

**No.DOPT-1672644835095**  
**Government of India**  
**Ministry of Personnel, Public Grievances & Pensions**  
**Department of Personnel and Training**  
**ESTT.(Estt. A-III)**  
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(Dated 19 December, 2022 )

**OFFICE MEMORANDUM**

**Clarification/ Interpretation of penalties under CCS (CCA) Rules, 1965**

The following penalties are prescribed in the Rule 11 of the CCS (CCA) Rules, 1965.

*"The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Government servant, namely:-*

*Minor Penalties –*

- (i) censure;*
- (ii) withholding of his promotion;*
- (iii) recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of orders;*
- (iii a) reduction to a lower stage in the time-scale of pay by one stage for a period not exceeding three years, without cumulative effect and not adversely affecting his pension.*
- (iv) withholding of increments of pay;*

*Major Penalties –*

- (v) save as provided for in clause (iii) (a), reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Government servant will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;*
- (vi) reduction to lower time-scale of pay, grade, post or Service for a period to be specified in the order of penalty, which shall be a bar to the promotion of the Government servant during such specified period to the time-scale of pay, grade, post or Service from which he was reduced, with direction as to whether or not, on promotion on the expiry of the said specified period –*
  - (a) the period of reduction to time-scale of pay, grade, post or service shall operate to postpone future increments of his pay, and if so, to what extent; and*
  - (b) the Government servant shall regain his original seniority in the higher time scale of pay, grade, post or service;*

- (vii) *compulsory retirement;*
- (viii) *removal from service which shall not be a disqualification for future employment under the Government;*
- (ix) *dismissal from service which shall ordinarily be a disqualification for future employment under the Government."*

[\[Rule 11 of the CCS\(CCA\) Rules, 1965\]](#)

2. Apart from the above rule, Department of Personnel and Training has issued various executive instructions clarifying/ interpreting the implication of above penalties. The essence of these instructions has been summarized in the subsequent paras for guidance and better understanding: -

### **3. Regulation of pay on imposition of penalty**

3.1 In the light of Implementation of the Revised (Pay) Rules, 2016, the regulation of pay on imposition of these penalties, is as under:

#### **(A) Reduction to a lower stage of pay by one stage {Rule 11( iii a)}**

On imposition of a penalty under this Rule, the pay would be fixed at the next upper vertical cell in the same level in the pay matrix. In other words, in case of reduction by one stage, the revised pay would be the pay drawn in the same level at the stage before the last increment.

Note: The above mentioned penalty cannot be imposed on a Government Servant drawing pay at the minimum of the Level.

#### **(B) Withholding of increment {Rule 11(iv)}**

Increment is granted either on 1<sup>st</sup> January or 1<sup>st</sup> July of every year, as per the eligibility. Therefore, on imposition of penalty of withholding of increment, the next increment(s) due after the date of imposition of the penalty would be withheld. In case where penalty of withholding of multiple increments is imposed, increments due on 1<sup>st</sup> January or 1<sup>st</sup> July, as the case may be, in the subsequent years would similarly be withheld. The increment would be restored at the end of the period for which the penalty is imposed. The increments will be given on notional basis without arrears and without affecting date of next increment on restoration of increment.

This also applies to cases where the penalty is imposed for part of a year. For instance, if the penalty of withholding of one increment for six months is imposed on a Government servant in October 2017, then withholding of increment will be on following manner:

When the date of increment is 1 <sup>st</sup> January	When the date of increment is on 1 <sup>st</sup> July
The increment falling due on 1.01.2018 will be withheld for a period of next six months, that is, till 30.06.2018. The increment would be released on 1.07.2018 without arrear.	The increment falling due on 1.07.2018 will be withheld for a period of next six months, that is, till 31.12.2018. The increment would be released on 01.01.2018 without arrears.

### **(C) Reduction to a lower stage in the time-scale of pay for a specified period [Rule 11(v)]**

The process of imposition of penalty of reduction by one stage under Rule 11(iii a) explained above shall be repeated for every additional stage of reduction to the lower vertical cell in the same level of pay in the Pay Matrix.

Note 1: It is not permissible to impose a penalty under this rule if the pay after imposition of the penalty would fall below the first cell of the same Level.

Note 2: Disciplinary Authority may weigh all factors before deciding upon the quantum of penalty i.e. the number of stage by which the pay is to be reduced.

### **(D) Reduction to lower time-scale of pay under Rule 11(vi)**

In the case of imposition of penalty of reduction to lower time-scale of pay, the pay of the Government servant would be reduced to the stage of pay he/she would have drawn had he/she continued in the lower post for the period of penalty. The mode of fixation of pay in this case is similar to reversing the mode of fixation of pay on promotion.

However, Disciplinary Authority has the power, in terms of FR 28, to indicate the pay which the Government servant on whom a penalty of reduction in rank has been imposed, would draw.

It may also be noted that a Government servant cannot be reduced in rank to a post not held earlier by him in the cadre.

#### For example:

- (i) A direct recruit Assistant Section Officer cannot be reduced to the lower rank like SSA/JSA.
- (ii) A Government servant holding any post like LDC/ Tax Assistant etc. who qualifies as Assistant Section Officer as a Direct Recruit and is later promoted as Section Officer cannot be reduced to the rank, which was earlier held by him before ASO (DR) but only to that of an Assistant Section Officer.

