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Copy of:

GOVERNMENT OF TAMIL NADU

FINANCE (PAY CELL) DEPARTMENT

G.O.No.555, dated 10th June 1985

(Vaikasi 28, Kurotham, Aruvallur (Dist. 16)

Fourth Tamil Nadu Pay Commission - Recommendations on revised pay scales - Orders - Issued - The Tamil Nadu Revised Scales of Pay Rules 1985 - Notified.

READ - the following paper:-

G.O.Ms.No.391, Finance (BG III) Department, dated 11th June 1984.

Order - No.555, Finance (Pay Cell) Department, dated 10th June 1985.

The Government of Tamil Nadu in G.O.Ms.No.391, Finance (BG.III), dated 11th June 1984 constituted the Fourth Tamil Nadu Pay Commission to examine the existing pay structure together with Dearness Allowance, other compensatory allowances and retirement benefits of all categories of employees under the rule making powers of the State Government. The Commission was directed to suggest necessary changes for the rationalisation and simplification of the structure. In addition, the Commission was directed to make recommendations on the pensionary structure. The Commission was also directed to recommend the procedures of fitting the existing personnel into the new pay structure devised by it.

2.As the recommendations of University Grants Commission are applicable to the teaching staff in Universities, Government Colleges and Aided Private Institutions, they were kept outside the purview of the Commission.

3.After its enquiry, the Fourth Tamil Nadu Pay Commission submitted its report on the 10th April 1985. After studying the existing pay structure, the Commission had recommended the revised pay scales for various categories of posts, merging the dearness allowance sanctioned up to the level when the yearly average of All India Consumer Price Index reached 528 points. The Commission has recommended seventeen standard scales of pay in the place of the existing twentyone scales which are given in Appendix.I.

New Scales of Pay

4.The Government have accepted the recommendations of the Fourth Tamil Nadu Pay Commission relating to the modification of pay scales subject to the changes indicated in paragraph 5. The new pay scales shall be deemed to take effect from 1st October 1984. The existing scales and corresponding new scales of pay including Selection/Special Grades approved by the Government for the various categories of staff will be as in Schedule I to the Tamil Nadu Revised scales of Pay Rules, 1985 notified in paragraph 20 of the order.

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5. While examining and accepting the recommendations of the Pay Commission on the scales for various categories, Government consider that certain modifications for a few categories of posts should also be implemented. Government order that in modification of the recommendations of the Pay Commission, the categories of Tahsildars, Block Development Officers, Inspectors of Police and Rangers of Forest Department be placed in Group VIII, in the new scales of pay, after considering the level of responsibilities and nature of work entrusted to them. The selection grade for these categories will be in Group VII. Similarly, Government also order that the scales of pay of Under Secretaries to Government and Assistant Commissioners of Commercial Taxes be placed in Group XII. ~~Group V~~ Government also sanction a special allowance of Rs.100 per mensem to the category of Section Officers, considering the nature of work discharged by them in Secretariat.

Dearness Allowance

6. The Pay Commission has revised the pay structure with reference to the Consumer Price Index of 528 points. The Commission had recommended that the present formula for grant of one instalment of dearness allowance for every 8 points increase may be continued. Government Orders for revised rates shall be issued separately. As the scales devised by the Commission take into account only those instalments sanctioned up to the level of 528 points of the yearly average of All India Consumer Price Index, all subsequent instalments sanctioned on the basis of further increase in Consumer Price Index will be continued to be paid as dearness allowance in the revised pay.

Stagnation Increments

7. The Pay Commission has recommended enhancement of the limit for grant of stagnation increments from Rs.2,000 to Rs.3,000. Government accept the recommendation and accordingly enhance the limit for the grant of stagnation increments to Rs.3,000.

Pay Fixation

8.(i) The Commission has recommended that the pay of employees may be fitted in the new scales after adding seven per cent of the existing basic pay to the present emoluments which shall comprise of pay as on 31st March 1985 and the related dearness allowance. The Commission has recommended that the benefit shall be subject to a minimum of Rs.30 and a maximum of Rs.150/-. The Government have decided to implement the scales of pay from 1st October 1984. Accordingly, the Government accepting the recommendations of the Pay Commission on the fitment formula pass the following orders:-

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(ii) The fixation of pay in the new scales shall be governed by the Tamil Nadu Revised Scales of Pay Rules, 1985 which is notified in the Tamil Nadu Government Gazette vide para 20 of this order.

