawn by the individual prior to his date of promotion;
11. Whether it is an isolated case;
12. In case of retired officials, the date of their retirement and the copies of the representations made/option exercised by them to be furnished;
13. Comparative pay statement with/without revised option duly verified by the competent authority in a tabular form clearly specifying the arrears;
14. Recommendations/views of IFU/FA on the specific point of reference;
15. ¹**All the references should be made to DOP&T with the approval of the Secretary of the Administrative Ministry/Department;**

16. ¹While sending the proposal, the name, designation of the Joint Secretary/Director (Phone number and e-mail id) who can be contacted for further correspondence may also be indicated.

[1. [Para 3 of OM No. 43011/9/2014-Estt.D dated 28.10.2015](#)]
[[Para 2 and Annexure II-III of OM No. 17-5/2008-Pay.I dated 20.06.2008](#)]

Part- B : Pay fixation on transfer to lower post under FR 15(a) :

The method of pay fixation in respect of a Government Servant transferred to a lower post under FR 15(a) on his/her own request with effect from 01.01.2016 is as under:

'In case of transfer to a lower Level of post in the Pay Matrix under FR 15(a) on his/her own request with effect from 01.01.2016, the pay of the Government Servant holding a post on regular basis will be fixed in the revised pay structure at the stage equal to the pay drawn by him/her in the higher Level of post held regularly. If no such stage is available, the pay will be fixed at the stage next below in the lower Level with respect to the pay drawn by him/her in the higher Level of post held regularly and the difference in the pay may be granted as personal pay to be absorbed in future Increment(s). If maximum of the vertical range of pay progression at the lower Level in which he/she is appointed, happens to be less than the pay drawn by him/her in the higher Level, his/her pay may be restricted to that maximum under FR 22(I)(a)(3).'

[[Para 2 of OM No. 12/1/2016-Estt.\(Pay-I\) dated 31.03.2017](#)]

Part- C : Restriction of officiating pay under FR 35 :

I. FUNDAMENTAL RULE

In terms of the provisions contained in Fundamental Rule 35 (FR 35), the Central Government may fix the pay of an officiating Government servant at an amount less than admissible under the Fundamental Rules. Accordingly, orders have been issued from time to time indicating the circumstances and the extent to which provisions of FR 35 would apply.

II. REVISED CEILINGS IN 7TH CPC CONTEXT

The question of revising the ceilings for restriction of basic pay under FR 35 after implementation of CCS (RP) Rules, 2016 was considered by the Government. It was decided that the pay under FR 35 shall be restricted in a manner so that the increase in the basic pay of the post held by the Government Servant prior to the officiating appointment shall not exceed 12.5% subject to a maximum of Rs. 6700 per month. Any increase in excess of 12.5% of the basic pay with a further ceiling of Rs. 6700 per month shall be treated as substantial increase for the purposes of FR 35.

III. METHOD OF PAY FIXATION

In case of appointment on promotion in the normal line within the cadre but which is not on regular basis, initially the pay may also be fixed under relevant rules. After such fixation of pay, if it is found that there is no substantial increase in the pay so fixed as defined in para 2 above, the restriction under FR 35 will not be applied as shown in **Illustration 1**. However, after such fixation of pay, if it is found that there is substantial increase in the pay so fixed, the restriction as mentioned in para 2 above will be applied. In that case, after restriction of basic pay if there is no such Cell equal to the amount so arrived after restriction is available in the Level of Pay Matrix of the officiating post, the officer shall be placed at the next higher Cell in that Level even if the limit for restriction mentioned in para 2 above is breached, as shown in **Illustration 2**. The Government servant will earn his annual increment on the basic pay so fixed after imposition of restrictions under FR 35.

