

No.DOPT-1667548160160
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training
ESTT.(Pay-I)

(Dated 14 September, 2022)

OFFICE MEMORANDUM

Pay protection on appointment -Central Govt to Central Govt; State Govt to Central Govt. and PSUs to Central Government

Department of Personnel and Training has issued various instructions from time to time regarding protection of pay of candidates on their appointment to Central Government posts on Direct Recruitment basis. These instructions are broadly categorized in three parts as under:

- A.** Employees of PSU etc. on their appointment to Central Government.
- B.** State Government employees on their appointment to Central Government.
- C.** Central Government servants on their appointment to Central Government.

<i>Part- A : Protection of pay in respect of candidates from PSUs etc. on their appointment to Central Government posts on Direct Recruitment basis.</i>

I. APPLICABILITY

Candidates working in Public Sector Undertakings etc. including ¹Central Public Undertakings, ²State Government Undertakings, ¹Universities, ¹Semi-Government Institutions, ¹Autonomous Bodies and ³Nationalised Banks including State Bank of India and Reserve Bank of India, on their appointment to Central Government posts on Direct Recruitment basis.

[1. Para 2 of [OM No. 12/1/88-Estt.\(Pay-I\) dated 07.08.1989](#)]

[2. Para 1 of [OM No. 12/1/88-Estt.\(Pay-I\) dated 28.02.1992](#)]

[3. Para 1 of [OM No. 12/1/88-Estt.\(Pay-I\) dated 08.06.1993](#)]

[Para 1 of [OM No. 5/2/2012-Estt.\(Pay-I\)\(Vol.II\) dated 13.08.2020](#)]

II. ELIGIBILITY

(a) Notwithstanding the mode of selection, the benefit of pay protection is available to Direct Recruits appointed in Central Government to those posts for which the relevant Recruitment Rules prescribe a requirement of minimum number of years of experience in a specified area from the field sources (autonomous bodies, PSUs etc.) for appointment under the method of direct recruitment. The benefit will be allowed irrespective of whether the post is filled by the recruiting agency on the basis of interview or open competitive exam or combination of both.

[Para 4 of [OM No. 5/2/2012-Estt.\(Pay-I\)\(Vol.II\) dated 13.08.2020](#)]

(b) The benefit of pay protection would be available to an Officer coming from PSU etc. only if the officer has completed the period of probation successfully for being regularised / confirmed in the post in the parent organization.

[Para 3 of [OM No. 12/1/96-Estt.\(Pay-I\) dated 10.07.1998](#)]

III. METHOD OF PAY FIXATION

Subsequent to the implementation of the recommendations of the 7th CPC and the issue of CCS(RP) Rules 2016, the system of running Pay Bands and Grade Pays have been replaced by Pay Matrix. Accordingly, the method of pay fixation in respect of those appointed on or after 01.01.2016 is as under:-

"In case of candidates working in Public Sector undertakings (PSUs), Universities, Semi-Government Institutions or Autonomous Bodies, who are appointed to a post as direct recruits on or after 01.01.2016 on selection through interview by a properly constituted agency including Departmental Authorities making recruitment directly, their initial pay shall be fixed at a stage in the level of the post so that the pay and Dearness Allowance as admissible in the Government, protects the pay and Dearness Allowance drawn in the PSU etc.. If there is no such stage in the post, the pay shall be fixed at the stage next below that pay. If the maximum pay in the level applicable to the post in which the person is appointed is less than such pay arrived at, his initial basic pay shall be fixed at such maximum pay of the post. Similarly, if the minimum pay in the level applicable to the post in which such person is appointed is more than such pay arrived at, his initially basic pay shall be fixed at such minimum pay of the post. The pay fixed under this formulation will not exceed the highest cell value applicable for the level of the post in the pay matrix, to which he is appointed."

[Para 2 of [OM No. 12/3/2017-Estt.\(Pay-I\) dated 28.07.2017](#)]

Part-B: <i>Protection of pay in respect of State Government employees on their appointment to Central Government posts on Direct Recruitment basis.</i>
--

I. APPLICABILITY

Employees of the State Government and ¹Local Bodies under the State Government including ²Emergency Divisional Accountants/Divisional Accountants, on their appointment under Central Government.

