KNOW SOME RULINGS...

1. What are all the conditions for claiming stepping up of Pay with juniors?

(i) Both senior and junior must be in the same cadre in identical pay scales and also in the same recruiting unit.
(ii) Posts to which they are promoted must also be identical and same.
(iii) At the time of promotion, senior must be getting equal or more pay than junior.
(iv) Anomaly should be direct result of application of FR 22 (c) or any pay fixation rules.

2. How option can be made for pay fixation on date of promotion which will be advantageous?

As per the revised pay rules, if the promotion is in between 2nd July to 31st December, his next increment will be from 1st July of the same year. If the promotion is accorded in between 1st Jan to 30th June in a year, his increment will be drawn only in the next year. So, one has to carefully study before making option for pay fixation at the time of promotion.

3. What is the restriction under FR 35 for officiating pay when a Government is ordered to work in higher posts?

As per DOPT OM No. F/1/4/2009 - Estt (pay I) dt. 08.03.2010, for employees receiving pay in the pay band up to Rs.14880 PM (our cases), 15% of the basic pay subject to a maximum of Rs. 2000/- PM (including the difference of grade pay between the feeder and the promotional post). The annual increment @ 3% of the basic pay so fixed shall be granted.

4. What are all the cases which will not construe under the pay anomalies?

(i) Senior getting less pay in lower post due to postponement of date of next increment on account of his proceeding on extraordinary leave.
(ii) Senior refusing promotion leading to early promotion of the junior and later promotion of the senior.
(iii) Junior getting higher pay in lower post due to adhoc arrangements.
(iv) Senior joining higher post later and getting lower pay.
(v) Senior appointed to lower post later than the junior but getting promoted earlier than the junior.
(vi) Senior direct recruits getting less pay than the junior promotees whose pay is fixed with reference to pay last drawn.
(vii)Junior getting more pay due to additional increments earned on acquiring higher qualifications.
(DOP&T OM No. 4/7/92 – Estt (Pay I) dt. 04.1193)

5. Whether stepping up of pay can be allowed second time with another official?

As per DOPT order dated 22.07.1985, the benefit of stepping up of pay can be allowed to senior official second time, provided the anomaly has arisen with reference to the pay of the same junior, with reference to whom the pay of the senior was stepped up first time. As such there is no provision to step up with another person directly

1. Whether Dies non, EXOL without MC etc will cause postponement of increment which was available earlier?

As per the R. P. Rules 2008, the date of increment will be 1st July every year for all employees. If an employee has completed six months or more after his last increment in July, he is entitled for next annual increment. As such there is no effect for Dies non, EXOL without MC etc up to six months in one year starting from July to June next year.

2. Whether the current pay bands remove the stagnation? Or is there any provision of stagnation increments etc?

There will be no stagnation as per the revised rules. If an employee reaches maximum of his pay band, after one year he will be placed in the next pay band providing him one increment. Thus he will move up to pay band 4 and there is no chance of stagnation.

3. Suppose, an official availed EOL (Without MC) for more than six months and he is not having six months qualifying service as on 1st July what will be the fate of his increment?

No. He will not be drawn the increment. If qualifying service is less than six months from 1st July of the previous year till 30th June of the year the date of increment shall be postponed to 1st July of the next year.

4. An official is ordered to officiate in higher Post first for 10 days and subsequently extended for another 10 days. Whether he is entitled for higher officiating pay?

Yes. An official officiating in higher post for less than 14 days, he is not entitled for higher pay. However, even if the first spell is less than 14 days but subsequently extended, the official officiating in the higher post is entitled for higher pay as per the Directorate letter No. 9-25/82-SPG/SPB II dt. 29.05.86.

5. What is the maximum amount of salary that can be attached?

(i) In case of decree for maintenance: (Gross emoluments – allowances exempted) X 2/3
(ii) In case of other decrees: (Gross emoluments – allowances exempted – Rs.1000/-) X 1/3
(Rules 74 of CGA (R & P) Rules 1983)

1. What are the allowances exempted from attachment of salary?

(i) All kinds of travelling allowances.
(ii) All kinds of conveyance allowances.
(iii) All allowances to meet the cost of uniform/rations.
(iv) Compensatory Allowances for higher cost of living in expensive localities/hill stations.
(v) All house rent allowances.
(vi) Dearness allowance or other allowances to provide relief from increased cost of living
(vii) Children Education Allowance described in any manner.
(viii) All reimbursement of medical expenses.
(ix) Dearness pay if any.
The above allowances are exempted from court attachment. (Rule 74 of CGA (R&P) Rules 1983)

2. Where more than one penalties of withholding increments are imposed against an official at the same time, how it can be given effect to?