(iii) Any omission or error detected in the details given in the schedule to the Pay Rules should be brought to the notice of the Government in Finance Department.

(iv) Appendix-II to this order gives the detailed fitment tables for various existing scales of pay based on the formula prescribed by the Pay Commission which is given in the Tamil Nadu Revised Scales of Pay Rules, 1985. There shall be no deviation from the fitment table while fixing the pay in the revised scale. The pay fixing officer shall, after verifying the revised scale for the category of the post with reference to the current scale given in the schedule, refer to the fitment table and fix the new level with reference to the existing stage in the current scale of pay.

(v) If an increment is due before 1st October 1984, before fixation of scale such increment should be initially granted in the existing scale and then the appropriate level should be fixed. If for any administrative reasons, there is delay in the grant of the annual increment, the new pay could be fixed provisionally with reference to the existing pay. After orders are passed granting the increment, revised pay should be modified suitably with reference to the fitment table. The next increment in the new scale of pay shall be due on the date normally due in the existing scale.

(vi) The Government had sanctioned an interim relief, 50 per cent of which was ordered to be adjusted from out of arrears accruing from the revision. An illustration given in Appendix III explains the procedure to be followed in this regard.

(vii) The pay fixation statement relating to the Government employees the minimum of whose new scale is Rs.1,800 and above may be prepared by the Heads of Offices in the form given in Appendix IV for onward transmission to Accountant-General or the Pay and Accounts Officer as the case may be, for approval and issue of pay slips. In respect of other employees the Heads of Offices may fix the levels in new pay scales without consultation of Accountant-General or the Pay and Accounts Officer and a copy of form of Appendix IV shall, however, be sent along with the pay bills for claiming the arrears to the Treasury/Pay and Accounts Office for post-audit. The pay fixation statement in the form of Appendix IV either as approved by the Accountant-General/Pay and Accounts Officer or by the Heads of Offices, should be attached to the service book of the employees.

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Selection Grade and Special Grades

9. The Pay Commission has recommended certain modification in the method of granting selection grades and special grades and has recommended special grades for new categories. These recommendations shall be examined and orders issued from the Department of Personnel and Administrative Reforms separately.

Special Pay

10. The Pay Commission has recommended enhancement of Special Pay of certain posts and sanction of Special Pay for certain other posts. The Government accept these recommendations of the Pay Commission and direct that they shall carry special pay as indicated in Appendix V. The Commission has observed that in large number of cases the sanction of special pay has not been in accordance with the norms prescribed in the Fundamental Rules and recommended their abolition. This recommendation of the Pay Commission will be examined in due course and orders passed separately. Till then, the existing rates of special pay will continue to be drawn.

High Court and Official Assignee

11. Orders on the scales of pay of the employees of High Court and Office of the Official Assignee will be issued separately. Home Department will take necessary action in this regard.

Legislative Assembly and Legislative Council Secretariat

12. Orders relating to the scales of pay of the employees of the Legislative Assembly and Legislative Council Secretariat will be issued separately.

Tamil Nadu Public Service Commission

13. The pay scales of the employees of the Tamil Nadu Public Service Commission shall be as in Appendix VI. These orders are issued with the concurrence of the Personnel and Administrative Reforms Department. Necessary amendments to the Tamil Nadu Public Service Commission Regulations will be issued separately.

Teachers

14. The Pay Commission has recommended adoption of the same scales of pay to the teachers of aided educational institutions including those in local bodies as in the case of Government teachers. Government accept this recommendations and direct that the revised scale as applicable to Government servants and the same procedure for revision may be adopted for these categories also.

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Local Bodies and Khadi and Village Industries Board

15. Government accept the recommendations of the Pay Commission for the employees of teaching and non-teaching staff of local bodies, Khadi and Village Industries Board and Local Library Authorities. The revised scales of pay of the employees of these institutions are given in Appendix VII. These orders are issued in exercise of the powers conferred under proviso (i) of sub-section (1) of section 86 of the Madras City Municipal Corporation Act 1919, under section 106 of the Madurai City Municipal Corporation Act 1971 and under section 106 of Coimbatore City Municipal Corporation Act 1981 in respect of the employees of the Madras Corporation, Madurai Corporation and Coimbatore Corporation respectively, and by sub-section (3) of section 70 of the Tamil Nadu District Municipality Act, 1920, in respect of employees of Municipal Councils and Township Committees, in exercise of the powers conferred by sub-section (3) of section 57 of the Tamil Nadu Panchayats Act, 1958 in respect of the employees of the Panchayat Unions, Town Panchayats and Panchayats Townships and in exercise of the powers conferred by section 13 of the Tamil Nadu Khadi and Village Industries Board Act, 1969 in respect of the employees of the Board.