[1. Para 2 of [OM No. 12/1/2009-Estt.\(Pay-I\) dated 28.08.2014](#)]

[2. Para 2 of [OM No. 13/2/99-Estt.\(Pay-I\) dated 18.06.2001](#)]

II. METHOD OF PAY FIXATION

In cases of appointment of State Government employees in Central Government on or after 01.01.2016, pay will be fixed in the following manner:

(a) Where the State Government has revised the Pay Scales/Grade Pays of their employees on the pattern of Seventh Central Pay Commission at the base index of 261.41 as per AICPI (IW)2001 series w.e.f. 01.01.2016, the pay of employees from such State Government on their appointment under the Central Government would be fixed as follows:

- (i) When the appointment is to a post in higher Level, one increment shall be given in the Level from which the employee is appointed and he/she would be placed at a Cell equal to the figure so arrived at in the Level of the post to which appointed and if no such Cell is available in the Level to which he/she is appointed, he/she would be placed at the next higher Cell in that higher Level. However, if the amount so arrived at after adding the increment in lower Level is less than the minimum pay or the first Cell in the higher Level, the pay shall be fixed at minimum pay or first Cell of the higher Level.
- (ii) Where the appointment is to a post involving identical Level, the individual shall continue to draw the same pay.

(b) Where the State Government has revised the Pay scales/Grade Pays of their employees after 1.1.2016 beyond the base index of 261.41 as per AICPI (IW) 2001 series, the basic pay of the employee is to be determined first in the Central Pay Matrix by reducing the element of DA, ADA, IR etc. granted by the State Government after 1.1.2016 beyond the base index of 261.41 as per AICPI (IW) 2001 series and thereafter the pay would be fixed as provided in the clause (i) and (ii) under sub-para (a) above.

(c) Where the State Government has either not revised or revised the pay scale of their employees on or after 1.1.2016 below the base index of 261.41 as per AICPI (IW) 2001 series, the basic pay of these employees shall be determined first in the Central Pay Matrix, by adding the element of DA, ADA upto the base index of 261.41 as per AICPI (IW) 2001 series, granted by the State Government and thereafter their pay would be fixed as provided in the clause (i) and (ii) under sub-para (a) above.

[Para 2 of [OM No. 12/2/2016-Estt.\(Pay-I\) dated 11.05.2017](#)]

Part-C: Protection of pay in respect of Central Government employees on their appointment to Central Government posts on Direct Recruitment basis.

I. APPLICABILITY

Central Government Servant who after technical resignation, is appointed to new post in the different service or cadre in Central Government through direct recruitment.

[Para 1 of [OM No. 12/2/2017-Estt.\(Pay-I\) dated 05.08.2020](#)]

II. ELIGIBILITY

(a) Pay protection under FR 22-B(1) will be available to the Government servant if he holds a lien on his previous permanent post.

[Para 4 of [OM No. 12/2/2017-Estt.\(Pay-I\) dated 05.08.2020](#)]

(b) No stepping up of pay of senior Government servant shall be allowed on the basis of the pay protection granted under FR 22-B(1) to junior Government servants of that particular service/cadre.

[Para 5 of [OM No. 12/2/2017-Estt.\(Pay-I\) dated 05.08.2020](#)]

III. RELEVANT PROVISIONS IN FUNDAMENTAL RULES

"F.R. 22-B.(1) *Notwithstanding anything contained in these Rules, the following provisions shall govern the pay of a Government servant who is appointed as a probationer in another service or cadre, and subsequently confirmed in that service or cadre-*

- (a) *during the period of probation, he shall draw pay at the minimum of the time scale or at the probationary stages of the time scale of the service or post, as the case may be:*

Provided that if the presumptive pay of the permanent post on which he holds a lien or would hold a lien had his lien not been suspended, should at any time be greater than the pay fixed under the clause, he shall draw the presumptive pay of the permanent post;

- (b) *on confirmation in the service or post after the expiry of the period of probation, the pay of the Government servant shall be fixed in the time-scale of the service or post in accordance with the provisions of Rule 22 or Rule 22-C, as the case may be:....."*

[Para 2 of [OM No. 12/2/2017-Estt.\(Pay-I\) dated 05.08.2020](#)]