In such cases, one after the other, the first penalty order is given effect for the period specified in the order. Thereafter, the increment due to the employee will be allowed and then next penalty order will be implemented from the date of next increment due to him; and so on for third and subsequent penalties.
(DG P&T No. 230/308/75-Disc II dt. 03.05.76)

1. Allowances & Quarters

3. As per the Sixth CPC, whenever DA goes up to 50%, the special allowances shall be increased by 25%. Whether HRA, Transport Allowance etc will cover under these orders w.e.f 01.01.2011 since the DA is expected to reach 51%

No. In respect HRA, Transport Allowance etc, there will be no revision.
In respect of the following allowances, there will be increase by 25%.
(i) Daily allowance on Tour, mileage Allowance, transportation of Personal effects etc.
(ii) Special compensatory (Remote Locality) Allowance.
(iii) Special compensatory (Hill Area) Allowance.
(iv) Split Duty Allowances to Central Secretariat & allied offices.
(v) Bad climate Allowance.
(vi) Project Allowance.
(vii) Scheduled/Tribal Area Allowance.
(viii) Cycle Maintenance Allowance
(ix) Conveyance Allowance.
(x) Washing Allowance.
(xi) Special Allowance for disabled women employees.
(xii) Cash handling allowance to cashiers/Treasurers.
(xiii) Children Education Assistance & RTF.
(xiv) Advance for purchase of Bicycle, warm clothing, Festival & Natural Calamity Advance.

4. Whether an official who is on long leave is entitled for drawal of HRA? If so up to what extent?

On medical leave, HRA is allowed for 8 months. Beyond that, it can be allowed by the controlling authorities.
For other kinds of leave, HRA is allowed up to 180 days without any certificate. On furnishing required certificate, it may be drawn for remaining periods.
(MOF OM No. 11020/19/90-EII (B) dt. 05.02.1991)

5. Whether the official placed under suspension is entitled for drawal of HRA?

Yes. As per MOF OM NO. F 2(37) EII (B)/by dt. 27.01.1965, HRA shall be drawn to the

officials placed under suspension at the rate it was drawn before suspension.

16. An official provided with staff quarters is transferred in the middle of academic year to another station. What is his HRA entitlement?

1. In such cases, if he detains the Govt. accommodation at the old station, HRA will be allowed for 8 months at the new station.
2. If not in occupation of Govt. accommodation in old station and not allotted accommodation in new station and leaves family at old station, HRA is allowed as under:

(i) For first 2 months of assuming charge	At the rate drawn at the old station.
at the new station.	
(ii) For the next 4 months or till the end of academic year, whichever is later	At the rate drawn at the old station or the maximum rate allowed at the new station for residence taken on rent, whichever is less.

3. As per MOF No. 19055/1/E-IV/2002 dt. 28.03.2003, employees transferred due to shifting of head quarters, shall be entitled to HRA at the rate admissible to them at the old head quarters, if their families continue to reside there, for six months or till the employee is allotted or secures family accommodation at new head quarters whichever is earlier.

17. Both husband and wife are posted in one station and one is provided with Government accommodation. They are claiming HRA for both saying that they are residing separately. Whether it is permissible?

No. HRA will be allowed irrespective of the fact whether they live together or separately except in pursuance of a court order of judicial separation, in case of any one is allotted with Government accommodation and working in the same station.

18. What is the rate of compensation in lieu of rent free accommodation?

The lowest amount charged as licence fee for the entitled type of accommodation will be the compensation to those not provided with quarters as service condition in lieu of rent free accommodation.

19. Whether Transport Allowance is admissible to the employees under suspension?

No. In case if the suspension period covers a calendar month partially, Transport Allowance for that month shall be proportionately reduced.

20. What is the rate of Transport Allowance to physically handicapped employees?

The blind or orthopedically handicapped employees shall continue to draw this allowance of double the normal rates, which shall no case, be less than Rs. 1000/- per month plus the applicable rate of dearness allowance.