[\[Para 4 of the OM No. 11012/15/2016-Estt.A-III dated 18.06.2019\]](#)

3.2 Hon'ble Supreme Court in cases of Shri Nayadar Singh & Shri M. J. Ninama V/s Union of India (Civil Appeal No. 3003 of 1988 and 889 of 1988) discussed the scope of penalty under clause (vi) under Rule 11 of the CCS (CCA) Rules, 1965. This judgement related to two cases in one of which a Government servant who was initially recruited as a Postal Assistant and was later promoted as UDC, while working as UDC, was reduced in rank, as a measure of penalty, to a post of LDC, which was lower in rank than the post of Postal Assistant to which he had been recruited initially. In the second case, the disciplinary authority had imposed a penalty of reduction in rank reducing an officer to which he was recruited directly to that of Junior Technical Assistant. The Supreme Court, while setting aside the penalty imposed in both cases have held that a person appointed directly to a higher post, service,

grade or time-scale of pay cannot be reduced by way of punishment to a post in a lower time-scale, grade, service or to a post which he never held before.

[\[OM No. 11012/2/88-Estt.\(A\) dated 02.02.1989\]](#)

3.3 The minor penalties and major penalties in rule 11 of the CCS (CCA) Rules, 1965 have been graded in order of the severity to be awarded to a charged Government servant in proportion to the gravity of misconduct/negligence which has given rise to the charge-sheet. While the major penalties of compulsory retirement, removal from service and dismissal from service have been included as clauses (vii), (viii) and (ix) of the said rule 11, the penalty of reduction to a lower time scale of pay, grade, post or Service has been incorporated therein as clause (vi). This clause also provides that while imposing this penalty, the Disciplinary Authority or the Appellate/Revision Authority is also required to indicate in the penalty order whether or not the individual charged Government servant would be eligible for restoration to the grade/post or Service from the conditions for such restoration. It will, therefore, be seen that the penalty has been provided to be awarded to an individual who may not be sent out of Government service (through dismissal/removal etc.) but who needs to be given a very severe penalty in view of the gravity of his misconduct.

[\[Para 4 of the OM No. 11012/2/2005-Estt.\(A\) dated 14.05.2007\]](#)

3.4 Attention in this connection is also invited to the Government of India, MHA O.M. No. 9/13/92-Estt. (D) dated 10.10.1962 and No. 9/30/63-Estt. (D) dated 07.02.1964 which stipulates that an order imposing the penalty of reduction to a lower service, grade or post or to a lower time-scale should invariably specify the period of reduction unless the clear intention is that the reduction should be permanent or for an indefinite period. These instructions also indicate the manner in which the order should be framed when the reduction is for specified period or indefinite period. In case the intention of the Competent Authority is to award the penalty of reduction on permanent basis, the same may be specifically stated in the order so that the intention is conveyed to the Government servant in unambiguous terms and he is afforded full opportunity for submission of his appeal as provided in the rules.

[\[Para 4 of the OM No. 11012/2/2005-Estt.\(A\) dated 14.05.2007\]](#)

3.5 Illustrations/examples, total 8 in number, prescribed in the OM No. 11012/15/2016-Estt.A-III dated 18.06.2019 are available at '**Annexure-1**' of this document.

#### **4. Implementation of second penalty (or multiple penalties) on serving charged officers during the currency of first penalty**

4.1 All the Disciplinary Authorities should clearly indicate in the punishment order whether the two penalties (or multiple penalties) would run concurrently or consecutively, while awarding second or subsequent penalties during the currency of earlier penalty/penalties. It is, however, clarified that where, such a specific mention has not been made, the two/ all penalties should run concurrently and the higher penalty, even though ordered later, should be implemented immediately and after expiry of its period, if the currency of the period of earlier punishment still continues, the same may be implemented for the balance period.

[\[OM No. 11012/11/2018-Estt.A-III dated 28.10.2022\]](#)

4.2 Total 3 illustrations/ Examples prescribed in the OM No. 11012/11/2018-Estt.A-III dated 28.10.2022 are available at '**Annexure-2**' of this document.

## **5. Recovery of pecuniary loss caused by a Government servant**

5.1 The DGP&T's letter No. 3/313/70-Disc-I dated 17.08.1971 provide that recovery from the pay of a Government servant as a punishment for any pecuniary loss caused by him to the Government by negligence or breach of orders, should not exceed 1/3 of his basic pay (i.e. excluding dearness pay or any other allowances) and should not be spread over a period of more than three years. However, no such limits have been prescribed in the statutory rules i.e. In Rule 11 (iii) of the CCS (CCA) Rules, 1965.

5.2 The above DGP&T instructions prescribed the procedure to effect the recovery of the amount levied as penalty in terms of Rule 11 (iii) of the CCS (CCA) Rules, 1965 and these procedural Instructions cannot amend, supercede, or modify the substantive provisions of Rule 11 (iii) of the CCS (CCA) Rules, 1965. While it is expected that in imposing the penalty of recovery of pecuniary loss the disciplinary authority should not display such severity that a Government servant suffers hardship disproportionate to his negligence/misconduct that led to the loss, it is not necessary to fix a rigid limit for the purpose of such recovery. The DGP&T instructions would, therefore, be treated as unwarranted. Therefore, the implication of this OM is to recover the entire loss from the delinquent official but the recovery may be spread over till entire loss is recovered.

[\[OM No. 11012/1/2000-Estt.\(A\) dated 06.09.2000\]](#)

## **6. Distinction between censure and warning**

6.1 Warning is administered by any authority superior to a Government employee in the event of minor lapses like negligence, carelessness, lack of thoroughness and delay etc. It is an administrative device in the hands of superior authorities for cautioning the Government employees with a view to toning up efficiency and maintaining discipline. There is, therefore, no objection to the continuance of this system. However, where a copy of the warning is also kept in the Confidential Report dossier, it will be taken to constitute an adverse entry and the officer so warned will have the right to represent against the same in accordance with the existing instructions relating to communication of adverse remarks and consideration of representations against them.