16. The method of fitment of the employees covered by paragraphs 13, 14 and 15 shall be as specified in paragraphs 7 and 8 above.

New Standard Scales

17. The standard scales recommended by the Commission are given in Appendix I to this order. The Commission has also recommended that new posts which may be created by the Government in future may be on one of these standard scales only and has advised against introduction of any other scale of pay outside these seventeen scales of pay. The Government have examined these recommendations and decided to accept them. In future, all Heads of Departments and Departments of Secretariat who sponsor proposals for creation of new categories of posts should adhere to one of these seventeen standard scales.

18. The scheme of the new scales of pay dealt with in this order and other allowances ordered separately in pursuance of the Pay Commission constitutes a "New Service". Approval of the Legislature will be obtained in due course. Pending this approval, the expenditure will initially be met from an advance from the Contingency Fund.

19. Heads of Departments and Regional Officers should take special interest in the speedy implementation of the above orders regarding pay fixation, time-bound advancement, etc. They are requested to bring to the notice of the Government any difficulties, anomalies arising in such implementation. A review of the implementation of these orders may be made part of the scheme of annual inspection of the concerned Offices.

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20. The following notification will be published in the Tamil Nadu Government Gazette:-

Notification

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Tamil Nadu hereby makes the following rules, namely:-

1. Short title and commencement - (i) These rules may be called the Tamil Nadu Revised Scales of Pay Rules 1985.

(ii) They shall be deemed to have come into force on the 1st October 1984.

2. Definition - In these Rules, unless the context otherwise requires, -

(i) "basic pay" means pay as defined in F.R.9 (21)(a)(i)

(ii) "Present emoluments" shall comprise,

(a) the basic pay as on the 30th September, 1984 of a Government servant in the existing scale.

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Note:- See illustration 1 and 2 in Annexure I to these Rules.

(b) Special Pay drawn on the 30th September 1984 in addition to pay in the existing scale in cases where a separate gigger pay scale has been provided for in substitution of both the present scale and special pay and not otherwise; and

Note:- See illustration 3 in Annexure I to these Rules

(c) Dearness Allowance relating to clauses (a) and (b) at 528 points of All India Consumer Price Index (AICPI) drawn on the 1st May 1984.

Provided that in cases where special pay is sanctioned to all the posts in the same category, the dearness allowance actually drawn shall be included in the present emoluments. In other cases, the dearness allowance on basic pay and personal pay alone shall be included in present emoluments. Present emoluments shall not, however, include the special pay other than that specified in clause (b) of sub-rule (ii) of rule 2.

Note:- See illustration 4 in Annexure I to these rules

(iii) 'existing scale' in relation to any post, means the scale of pay admissible to a Government servant in respect of such post on the 30th September 1984;

(iv) 'post' means any post specified in the schedule to these Rules;

**Note: The Personal pay drawn by Government servants on the 30th September 1984 along with pay in the existing scale will continue to be drawn along with the pay or personal pay, if any, fixed in the new scale of pay till it is wiped out in subsequent increments.

(v) 'revised scale' in respect of any post means the revised scale of pay specified in respect of such post in the Schedule;

(vi) 'existing scale of pay' and 'existing scale' will include existing fixed pay; and

(vii) 'Schedule' means the Schedule to these Rules.

3. Application of Revised scales of pay - Save as otherwise provided in these Rules, there shall be paid to holders of all posts in a substantive or in officiating capacity or appointed temporarily under rule 10 (a) (i) or promoted temporarily under rule 39 (a) (i) of the General Rules for the Tamil Nadu State and Subordinate Services Rules specified in the Schedule (including those on suspension or deputation or foreign services or leave or suspended lien) pay calculated in the revised scale of pay.