IV. METHOD OF PAY FIXATION

Consequent upon the implementation of 7th CPC Report and CCS (RP) Rules, 2016, the President is pleased to allow protection of pay in the light of the provisions laid down under FR 22-B(1) to Central Government employee who is appointed as probationer in another service or cadre either carrying higher responsibilities or not, as the case may be and subsequently confirmed in that service or cadre, in the manner as illustrated below:

(A) MANNER OF FIXATION OF PAY OF GOVERNMENT SERVANT UNDER FR 22-B(1) CONSEQUENT TO HIS APPOINTMENT IN LOWER POST THROUGH DIRECT RECRUITMENT, WHERE HIGHER DUTIES AND RESPONSIBILITIES ARE NOT INVOLVED

A Central Government Employee on his appointment to a post in lower Level in different service or cadre in Central Government which does not carry duties and responsibilities of greater importance than those attached to the post held earlier by him on regular basis before such appointment and having a provision of probation period in new post, may during probation draw the presumptive pay of the post held earlier by him on regular basis, if it is higher than the minimum of the Time Scale of the new post. He would also draw annual increments on such presumptive pay. However, it is to be ensured that during probation, presumptive pay should always be greater than the pay of the new post after drawl of increment(s). Subsequently, on successful completion of his probation, his pay will be fixed under FR 22(I)(a)(2).

Protection of Pay in the above manner should not, at any of these stages, exceed the maximum of the Level of the new post in Pay Matrix.

Illustration

An officer was drawing pay of Rs.78,500/- in Cell 6 in Level 11 (with DNI 01.07.2018) before his appointment to a post in Level 10 on 01.04.2018 which does not carry duties and responsibilities of greater importance than those attached to the post held earlier by him before such appointment. There is a provision of 2 years probation period in new post.

Since the first Cell Value in Level 10 (Rs.56,100/-) is less than the Last Basic Pay i.e. Rs. 78,500/- in Level 11. Hence during probation, he will draw the presumptive pay i.e. Rs.78,500/- in Level 11 and would also draw annual increments according to the pay drawn in his previous post in Level 11.

On 01.04.2018- Rs. 78,500 (Level 11)

On 01.07.2018- Rs. 80,900 (Level 11)

On 01.07.2019- Rs. 83,300 (Level 11)

On successful completion of his probation period and on confirmation w.e.f. 01.04.2020, the pay of the officer would be fixed under FR 22(I)(a)(2). Since no such Cell of Rs. 83,300/- is available in Level 10, his pay would be fixed at next higher cell i.e. Cell 15 in Level 10 at Rs. 84,900/- with next date of increment 01.01.2021.

(B) MANNER OF FIXATION OF PAY OF CENTRAL GOVERNMENT EMPLOYEE UNDER FR 22-B(1) CONSEQUENT TO HIS APPOINTMENT TO A POST IN HIGHER LEVEL THROUGH DIRECT RECRUITMENT, WHERE HIGHER DUTIES AND RESPONSIBILITIES ARE INVOLVED

A Central Government Employee on his appointment to a post in higher level in different service or cadre in Central Government carrying duties and responsibilities of greater importance than those attached to the post held earlier by him on regular basis before such appointment and having a provision of probation period in new post, may during probation draw the presumptive pay of the post held earlier by him on regular basis if it is higher than the minimum of the Time Scale of the new post. He would also draw annual increments on such presumptive pay. However, it is to be ensured that during probation presumptive pay should always be greater than the pay of the new post after drawal of increment(s). Subsequently, on successful completion of his probation, his pay will be fixed under FR 22(I)(a)(1).

Protection of Pay in the above manner should not, at any of these stages, exceed the maximum of the Level of the new post in Pay Matrix.

Illustration

An officer was drawing pay of Rs.58,600/- in Cell 10 of Level 7 before his appointment on 01.04.2018 in Level 10 (with DNI 01.07.2018) which carries duties and responsibilities of greater importance than those attached to the post held earlier by him on regular basis before such appointment. There is a provision of 2 years probation period in new post.