[\[Para 2\(i\) of the OM No. 11012/12/2016-Estt.A-III dated 06.12.2016\]](#)

6.2 Where a departmental proceeding had been completed and it is considered that the officer concerned deserves to be penalized, he should be awarded one of the recognized statutory penalties as

given in Rule 11 of eth CCS (CCA) Rules, 1965. In such a situation, a recordable warning should not be issued as it would for all practical purposes, amount to "censure" which is a formal punishment and which can only be awarded by a competent disciplinary authority after following the procedure prescribed in the relevant disciplinary rules. The Delhi High Court has, in the case of Nadhan Singh Vs Union of India, also expressed the view that warning kept in the C.R. dossier has all the attributes of "censure". In the circumstances, as already stated, where it is considered after the conclusion of disciplinary proceedings that some blame attaches to the officer concerned which necessitates cognizance of such fact the disciplinary authority should award the penalty of "censure" at least. If the intension of the disciplinary authority is not to award a penalty of "censure", then no recordable warning should be awarded. There is no restriction on the right of the disciplinary authority to administer oral warning or even warning in writing which do not form part of character roll.

[\[Para 1\(ii\) of the OM No. 22011/2/78-Ests.\(A\) dated 16.02.1979\]](#)

6.3 There is no objection to the continuance of the practice of issuing oral or written warnings. However, where a copy of the warning is also kept on the Confidential Report dossier, it will be taken to constitute an adverse entry and the officer so warned will have the right to represent against the same in accordance with the existing instructions relating to communication of adverse remarks and consideration of representations against them.

[\[Para 2\(i\) of the OM No. 1012/6/2008-Estt.\(A\) dated 07.07.2008\]](#)

6.4 Warning, letter of caution, reprimands or advisories administered to Government servants do not amount to a penalty and, therefore, will not constitute a bar for consideration of such Government servant for promotion

[\[Para 2\(i\) of the OM No. 1012/6/2008-Estt.\(A\) dated 07.07.2008\]](#)

[\[Para 2\(iii\) of the OM No. 11012/12/2016-Estt.A-III dated 06.12.2016\]](#)

6.5 Where a departmental proceedings has been instituted under the provision of CCS (CCA) Rules, 1965, after the conclusion of disciplinary proceedings, the officer is either exonerated or where it is considered that some blame attached to the officer, he should be awarded one of the recognized statutory penalties as given in Rule 11 of the CCS (CCA) Rules, 1965 i.e. at lease 'Censure' should be imposed. In such a situation, a warning, recordable or otherwise, should not be issued.

[\[Para 2\(ii\) of the OM No. 11012/12/2016-Estt.A-III dated 06.12.2016\]](#)

7. In case any reference to the relevant OM is required, the same may be accessed by clicking on the hyperlink of the OMs. List of the OMs mentioned in this document are as under:

- (i) OM No. 11012/11/2018-Estt.A-III dated 28.10.2022
- (ii) OM No. 11012/15/2016-Estt.A-III dated 18.06.2019
- (iii) OM No. 11012/12/2016-Estt.A-III dated 06.12.2016
- (iv) OM No. 6/3/2013-Estt (Pay-I) dated 06.02.2014
- (v) OM No. 11012/6/2008-Estt.(A) dated 07.07.2008
- (vi) OM No. 11012/2/2005-Estt.(A) dated 14.05.2007
- (vii) OM No. 11012/1/2000-Estt.(A) dated 06.09.2000
- (viii) OM No. 11012/2/88-Estt(A) dated 02.02.1989
- (ix) OM No. 22011/2/78-Ests.(A) dated 16.02.1979

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**ANNEXURE-I**

## ILLUSTRATIONS

Reduction to lower stage in the time-scale of Pay

Example

	Level	Cell	Pay
On the date of Penalty	9	7	Rs. 63300
Reduction by 1 Stage	9	6	Rs. 61500
Reduction by 2 Stage	9	5	Rs. 59700
Reduction by 3 stage	9	4	Rs. 58000
Reduction by 4 stage	9	3	Rs. 56300
Reduction by 5 stage	9	2	Rs. 54700

Example: 2

	Level	Cell	Pay
On the date of Penalty	9	3	Rs. 56300

Reduction by 1 Stage	9	2	Rs. 54700
Reduction by 2 Stage	9	1	Rs. 53100
Reduction by 3 stage	**	**	**
Reduction by 4 stage			
Reduction by 5 stage			

\*\* In the above illustration, a penalty of reduction by more than two stages would fall below the first cell of the same Level, such a penalty therefore, would not be implementable. Therefore, while imposing the penalty of reduction to a lower stage in time-scale of pay under Rule 11 (v) of the CCS (CCA) Rules, 1965, Disciplinary Authority may weigh all factors before deciding upon the quantum of penalty, i.e. the number of stages by which the pay is to be reduced.