2. However, in the cases where the pay of the officer after imposition of the restrictions in the manner indicated above is fixed at less than the value of the first Cell of the Level of the officiating post, in that case, his pay will be fixed in the Level of post held by him before such officiating appointment. If no such Cell equal to the amount so arrived after restriction is available in the Level of post held by him before such officiating appointment, the officer shall be placed at the next higher Cell in that Level even if the limit for restriction mentioned in para 2 above is breached and he will draw his annual increment(s) in that Level of the lower post till he reaches the minimum of the Level of the officiating post. After one year of reaching/surpassing the minimum of the Level of the officiating post, the officer will become entitled to increment in the Level of the officiating post and his pay will be fixed in Cell 2 of the Level of the pay matrix of the officiating post as shown in **Illustration 3**.

IV. APPLICABILITY

In cases of appointments on promotion in the normal line within the cadre but which are not on regular basis, the pay shall be restricted under FR 35 in the manner given above. However, restriction of officiating pay under FR 35 will not be invoked in respect of regular cadre promotion where the employee who becomes due for promotion falls within the zone of consideration and fulfils all the conditions of eligibility prescribed in the Recruitment Rules for promotion.

V. DATE OF EFFECTIVENESS

The new rates are applicable with effect from the date an employee drew pay in the revised scale of pay applicable in accordance with Central Civil Services (Revised Pay) Rules, 2016.

VI. ILLUSTRATIONS

Illustration 1

An officer was drawing pay of Rs.78500/- in Cell 6 of Level 11 before his appointment to officiate in Level 12 carrying duties and responsibilities of greater importance than those attached to the post held by him before such appointment.

On the date of his officiating appointment, he may be granted one increment (Cell 7 in Level 11-Rs.80900/-) and thereafter, he is to be placed at a cell equal to the figure so arrived (Rs.80900/-) in the Level 12. Since no such cell equal to Rs. 80900/- is available in Level 12, he shall be placed at the next higher cell in that Level [Cell 2 of Level 12- Rs.81200/-].

After such fixation since there is only an increase of amount of Rs.2700/- (Rs. 81200-78500/-) which is less than 12.5% of the basic pay (Rs.78500/-) of the post held earlier by the officer before such officiating appointment and further limit of Rs.6700/-, there is no substantial increase in the pay so fixed. The restrictions under FR 35 will, therefore, not apply in this case and his pay will be fixed at Rs.81200/- (Cell 2 in Level 12).

Illustration 2

An officer was drawing pay of Rs. 175500/- in Cell 13 of Level 13 before his appointment to officiate in Level 14 carrying duties and responsibilities of greater importance than those attached to the post held by him before such appointment. In this case, his pay is to be fixed in the following manner under FR 35:-

On the date of his officiating appointment, he may be granted one increment (Cell 14 of Level 13- Rs. 180800/-) in the Level (Level 13) of the post held by him before officiating appointment. Since no cell equal to Rs.180800/- is available in Level 14 he shall be placed at the next higher cell in that Level (Rs. 182700/- Cell 9 of Level 14). By such fixation of pay, the increase in pay comes to Rs. 7200/- (Rs. 182700-175500). Amount of / Increase of Rs.7200/- is more than increase of Rs.6700/- permissible under FR 35 and as such this increase shall be treated as substantial increase for the purpose of restriction under FR 35. Thus, his pay is to be fixed at Rs. 182200(175500+6700). However, as no such cell equivalent to the value of Rs. 182200/- is available in Level 14, his pay is to be fixed at next Cell in Level 14, i.e. Rs. 182700/- (Cell 9 in Level 14) breaching the limit of Rs.6700/-.

Illustration 3

An officer was drawing pay of Rs.36500/- in Cell 2 of Level 6 before his appointment to officiate in Level 7 carrying duties and responsibilities of greater importance than those attached to the post held by him before such appointment. In this case, his basic pay is to be fixed in the following manner under FR 35:-

On the date of his officiating appointment, he may be granted one increment (Cell 3 of Level 6 Rs.37600/-) in the Level (Level 6) of the post held by him before officiating appointment. However, no cell equal to amount of Rs. 37600/- is available in Level 7 as minimum Cell value in Level 7 is Rs.44900/- (Cell 1 of Level 7). If his pay is fixed at Rs.44900/- (Cell 1 of Level 7), the increase in pay comes to Rs. 8400/- (Rs.44900-36500) which is more than increase of Rs.4562.50 (12.5% of 36500) limit prescribed under this OM. As such, this increase shall be treated as substantial increase for the purpose of restriction under FR 35. His basic pay is thus to be fixed at Rs.41062.50 (36500+4562.50) in the Level of the post held by him before such officiating appointment i.e. Level 6. Since no such Cell equal to the amount of Rs.41062.50 is available in Level 6, his pay is to be fixed at next Cell in that Level, i.e. Rs.41100/- (Cell 6 in Level 6) breaching the limit of 12.5%.