4. Fixation of pay:- (1) The initial pay of a Government Servant who elects to be governed by the revised scale from the 1st October 1984 shall be fixed separately in respect of his substantive pay in the permanent post on which he holds a lien or would have held a lien if it had not been suspended, and in respect of his pay in the officiating post held by him, in the following manner, namely:-

(a) An amount representing seven per cent of basic pay and personal pay, if any in the existing scale of pay shall be added to the present emoluments of the Government Servant as defined in rule 2 (ii).

Explanation- If the amount so computed includes a part of a rupee, then, if such part is fifty paise or more, it shall be rounded off to the next rupee and if such part is less than fifty paise, it shall be ignored;

(b) the pay shall be fixed in the revised scale at the stage equal to the amount computed under clause (a) or, if there is no such stage in the revised scale, at the stage next above the amount so computed;

Provided that -

(i) If the amount as computed under clause (a) is less than the minimum of the revised scale, the pay shall be fixed at the minimum of the scale.

(ii) If the amount as computed under clause (a) is more than the maximum of the revised scale, the pay shall be fixed at the level computed by adding increments at the last stage before maximum subject to a maximum of Rs. 3,000.

(iii) The pay shall be fixed at a stage where the revised pay is at least Rs. 30 more than the present emoluments except when the pay is fixed at the maximum of Rs. 3,000.

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Note- See illustrations 5, 6, 7 and 8 in Annexure I to these rules.

Provided further that except where the pay is fixed at the minimum of the revised scale, if the revised pay exceeds the present emoluments by more than Rs.150 the initial pay shall be fixed at the highest stage in the revised scale at which the revised pay does not exceed the present emoluments by Rs.150. The difference, if any, between the present emoluments plus Rs.150 and the difference, if any, between the present emoluments plus Rs.150 and the revised emoluments so payable shall be allowed as personal pay to be absorbed in future increases in pay.

Note- See illustration 9 in Annexure I to these rules.

(2) The pay of an employee appointed or promoted to a post on or after the 1st October 1984 shall be fixed in the following manner, namely:-

Note- See illustration 8 in Annexure I to these rules

(2) The pay of an employee appointed or promoted to a post on or after the 1st October 1984 shall be fixed in the following manner, namely:-

(i) If he was holding a post on the 30th September 1984 and was promoted or appointed to another post subsequently, his pay in the old post shall be fixed as on the 1st October 1984 under sub-rule (1) of this rule in the reversed pay scale and then his pay in the post which he held subsequent to the 30th September 1984, fixed in the appropriate revised scales under the Fundamental Rules.

Note- See illustration 10 and 11 in Annexure I to these rules.

(ii) If he was appointed to the service in the Government for the first time after the 30th September 1984 and before the 1st June 1985 his emoluments on the date of joining comprising the basic pay and dearness allowance at 528 points on the date of his joining service shall constitute the emoluments and the revised pay shall be fixed accordingly with effect from the date of his joining service.

(3) If the pay as fixed in the officiating post under sub-rule (1) is lower than the pay fixed in the substantive post, it shall be fixed at the stage next above the substantive post. Where the pay of a Government servant who has moved from a lower post to a higher post or from an Ordinary Grade to a Selection Grade is fixed at a stage lower than what would have been admissible in the lower post or the Ordinary Grade (if he is in the Selection Grade post) his pay shall be stepped up to the stage equal to the pay in the lower post or grade, or if there is no such stage to the next higher stage;

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Provided that this will apply only to the Government Servants who have actually moved to the higher or Selection Grade post from the lower or Ordinary Grade post.

4. If a Government servant is confirmed in a higher post which he held in an officiating capacity previously with retrospective effect from a date prior to the 1st October 1984, he shall be entitled to have his substantive pay in that post refixed on the 1st October 1984 and also to have his pay refixed in the higher officiating post which he actually held on the 1st October 1984 at the stage next above that substantive pay.

5. If a Government servant is on leave on the 1st October 1984 he shall be entitled to the revised scale of pay from that date, but the pay so fixed in the revised scale shall be admissible to him only from the date of his return to duty in the post after the expiry of leave and the period commencing on 1st October 1984 and ending with the date of such return will count for future movement in the revised scale depending on whether it will count for future increments in the existing scale.

6. A Government servant, who on the 1st October 1984 is on leave preparatory to retirement, shall be entitled to choose his pay either in his substantive post or in the officiating post in the revised scale with effect from that date for the purpose of computing his gratuity and pension.