### Case History No. 1

#### (i) Case 1: Reduction to a lower stage [penalty under Rule 11 (iii a)]

The penalty of reduction to a lower stage in the time-scale of pay by one stage for a period of one year, without cumulative effect and not adversely affecting his pension is imposed on a Government servant w.e.f. 13.08.2017. The Government servant is drawing Rs. 50500 in Level 7 of Pay Matrix. Pay would be fixed on following manner:

	When the date of increment is 1 <sup>st</sup> January	When the date of Increment is 1 <sup>st</sup> July
Pay when Penalty imposed	Rs. 50500 [5 <sup>th</sup> Cell of Level 7]	Rs. 50500 [5 <sup>th</sup> Cell of Level 7]
Reduced Pay w.e.f. 13.08.2017  [pay during the currency period from 13.08.2017 to 12.08.2018]	Rs. 49000 [4 <sup>th</sup> Cell of Level 7]	Rs. 49000 [4 <sup>th</sup> Cell of Level 7]
<b>Increment (notional)</b>	<b>On 1<sup>st</sup> January, 2018</b>  <b>Rs. 52000 [6<sup>th</sup> Cell of Level 7]</b>	<b>On 1<sup>st</sup> July, 2018</b>  <b>Rs. 52000 [6<sup>th</sup> Cell of Level 7]</b>

Pay 13.08.2018	w.e.f.	Rs. 52000 [6 <sup>th</sup> Cell of Level 7]	Rs. 52000 [6 <sup>th</sup> Cell of Level 7]
		w.e.f. 1.01.2019, his pay will be 53600 [7 <sup>th</sup> Cell of Level 7] after drawl of due increment	On 1.07.2019, his pay will be 53600 [7 <sup>th</sup> Cell of Level 7] after drawl of due increment

### Case History No. 2

#### (ii) Case 2: Reduction to a lower stage [penalty under Rule 11 (iii a)]

The penalty of reduction to a lower stage in the time-scale of pay by one stage for a period of two years, without cumulative effect and not adversely affecting his pension is imposed on a Government servant w.e.f. 13.08.2017. The Government servant is drawing Rs. 50500 in Level 7 of Pay Matrix. Pay would be fixed on following manner:

	When the date of increment is 1 <sup>st</sup> January	When the date of Increment is 1 <sup>st</sup> July
Pay when Penalty imposed	Rs. 50500 [5 <sup>th</sup> Cell of Level 7]	Rs. 50500 [5 <sup>th</sup> Cell of Level 7]
Reduced Pay w.e.f. 13.08.2017  [pay during the currency period from 13.08.2017 to 12.08.2019]	Rs. 49000 [4 <sup>th</sup> Cell of Level 7]	Rs. 49000 [4 <sup>th</sup> Cell of Level 7]
<b>Increment (notional)</b>	<b>On 1<sup>st</sup> January, 2018</b>  <b>Rs. 52000 [6<sup>th</sup> Cell of Level 7]</b>  <b>On 1<sup>st</sup> January, 2019</b>	<b>On 1<sup>st</sup> July, 2018</b>  <b>Rs. 52000 [6<sup>th</sup> Cell of Level 7]</b>  <b>On 1<sup>st</sup> July, 2019</b>

	<b>Rs. 53600 [7<sup>th</sup> Cell of Level 7]</b>	<b>Rs. 53600 [7<sup>th</sup> Cell of Level 7]</b>
Pay w.e.f. 13.08.2019	Rs. 53600 [7 <sup>th</sup> Cell of Level 7]  w.e.f. 1.01.2020, his pay will be 55200 [8 <sup>th</sup> Cell of Level 7] after drawl of due increment	Rs. 53600 [7 <sup>th</sup> Cell of Level 7]  w.e.f. 1.07.2020, his pay will be 55200 [8 <sup>th</sup> Cell of Level 7] after drawl of due increment

### Case History No. 3

#### (iii) Case 3: Withholding of increment [Penalty under Rule 11(iv)]

The penalty of withholding of one increment for a period of two years is imposed on a Government servant on 13.08.2017. The Government servant is drawing Rs. 50500 in Level 7 of Pay Matrix. Pay would be fixed on the following manner.

	When the date of increment is 1 <sup>st</sup> January	When the date of Increment is 1 <sup>st</sup> July
Pay when Penalty imposed i.e. 13.08.2017	Rs. 50500 [5 <sup>th</sup> Cell of Level 7]	Rs. 50500 [5 <sup>th</sup> Cell of Level 7]
<b>Pay during the currency period</b>	The increment due on 01.01.2018 will be withheld for two years i.e. upto 31.12.2019.  As such, the pay w.e.f. 13.08.2017 will be as under:  (i) Pay w.e.f. 13.08.2017 to 31.12.2017 will be Rs. 50500 [5 <sup>th</sup> Cell of Level 7]	The increment due on 01.07.2018 will be withheld for two years i.e. upto 30.06.2020.  As such, the pay w.e.f. 13.08.2017 will be as under:  (i) Pay w.e.f. 13.08.2017 to 30.06.2018 will be Rs. 50500 [5 <sup>th</sup> Cell of Level 7]

	(ii) Pay w.e.f. 1.01.2018 to 31.12.2018 will be Rs. 50500 [5 <sup>th</sup> Cell of Level 7] <b>[due to imposition of penalty]</b>  (iii) Pay w.e.f. 1.01.2019 to 31.12.2019 will be Rs. 52000 [6 <sup>th</sup> Cell of Level 7]	(ii) Pay w.e.f. 1.07.2018 to 30.06.2019 will be Rs. 50500 [5 <sup>th</sup> Cell of Level 7] <b>[due to imposition of penalty]</b>  (iii) Pay w.e.f. 1.07.2019 to 30.06.2020 will be Rs. 52000 [6 <sup>th</sup> Cell of Level 7]
<b>Increment (notional)</b>	<b>On 1<sup>st</sup> January, 2018</b>  <b>Rs. 52000 [6<sup>th</sup> Cell of Level 7]</b>  <b>On 1<sup>st</sup> January, 2019</b>  <b>Rs. 53600 [7<sup>th</sup> Cell of Level 8]</b>	<b>On 1<sup>st</sup> July, 2018</b>  <b>Rs. 52000 [6<sup>th</sup> Cell of Level 7]</b>  <b>On 1<sup>st</sup> July, 2019</b>  <b>Rs. 53600 [7<sup>th</sup> Cell of Level 8]</b>
Pay after the currency period	w.e.f 1.01.2020 =  Rs. 55200 [8 <sup>th</sup> Cell of Level 7]	w.e.f 1.07.2020 =  Rs. 55200 [8 <sup>th</sup> Cell of Level 7]
<b>Currency Period</b>	<b>13.08.2017 to 31.12.2019</b>	<b>13.08.2017 to 30.06.2020</b>