[OM No. 1/4/2017-Estt.(Pay-I) dated 28.02.2019]

Part- D : Stepping Up of Pay :

I. GENERAL INSTRUCTIONS

In order to remove the anomaly of a Government servant promoted or appointed to a higher post on or after 01.01.2016 drawing lower pay in that post than another Government servant junior to him in the lower grade and promoted or appointed subsequently to another identical post, 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 with effect from the date of promotion or appointment of the junior Government servant and will be subject to the following conditions, namely:

II. ESSENTIAL CONDITIONS

- (a) both the junior and the senior Government servants should belong to the same cadre and the posts in which they have been promoted are identical in the same cadre;
- (b) the Pay Level in the Pay Matrix of the lower and higher posts in which they are entitled to draw pay should be identical;
- (c) the anomaly is directly as a result of the application of the provisions of Fundamental Rule 22(I)(a)(1) read with Rule 13 of CCS(RP)Rules, 2016. For example, if the junior officer was drawing more pay in the existing pay structure than the senior by virtue of any advance increments granted to him, the provisions of this sub rule should not be invoked to step up the pay of the senior officer.

III. DATE OF NEXT INCREMENT AFTER GRANT OF STEPPING UP OF PAY

The order relating to re-fixation of the pay of the senior officer in accordance with clause (i) shall be issued under Fundamental Rule 27 and the senior officer shall be entitled to the next increment on completion of the required qualifying service with effect from the date of re-fixation of pay.

IV. EVENTS / CASES WHERE STEPPING UP OF PAY IS NOT ADMISSIBLE

The following instances/events wherein juniors draw more pay than seniors, do not constitute anomaly and, therefore, stepping up of pay will **not** be admissible in such events:

- (a) Where a senior proceeds on Extra Ordinary Leave which results in postponement of his Date of Next Increment in the lower post and consequently he starts drawing less pay than his junior in the lower grade itself. He, therefore, cannot claim pay parity on promotion even though he may be promoted earlier to the higher grade than his junior(s);
- (b) If a senior forgoes/refuses promotion leading to his junior being promoted/appointed to the higher post earlier and the junior draws higher pay than the senior.
- (c) If the senior is on deputation while junior avails of the ad-hoc promotion in the cadre, the increased pay drawn by the junior due to ad-hoc/officiating and/or regular promotion following such adhoc promotion in the higher posts vis-à-vis senior, is not an anomaly in strict sense of the term;
- (d) If a senior joins the higher post later than the junior, for whatsoever reasons, whereby he starts drawing less pay than the junior. In such cases, senior cannot claim stepping up of pay at par with that of his junior.
- (e) If a senior is appointed later than the junior in the lower post itself whereby he is in receipt of lesser pay than the junior, in such cases also the senior cannot claim pay parity in the higher post if he draws less pay than his junior though he may have been promoted earlier to the higher post.
- (f) Where an employee is promoted from lower post to a higher post, his pay is fixed with reference to the pay drawn by him in the lower post under FR22(I)(a)(1) read with Rule 13 of CCS(RP)Rules, 2016 and due to his longer length of service in the lower grade, his pay may get fixed at a higher stage than that of a senior direct recruit appointed to the same higher grade and whose pay is fixed under different set of rules. For example a Senior Secretariat Assistant (SSA) on promotion to the post of Assistant Section Officer (ASO) gets his pay fixed under FR 22(I)(a)(1) with reference to the pay drawn in the post of SSA, whereas the pay of ASO(DR) is fixed under Rule 8 of

CCS(RP)Rules, 2016 at the minimum pay or the first Cell in the Level, applicable to ASO to which he is appointed. In such a case, the senior ASO (DR) cannot claim pay parity with that of the promotee junior ASO.