Since the first Cell Value of Level 10 (Rs. 56,100/-) is less than the Last Basic Pay drawn in Cell 10 of Level 7 i.e. Rs. 58,600/-, hence during probation, he will draw the presumptive pay of the post held earlier by him on regular basis and would also draw annual increments in the Level 7 of his previous post as shown below:-

On 01.04.2018- Rs. 58,600 (Level 7)

On 01.07.2018- Rs. 60,400 (Level 7)

On 01.07.2019- Rs. 62,200 (Level 7)

On successful completion of his probation period and on confirmation w.e.f. 01.04.2020, the pay of the officer would be fixed under FR 22(I)(a)(1) read with Rule 13 of CCS (RP) Rules, 2016. Accordingly, an increment will be added in his pay in Level 7 and his pay will reach at Rs.

64,100/-. Since, there is no cell value equal to Rs.64,100/- available in Level 10, his pay will be fixed in Level 10 in Cell 6 at Rs. 65,000/- with next date of increment 01.01.2021.

(C) MANNER OF FIXATION OF PAY OF CENTRAL GOVERNMENT EMPLOYEE UNDER FR 22-B(1) CONSEQUENT TO HIS APPOINTMENT TO A POST IN EQUIVALENT LEVEL POST THROUGH DIRECT RECRUITMENT, WHERE HIGHER DUTIES AND RESPONSIBILITIES ARE NOT INVOLVED

A Central Government Employee on his appointment to a post in Equivalent Level in different service or cadre in Central Government through direct recruitment where higher duties and responsibilities are not involved and having a provision of probation period in new post, may during probation draw the presumptive pay of the post held earlier by him on regular basis. He would also get his increments on such presumptive pay. On successful completion of his probation, his pay will be fixed under FR 22(I)(a)(2). However, Protection of Pay in the above manner should not, at any of these stages, exceed the maximum of the Level of the new post in Pay Matrix.

Illustration

An officer was drawing pay of Rs. 58,600/- in Cell 10 of Level 7 before his appointment on 01.04.2018 in the same Level 7 (with DNI 01.07.2018). There is a provision of 2 years probation period in new post.

Since the first Cell Value of Level 7 (Rs. 44,900/-) is less than the Last Basic Pay i.e. Rs. 58,600/- in Level 7 drawn by Government Servant, hence during probation, he will draw the presumptive pay and also get his increments in the same Level of his previous post as shown below:-

On 01.04.2018- Rs. 58,600 (Level 7)

On 01.07.2018- Rs. 60,400 (Level 7)

On 01.07.2019- Rs. 62,200 (Level 7)

On successful completion of his probation period and on confirmation w.e.f. 01.04.2020, the pay of the officer would be fixed under FR 22(I)(a)(2). Since no increment would be admissible under FR 22(I)(a)(2), there will be no change in his pay on the date of confirmation i.e. 01.04.2020. Accordingly, his pay in Level 7 on 01.04.2020 would be Rs. 62,200/- (Level 7) with next date of increment on 01.07.2020, as Level remains same.

[Para 5 of [OM No. 12/2/2017-Estt.\(Pay-I\) dated 05.08.2020](#)]

Note: In case any reference to the relevant OM is required, the same may be accessed by clicking on the hyperlink or from the DOPT's website. **A list of the OMs mentioned in this document is as under:**

1. [DoPT OM No. 12/1/88-Estt.\(Pay-I\) dated 07.08.1989](#)
2. [DoPT OM No. 12/1/88-Estt.\(Pay-I\) dated 28.02.1992](#)
3. [DoPT OM No. 12/1/88-Estt.\(Pay-I\) dated 08.06.1993](#)
4. [DoPT OM No. 12/1/96-Estt.\(Pay-I\) dated 10.07.1998](#)
5. [DoPT OM No. 13/2/99-Estt.\(Pay-I\) dated 18.06.2001](#)

- 6. [DoPT OM No. 12/1/2009-Estt.\(Pay-I\) dated 28.08.2014](#)**
- 7. [DoPT OM No. 12/2/2016-Estt.\(Pay-I\) dated 11.05.2017](#)**
- 8. [DoPT OM No. 12/3/2017-Estt.\(Pay-I\) dated 28.07.2017](#)**
- 9. [DoPT OM No. 12/2/2017-Estt.\(Pay-I\) dated 05.08.2020](#)**
- 10. [DoPT OM No. 5/2/2012-Estt.\(Pay-I\)\(Vol.II\) dated 13.08.2020](#)**