#### Case History No. 4

#### (iv) Case 4: Withholding of increment [Penalty under 11(iv)]

The penalty of Withholding of one increment **for a period of six months** is imposed on a Government servant on 13.08.2017. The Government servant is drawing Rs. 50500 in Level 7 of Pay Matrix. Pay would be fixed on following manner:

	When the date of increment is 1 <sup>st</sup> January	When the date of Increment is 1 <sup>st</sup> July
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Pay when Penalty imposed	Rs. 50500 [5 <sup>th</sup> Cell of Level 7]	Rs. 50500 [5 <sup>th</sup> Cell of Level 7]
Pay during the currency period	The increment due on 01.01.2018 will be withheld i.e. upto 30.06.2018.  As such, the pay w.e.f. 13.08.2017 to 30.06.2018 = Rs. 50500 [5 <sup>th</sup> Cell of Level 7]	The increment due on 01.07.2018 will be withheld i.e. upto 31.12.2018.  As such, the pay w.e.f. 13.08.2017 to 31.12.2018 = Rs. 50500 [5 <sup>th</sup> Cell of Level 7]
<b>Increment (notional)</b>	<b>On 1<sup>st</sup> January, 2018</b>  <b>Rs. 52000 [6<sup>th</sup> Cell of Level 7]</b>	<b>On 1<sup>st</sup> July, 2018</b>  <b>Rs. 52000 [6<sup>th</sup> Cell of Level 7]</b>
Pay after the currency period	w.e.f 1.07.2018 =  Rs. 52000 [6 <sup>th</sup> Cell of Level 7]  [w.e.f. 01.01.2019 i.e. date of next increment, the pay will be Rs. 53600 (7 <sup>th</sup> Cell of Level 7).	w.e.f 1.1.2019 =  Rs. 52000 [6 <sup>th</sup> Cell of Level 7]  [w.e.f. 01.07.2019 i.e. date of next increment, the pay will be Rs. 53600 (7 <sup>th</sup> Cell of Level 7).
<b>Currency Period</b>	<b>13.08.2017 to 30.06.2018</b>	<b>13.08.2017 to 31.12.2018</b>

### Case History No. 5

**(v) Case 5: Reduction to a lower stage without cumulative effect [penalty under Rule 11(v)]:-**

The penalty of reduction to a lower stage by two stages in the time-scale of pay for a period of one year is imposed on a Government servant w.e.f. 13.08.2017. It is further directed that the **Government servant would earn increment during the period and the reduction will not have the effect of postponing his future increments of pay.** The Government servant is drawing Rs. 50500 in Level 7 of Pay Matrix. Pay would be fixed on following manner:

	When the date of increment is 1 <sup>st</sup> January	When the date of Increment is 1 <sup>st</sup> July
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Pay when Penalty imposed	Rs. 50500 [5 <sup>th</sup> Cell of Level 7]	Rs. 50500 [5 <sup>th</sup> Cell of Level 7]
Reduced during the currency period w.e.f. 13.08.2017 to 12.08.2018	(i) Reduced pay w.e.f. 13.08.2017 to 31.12.2017, will be Rs. 47600 [3 <sup>rd</sup> Cell of Level 7] (ii) Pay w.e.f. 1.01.2018 to 12.08.2018 after drawl of increment will be Rs. 49000/- [4 <sup>th</sup> Cell of Level 7]	(i) Reduced pay w.e.f. 13.08.2017 to 30.06.2018, will be Rs. 47600 [3 <sup>rd</sup> Cell of Level 7] (ii) Pay w.e.f. 1.07.2018 to 12.08.2018 after drawl of increment will be Rs. 49000/- [4 <sup>th</sup> Cell of Level 7]
<b>Increment (notional)</b>	<b>On 1<sup>st</sup> January, 2018</b>  <b>Rs. 52000 [6<sup>th</sup> Cell of Level 7]</b>	<b>On 1<sup>st</sup> July, 2018</b>  <b>Rs. 52000 [6<sup>th</sup> Cell of Level 7]</b>
Pay on completion of Penalty (w.e.f. 13.08.2018)	Rs. 52000 [6 <sup>th</sup> Cell of Level 7]	Rs. 52000 [6 <sup>th</sup> Cell of Level 7]
Next increment	w.e.f. 1.01.2019, his pay will be 53600 [7 <sup>th</sup> Cell of Level 7] after drawl of due increment	w.e.f. 1.07.2019, his pay will be 53600 [7 <sup>th</sup> Cell of Level 7] after drawl of due increment