- (g) Where a senior is appointed in higher post on ad-hoc basis and is drawing less pay than his junior who is appointed in the same cadre and in same post on ad-hoc basis subsequently, the senior cannot claim pay parity with reference to the pay of that junior since the ad-hoc officiating service in higher post is reversible and also since full benefits of FR22(l)(a)(i) are not available on ad-hoc promotion but only on regular promotion following such ad-hoc promotion without break.
- (h) Where a junior gets more pay due to additional increments earned on acquiring higher qualifications.

Note: The above instances/events are only illustrative and not exhaustive.

[\[OM No. 4/3/2017-Estt.\(Pay-I\) dated 26.10.2018\]](#)

V. PROCEDURE FOR REFERRING CASES OF STEPPING UP OF PAY TO DOPT

Proposals on pay fixation, pay protection, etc. shall be referred to DoPT, through administrative Ministry/Department concerned, giving full facts of the case in chronological order with all relevant documents properly flagged and specifying the point of reference without ambiguity. It needs to be ensured that all the points listed out in the checklist are available in the file for proper appreciation of the case.

CHECK LIST FOR CASES OF STEPPING UP OF PAY

1. The primary reason for request of stepping up;
2. Whether the condition of stepping up fulfilled in terms of [1OM No. 4/3/2017-Estt.\(Pay-I\) dated 26.10.2018](#). If no, which condition is not fulfilled;
3. Copies of promotion order of the senior and junior;
4. Comparative pay fixation statement of the senior and junior invariably indicating the pay of both the officers on the same reference dates since the date of their joining the service and the 'option' exercised for pay fixation by these officers from time to time.

5. Whether promotion is on regular basis or ad-hoc basis;
6. Whether senior and junior belong to same cadre;
7. Whether the pay scale of lower and higher post of both employees is identical;
8. Cause of anomaly i.e. FR 22(I)(a)(1) or any other reason, specify other reason;
9. Views / opinion of IFU/IFD of the administrative Ministry;
10. Specific views of FA of the administrative Ministry on the point of reference;
11. **²All the references should be made to DOP&T with the approval of the Secretary of the Administrative Ministry/Department.**
12. ¹While sending the proposal, the name, designation of the Joint Secretary/Director (Phone number and e-mail id) who can be contacted for further correspondence is also to be indicated.

[1. [OM No. 4/3/2017-Estt.\(Pay-I\) dated 26.10.2018](#)]

[2. [Para 3 of OM No. 43011/9/2014-Estt.D dated 28.10.2015](#)]

[[Para 2 and Annexure I of OM No. 17-5/2008-Pay.I dated 20.06.2008](#)]

Note: List of the OMs mentioned in this document is annexed. In case any reference to the relevant OM is required, the same may be accessed from the Archive Section of DOPT's website.

List of OMs mentioned in this Document

1. [Notification No. 1/10/89-Estt.\(Pay-I\) dated 30.08.1989](#)
2. [Notification No. 1/10/89-Estt.\(Pay-I\) dated 28.11.1990](#)
3. [Notification No. 13/1/2017-Estt.\(Pay-I\) dated 19.11.2018](#)
4. [OM No. 13/02/2017-Estt.\(Pay-I\) dated 27.07.2017](#)
5. [OM No. 16/8/2000-Estt.\(Pay-I\) dated 25.02.2003](#)
6. [OM No. 43011/9/2014-Estt.D dated 28.10.2015](#)
7. [OM No. 17-5/2008-Pay.I dated 20.06.2008](#)
8. [OM No. 12/1/2016-Estt.\(Pay-I\) dated 31.03.2017](#)
9. [OM No. 1/4/2017-Estt.\(Pay-I\) dated 28.02.2019](#)
10. [OM No. 4/3/2017-Estt.\(Pay-I\) dated 26.10.2018](#)