7. If a Government servant was under reduction of pay or stoppage of increment as a punishment on the 1st October 1984, his pay shall be fixed in the revised scale on the basis of present emoluments he drew on the 1st October 1984 and he shall continue to draw the pay so fixed in the revised scale till the expiry of the period of punishment. His pay in the revised scale shall be refixed immediately following the date of expiry of the period of punishment, with reference to the present emoluments which he would have drawn on the 1st October 1984 taking the fact into consideration whether the punishment awarded is with cumulative effect or without cumulative effect.

If, for instance, a Government servant's increment falling due on the 1st July 1984 has been postponed for a year without cumulative effect, his actual present emoluments as on the 30th September 1984 would be the basis for determination of his revised pay with effect from the 1st October 1984 and this shall be in force up to the 30th June 1985. For purposes of determination of his pay with effect from the 1st July 1985, however, his pay on the 1st October 1984 shall be refixed notionally based on the present emoluments which he would have received on the 30th September 1984 but for the punishment and he will get the next increment on the 1st July 1985 from that stage.

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If, however, the punishment of stoppage of increment due on the 1st July 1984 has been awarded with cumulative effect, the revised pay shall be fixed based on his actual present emoluments as on the 30th September 1984. There shall be no refixation of pay as in the case of Government servant who has been awarded the punishment without cumulative effect.

8. If a Government servant is on suspension on the 1st October 1984 or if he was discharged or reverted from a post before that date and is reappointed to that post after that date, he shall be entitled to the revised scale of pay only from the date on which he returns to duty in the post or from the date of his reappointment to that post.

5. Date of next increment in the revised scale-(a) The next increment of a Government servant whose pay has been fixed in the revised scale shall be granted on the date on which he would have drawn the increment had he continued in the existing scale:

Provided that a Government servant, whose pay is fixed in the revised scale of pay based on the present emoluments as on the 30th September 1984 and whose date of increment falls on the 1st October 1984 shall draw that increment in the revised scale of pay on the 1st October 1984 itself.

(b) If a Government servant draws his next increment in the revised scale under clause (a) and thereby becomes eligible for higher pay than his senior whose next increment falls due at a later date, then the senior shall be allowed to have his pay refixed equal to the pay of his junior from the date on which the junior becomes entitled to the higher pay.

6. Option - (1) A Government servant may exercise the option to remain in the existing scale of pay until the date on which he earns his next or any subsequent increment in the existing scale of pay or until he vacates his post or ceases to draw pay in that scale:

Provided that if a Government servant does not exercise his option within the period specified below, he shall be deemed to have opted for the revised scales of pay with effect from the 1st October 1984.

(2) The option shall be exercised in the Form given in Annexure II to these Rules within one month from the date of publication of these Rules and intimated by the Government servant-

(i) if his pay and allowances are drawn by the Head of his Office, to the Head of his Office;

(ii) if he is a self-drawing Government servant, to his Accounts Officer:

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Provided that in the case of a Government Servant who was on leave on that date or who was discharged from service before and was not in service on that date, or who was on deputation or on foreign service, the option may be exercised within a period of one month from the date on which he returns from leave, or is reappointed to the post, or rejoins duty in the State, as the case may be.

(iii) The option once exercised shall be final.

(iv) If a Government servants opts to remain in the existing scale of pay for a specified period, he shall be entitled to draw pay in the existing scale during that period and also the amount of dearness allowance at the existing scale during that period and also the amount of dearness allowance at the existing rates and his pay shall be fixed in the revised scale at the end of the period specified, in accordance with the provisions under these Rules.

7. Power to remove difficulties- The Government may, by order, remove any difficulty that may arise in giving effect to the provisions of these Rules.

8. Power to amend Schedule - (1) The Government may, by order, amend the Schedule;

(2) All references made in these Rules to the Schedule shall be considered as relating to the Schedule as amended from time to time in exercise of the powers conferred by this rule.

9. Effect of other Rules- Save as otherwise provided in these Rules, no provision of any other rule made or deemed to have been made under the proviso to Article 309 of the Constitution of India shall, in so far as it is inconsistent with any of the provision of these Rules, have any effect.

(By order of the Governor)

C. RAMACHANDRAN,
Commissioner and Secretary to
Government.

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