### Case History No. 6

#### (vi) Case 6: Reduction to a lower stage without cumulative effect [penalty under Rule 11(v)]

The penalty of reduction to a lower stage by two stages in the time-scale of pay for a period of one year is imposed on a Government servant w.e.f. 13.08.2017. It is further directed that the Government servant **would not earn increment** during the period and the **reduction will not have the effect of postponing future increments of pay**. The Government servant is drawing Rs. 50500 in Level 7 of Pay Matrix. Pay would be fixed on following manner:

	When the date of increment is 1 <sup>st</sup> January	When the date of Increment is 1 <sup>st</sup> July
Pay when Penalty imposed	Rs. 50500 [5 <sup>th</sup> Cell of Level 7]	Rs. 50500 [5 <sup>th</sup> Cell of Level 7]
Reduced Pay w.e.f. 13.08.2017	Rs. 47600 [3 <sup>rd</sup> Cell of Level 7]	Rs. 47600 [3 <sup>rd</sup> Cell of Level 7]
<b>Pay during the currency period</b>	<b>Pay w.e.f. 13.08.2017 to 12.08.2018 will be Rs. 47600 [3<sup>rd</sup> Cell of Level 7]</b>	<b>Pay w.e.f. 13.08.2017 to 12.08.2018 will be Rs. 47600 [3<sup>rd</sup> Cell of Level 7]</b>
<b>Increment (notional)</b>	<b>On 1<sup>st</sup> January, 2018</b>  <b>Rs. 52000 [6<sup>th</sup> Cell of Level 7]</b>	<b>On 1<sup>st</sup> July, 2018</b>  <b>Rs. 52000 [6<sup>th</sup> Cell of Level 7]</b>
Pay w.e.f. 13.08.2018	Rs. 52000 [6 <sup>th</sup> Cell of Level 7]  Rs. 53600 [7 <sup>th</sup> Cell of Level 7] {w.e.f. 1.01.2019}	Rs. 52000 [6 <sup>th</sup> Cell of Level 7]  Rs. 53600 [7 <sup>th</sup> Cell of Level 7] {w.e.f. 1.07.2019}

### Case History No. 7

#### (vii) Case 7: Reduction to a lower stage with cumulative effect [penalty under Rule 11(v)]

The penalty of reduction to a lower stage by two stages in the time-scale of pay for a period of one year is imposed on a Government servant w.e.f. 13.08.2017. It is further directed that the Government servant **would not earn increment** during the period and the **reduction will have the effect of postponing future increments of pay**. The Government servant is drawing Rs. 50500 in Level 7 of Pay Matrix. Pay would be fixed on following manner:

	When the date of increment is 1 <sup>st</sup> January	When the date of Increment is 1 <sup>st</sup> July
Pay when Penalty imposed	Rs. 50500 [5 <sup>th</sup> Cell of Level 7]	Rs. 50500 [5 <sup>th</sup> Cell of Level 7]

Reduced Pay w.e.f. 13.08.2017	Rs. 47600 [3 <sup>th</sup> Cell of Level 7]	Rs. 47600 [3 <sup>th</sup> Cell of Level 7]
<b>Pay during the currency period</b>	<b>Pay w.e.f. 13.08.2017 to 12.08.2018 will be Rs. 47600 [3<sup>rd</sup> Cell of Level 7]</b>	<b>Pay w.e.f. 13.08.2017 to 12.08.2018 will be Rs. 47600 [3<sup>rd</sup> Cell of Level 7]</b>
<b>Increment (notional)</b>	<b>No increment during the period of penalty</b>	<b>No increment during the period of penalty</b>
Pay on completion of penalty as on 13.08.2018	Since future increment is to be postponed to adversely affect his pension, no increment will be given on the pre- penalty pay and on restoration pay will remain same as <b>Rs. 50500 (5<sup>th</sup> Cell of Level 7)</b>	Since future increment is to be postponed to adversely affect his pension, no increment will be given on the pre- penalty pay and on restoration pay will remain same as <b>Rs. 50500 (5<sup>th</sup> Cell of Level 7)</b>
Next increment	Next increment will be due w.e.f. 01.01.2019 raising his pay to Rs. 52000 (6 <sup>th</sup> Cell of Level 7)	Next increment will be due w.e.f. 01.07.2019 raising his pay to Rs. 52000 (5 <sup>th</sup> Cell of Level 7)

### Case History No. 8

#### (viii) Case 8: Reduction to lower time-scale of pay/ grade

The penalty of reduction to the lower grade carrying Level 8 for a period of two years is imposed on Government servant who is at Level 9 w.e.f. 04.11.2018, with further directions that the **reduction shall not postpone his future increments** and on the expiry of the period he shall regain his original seniority in the higher grade.

On 4.11.2018, the Government servant is drawing Rs. 58000 in Level 9 of Pay Matrix. The Government servant had been promoted from the post in Level 8 to the post in Level 9 of the Pay Matrix on 13.08.2016 and on promotion his pay was fixed at Rs. 54700/-. At the time of promotion his pay was Rs. 52000 in Level 8 of the Pay Matrix.

In this case the pay in Level 8 would need to be fixed w.e.f. 4.11.2018 to 3.11.2020 as if he had continued in Level 8. Pay would be regulated as under:

Date	Level 9	Level 8
13.08.2016	54700 [2 <sup>nd</sup> Cell in Level 9]	52000 [4 <sup>th</sup> Cell in Level 8]@
1.07.2017	56300 [3 <sup>rd</sup> Cell in Level 9]	53600 [5 <sup>th</sup> Cell in Level 8] @
1.07.2018	58000 [4 <sup>th</sup> Cell in Level 9]	55200 [6 <sup>th</sup> Cell in Level 8] @
<b>3.11.2018</b>	58000 [4 <sup>th</sup> Cell in Level 9]	

<b>4.11.2018</b> [date of penalty order]		<b>55200 [6<sup>th</sup> Cell in Level 8] [after imposition of penalty]</b>
<b>Pay during the currency period from 4.11.2018 to 3.11.2020</b>		(i) Reduced pay w.e.f. 4.11.2018 to 30.06.2019 will be 55200 [6 <sup>th</sup> Cell in Level 8] (ii) Pay w.e.f. 1.07.2019 to 30.06.2020 will be Rs. 56900/- [7 <sup>th</sup> Cell in Level 8] (iii) Pay w.e.f. 1.07.2020 to 3.11.2020 will be Rs. 58600 [8 <sup>th</sup> Cell in Level 8]
<b>Notional pay during the currency period</b>	<b>On 1<sup>st</sup> July, 2019</b> <b>Rs. 59700 [5<sup>th</sup> Cell in Level 9]</b>  <b>On 1<sup>st</sup> July, 2020</b> <b>Rs. 61500 [6<sup>th</sup> Cell in Level 9]</b>	
4.11.2020 [After completion of penalty]	61500 [6 <sup>th</sup> Cell in Level 9]	
Next Increment 1.7.2021	63300 [7 <sup>th</sup> Cell in Level 9]	

## NOTE:

1. @ Notional pay in Level 8 from 13.08.2016 to 3.11.2018.

2. Under FR-28, the authority which orders the reduction of a Government servant as a penalty from a higher grade or post to a lower grade or post may allow him to draw pay at any stage, not exceeding the maximum of the lower grade or post, which it may think proper. Provided the pay allowed to be drawn by a government servant shall not exceed the pay which he would have drawn by the operation of FR 22 read with clause (b) or (c), as the case may be of FR 26. This illustration is where no such orders have been passed. Where the disciplinary authority has specified the pay to be drawn in the lower post pay will be drawn as per those directions.

**ANNEXURE-2****Illustration 1**

A Government servant was drawing Basic Pay of Rs.65,200/- in Level 9 (Cell No.8). Next date of increment being 1<sup>st</sup>July, 2019.

**1<sup>st</sup> Penalty:** Vide Order dated 13.08.2018 a penalty of reduction to a lower stage by one stage in the time-scale of pay for a period four years, with further directions that the Government servant shall earn increment of pay during the period of such reduction and on the expiry of such period, the reduction will not have the effect of postponing his future increments was imposed.(Penalty period w.e.f. 13.08.2018 to 12.08.2022).

**2<sup>nd</sup> Penalty:** Vide Order dated 10.12.2018, penalty of reduction to a lower time-scale of pay [*Level 8*] for a period of two years is imposed with further direction that the period of reduction to time scale of pay shall not operate to postpone future increment of his pay. (Penalty period w.e.f. 10.12.2018 to 09.12.2020).

Event	Basic Pay	1 <sup>st</sup> Penalty	2 <sup>nd</sup> Penalty
Pay immediately before imposition of 1 <sup>st</sup> penalty i.e. on 12.08.2018	Rs.65,200/- [Level 9 (Cell No. 8)]	-	-
Pay w.e.f. 13.08.2018 on imposition of 1 <sup>st</sup> penalty	-	<b>Rs.63,300/-</b> <b>Level 9(Cell No.7)</b>	-
Pay on imposition of 2 <sup>nd</sup> penalty w.e.f. 10.12.2018 *	-	-	<b>Rs.62,200/-</b> <b>Level 8 (Cell No.10)</b>
Pay on 01.07.2019 - Annual Increment	<b>Notional</b> Rs.67200/- Level 9 (Cell No.9)	<b>Notional</b> Rs.65,200/- Level 9 (CellNo.8)	<b>Rs.64,100/-</b> <b>Level 8 (Cell No.11)</b>
Pay on 01.07.2020 – Annual Increment Till 09.12.2020	<b>Notional</b> Rs.69,200/- Level 9 (Cell No.10)	<b>Notional</b> Rs.67,200/- Level 9 (Cell No.9)	<b>Rs.66,000/-</b> <b>Level 8 (Cell No.12)</b>
Pay on 10.12.2020 – (end of 2 <sup>nd</sup> penalty and continuation of 1 <sup>st</sup> penalty)	-	<b>Rs.67,200/-</b> <b>Level 9 (Cell No.9)</b>	-
Pay on 01.07.2021	<b>Notional</b> Rs.71,300/-	<b>Rs.69,200/-</b>	-

	Level 9 (Cell No.11)	<b>Level 9 (Cell No.10)</b>	
Pay on 01.07.2022	<b>Notional</b>	<b>Rs.71,300/-</b>	-
Till 12.08.2020	Rs.73,400/- Level 9 (Cell No.12)	<b>Level 9 (Cell No.11)</b>	
Pay on 13.08.2022 (on end 1 <sup>st</sup> penalty)	<b>Rs.73,400/-</b> <b>Level 9 (Cell No.12)</b>	-	-

\*Assuming that the Government servant was promoted from Level 8 to Level 9 w.e.f. 10.10.2016 and his pay was fixed on promotion under F.R. 22 (I) (a) (1).

### Regulation of his pay on imposition of 2<sup>nd</sup> penalty:

Date	Pay in Level 8	Pay in Level 9
09.10.2016 (immediately prior to his promotion) Level 8 (Cell No.8)	Rs.58,600/-	-
10.10.2016 on promotion to Level 9	Rs.58,600/- (Notional)	Rs.61,500/-
01.07.2017 – Annual Increment	Rs.60,400/- (Notional)	Rs.63,300/-
01.07.2018 – Annual Increment	Rs.62,200/- (Notional)	Rs.65,200/-
Pay as on the date of 2 <sup>nd</sup> penalty i.e. 10.12.2018	<b>Rs.62,200/-</b>	

### Illustration 2

Government servant was drawing Basic pay in Level 11 in Pay matrix at the stage Rs.83,300/- with next date of increment being 1<sup>st</sup> July, 2018.

**1st Penalty:** Withholding of increments for a period of 3 years imposed on 15.03.2018. [Period of penalty 15.03.2018 to 30.06.2021]

**2<sup>nd</sup> Penalty:** Reduction to a lower stage in the time-scale of pay by three stages for a period of one year w.e.f. 20.10.2018 with further directions that the Government servant will earn increments of pay during the period of such reduction and not having the effect of postponing the future increments of pay. (penalty w.e.f. 20.10.2018 to 19.10.2019)

Event	Basic Pay	1 <sup>st</sup> Penalty	2 <sup>nd</sup> Penalty
Pay immediately before imposition of 1 <sup>st</sup> penalty i.e. on 14.03.2018	Rs.83,300/- Level 11 (Cell No.8)	-	-
Pay w.e.f. 15.03.2018 on imposition of 1 <sup>st</sup> penalty	-	<b>Rs.83,300/-</b> <b>Level 11 (Cell No.8)</b>	-
Pay on 01.07.2018 (Date of annual increment)	<b>Notional</b> Rs.85,800/- Level 11 (Cell No.9)	<b>Rs.83,300/-</b> <b>Level 11 (Cell No.8)</b>	
Pay on 20.10.2018 on imposition of 2 <sup>nd</sup> penalty	-	-	<b>Rs.78,500/-</b> <b>Level 11 (Cell No.6)</b>
Pay on 01.07.2019 (Date of annual increment) Till 19.10.2019	<b>Notional</b> Rs.88,400/- Level 11 (Cell No.10)	<b>Notional</b> Rs.83,300/- Level 11 (Cell No.8)	<b>Rs.80,900/-</b> <b>Level 11 (Cell No.7)</b>
Pay w.e.f. 20.10.2019 (on completion of 2 <sup>nd</sup> penalty and continuation of 1 <sup>st</sup> penalty)	-	<b>Rs.83,300/-</b> <b>Level 11 (Cell No.8)</b>	-
Pay on 01.07.2020 (Date of annual increment) and till 30.06.2021	<b>Notional</b> Rs.91,100/- Level 11 (Cell No.11)	<b>Rs.83,300/-</b> <b>Level 11 (Cell No.8)</b>	-
Pay on 1.07.2021	<b>Rs.93,800/-</b> <b>Level 11 (Cell No.12)</b>	-	-

### **Illustration 3**

A Government servant was drawing Basic pay in Level 11 in Pay matrix at the stage Rs.83,300/- with next date of increment being 1<sup>st</sup>July, 2018.

**1st Penalty:** Withholding of increments for a period of 4 years imposed w.e.f. 15.03.2018.[Period of penalty 15.03.2018 to 30.06.2022]

**2nd Penalty:** Reduction to a lowerstage in the time-scale of pay by three stages for a period of three year w.e.f. 20.10.2018 with further directions that the Government servant will earn increments of pay during the period of such reduction and not having the effect of postponing the future increments of pay (penalty w.e.f. 20.10.2018 to 19.10.2021).

Event	Basic Pay	1 <sup>st</sup> Penalty	2 <sup>nd</sup> Penalty
Pay immediately before imposition of 1 <sup>st</sup> penalty i.e. on 14.03.2018	Rs.83,300/- Level 11 (Cell No.8)	-	-
Pay w.e.f. 15.03.2018 on imposition of 1 <sup>st</sup> penalty	-	<b>Rs.83,300/-</b> <b>Level 11 (Cell No.8)</b>	-
Pay on 01.07.2018 (Date of annual increment)	<b>Notional</b> Rs.85,800/- Level 11 (Cell No.9)	<b>Rs.83,300/-</b> <b>Level 11 (Cell No.8)</b>	-
Pay on 20.10.2018 on imposition of 2 <sup>nd</sup> penalty	-	-	<b>Rs.78,500/-</b> <b>Level 11 (Cell No.6)</b>
Pay on 01.07.2019 (Date of annual increment)	<b>Notional</b> Rs.88,400/- Level 11 (Cell No.10)	<b>Notional</b> Rs.83,300/- Level 11 (Cell No.8)	<b>Rs.80,900/-</b> <b>Level 11 (Cell No.7)</b>
Pay on 01.07.2020 (Date of annual increment)	<b>Notional</b> Rs.91,100/- Level 11 (Cell No.11)	<b>Notional</b> Rs.83,300/- Level 11 (Cell No.8)	<b>Rs.83,300/-</b> <b>Level 11 (Cell No.8)</b>
Pay on 01.07.2021 (Date of annual increment) to till 30.06.2022 (completion of 1 <sup>st</sup> penalty)	<b>Notional</b> Rs.93,800/- Level 11 (Cell No.12)	<b>Rs.83,300/-</b> <b>Level 11 (Cell No.8)</b>	<b>Notional</b> Rs.85,800/- Level 11 (Cell No.9)

			till 19.10.2021 i.e. end of 2 <sup>nd</sup> penalty)
Pay on 01.07.2022	<b>Rs.96,600/-</b> <b>Level 11 (Cell</b> <b>No.13)</b>	-	-

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