



भारतीय कृषि अनुसंधान परिषद्
INDIAN COUNCIL OF AGRICULTURAL RESEARCH

कृषि भवन, डॉ राजेंद्र प्रसाद मार्ग, नई दिल्ली-110001
KRISHI BHAWAN, Dr. RAJENDRA PRASAD ROAD, NEW DELHI -110001

मि. सं. 1(5)/2021-Per.IV

दिनांक: 14.07.2022

सेवा में,

भा.कृ.अ.प. संस्थानों /ब्यूरोज/ राष्ट्रीय अनुसंधान केंद्र / निदेशालयों के निदेशक /
परियोजना निदेशक

**विषय:- भा.कृ.अ.प. वैज्ञानिकों के लिए वित्त मंत्रालय (व्यय विभाग) के दिनांक
28.09.2018 के कार्यालय ज्ञापन के लागू होने संबंधी**

महोदय/ महोदया,

वित्त मंत्रालय (व्यय विभाग) के कार्यालय ज्ञापन संख्या 8-23/2017-E.IIIA दिनांक 28.09.2018 (प्रति संलग्न), जो कि परिषद के कार्यालय ज्ञापन संख्या 15-1/2019-R&P दिनांक 25.11.2020 द्वारा परिषद में उचित पदों पर लागू करने हेतु अनुलेखित किया गया है, में (अन्य बातों के अलावा) निम्नलिखित समाहित है :-

- (i) 01.01.2006 से पहले सीधी भर्ती द्वारा नियुक्त कर्मचारी का वेतन दिनांक 01.01.2006 से प्रवेश वेतन (entry pay) से कम नहीं होना।
- (ii) 01.01.2016 को या उसके बाद उन पदों पर पदोन्नत होने वाले केन्द्रीय कर्मचारी का वेतन 01.01.2006 या उसके बाद होने वाली पदोन्नति पर उस तारीख से उस पद के प्रवेश वेतन से कम नहीं होना।


2. वित्त मंत्रालय (व्यय विभाग) के कार्यालय ज्ञापन के परिषद में उचित पदों पर इसके कार्यान्वयन हेतु अनुलेखन के पश्चात, परिषद में कई वैज्ञानिकों (सेवानिवृत्त प्रधान वैज्ञानिकों को सम्मिलित करते हुए) से उपरोक्त ज्ञापन के उनके केस में लागू होने संबंधी पत्र प्राप्त हुए हैं। इसके अतिरिक्त परिषद के कई संस्थानों ने भी उक्त ज्ञापन का परिषद के वैज्ञानिकों के संबंध में लागू होने संबंधी स्पष्टीकरण मांगा है।

जारी/2

3. मांगे गए स्पष्टीकरण व परिषद कि इस पर टिप्पणी निम्नलिखित है:

मांगा गया स्पष्टीकरण	टिप्पणी
क्या वित्त मंत्रालय (व्यय विभाग) का दिनांक 28.09.2018 का कार्यालय ज्ञापन परिषद के वैज्ञानिकों पर लागू है ?	वित्त मंत्रालय (व्यय विभाग) का कार्यालय ज्ञापन परिषद के उन कर्मचारियों पर लागू है जिनका वेतन केन्द्रीय कर्मचारियों के वेतनमानों (विभिन्न केन्द्रीय वेतन आयोगों द्वारा निर्धारित) के अनुसार है। चूंकि परिषद ने अपने वैज्ञानिकों के लिए UGC वेतनमानों व भत्तों को अपनाया है, अतः UGC से उक्त ज्ञापन के विश्वविद्यालय के शिक्षकों/ परिषद के वैज्ञानिकों पर लागू होने संबंधी स्पष्टीकरण मांगा गया है। इसलिए यह निर्णय लिया गया है कि जब तक इस संदर्भ में UGC से स्पष्टीकरण प्राप्त नहीं हो जाता, परिषद के वैज्ञानिकों का वेतन वित्त मंत्रालय (भागव्यय वि) के दिनांक 28.09.2018 के कार्यालय ज्ञापन के अनुसार निर्धारित नहीं किया जाना चाहिए।

4. यह सक्षम प्राधिकारी के अनुमोदन व वित्त सलाहकार, भा.कृ.अ.प. के सहमति से जारी किया जाता है।

भवदीय ,

(एम. के. जैन)

संयुक्त सचिव (कार्मिक)

प्रति :-

1. सभी उपमहानिदेशक / सभी स्वतंत्र सहायक महानिदेशक
2. पी.एस.ओ., महानिदेशक / पी.पी.एस., सचिव, भा.कृ.अ.प. / पी.पी.एस., वित्त सलाहकार, भा.कृ.अ.प.
3. उपसचिव (कार्मिक) / अवर सचिव (कार्मिक)
4. अनुभाग अधिकारी (कार्मिक - I / II / III)
5. सूचना तंत्र अधिकारी, DKMA, कैब - I, पूसा, नई दिल्ली - भा.कृ.अ.प. की वेबसाइट पर अपलोड करने हेतु
6. ई - ऑफिस नोटिस बोर्ड

नोट: कृपया इस पत्र की प्रति आवश्यकता अनुसार डाउनलोड करें ; इसकी प्रति अलग से वितरित नहीं की जा रही है।
(अंग्रेजी प्रारूप संलग्न है)



भारतीय कृषि अनुसंधान परिषद्
INDIAN COUNCIL OF AGRICULTURAL RESEARCH

कृषि भवन, डॉ राजेंद्र प्रसाद मार्ग, नई दिल्ली-110001
KRISHI BHAWAN, Dr. RAJENDRA PRASAD ROAD, NEW DELHI -110001

F. No. 1(5)/2021-Per.IV

Dated: 14.07.2022

To

**The Directors/Project Directors of all ICAR Institutes / Bureaux /
NRCs/Directorates**

**Sub.:- Applicability of MoF (DoE) OM dated 28.09.2018 for ICAR Scientists –
reg.**

Sir/Madam,

MoF (DoE) OM No. 8-23/2017-E.IIIA dated 28.09.2018 (copy enclosed),
endorsed vide ICAR OM No 15-1/2019-R&P dated 25.11.2020 for implementation on
eligible posts in the Council, inter-alia provided as under :-

(i) *Pay of Direct Recruit appointed before 01.01.2006 shall not be less than
the entry pay w.e.f. 01.01.2006.*

(ii) *Pay of Central Govt. Employee appointed to such posts by way of
promotion on or after 01.01.2006 shall not be less than such entry pay from
the date of promotion taking place on or after 01.01.2006.*

2. Subsequent to endorsement of the said MoF (DoE) OM for implementation
thereof on eligible posts/positions in ICAR, the Council is in receipt of
representations from many scientists (including retired Pr. Scientists) regarding
applicability thereof in their case. Besides, many ICAR Institutes have also sought
clarification regarding applicability of the said OM in the case of ICAR Scientists.

3. The clarification sought and comments of the Council thereto are mentioned
below:

Clarification sought	Comments
Whether the OM dated 28.09.2018 of MoF (DoE) is applicable in the case of ICAR scientists?	<p>MoF (DoE) OM is applicable to ICAR employees whose pay is as per Central Government Pay Scales (governed by various Central Pay Commissions). Since ICAR has adopted UGC Pay Scales and Allowances for its scientists, clarification has been sought from UGC regarding applicability of the said OM in the case of University teachers/ICAR Scientists.</p> <p>It has, therefore, been decided that till a clarification in this regard is received from UGC, pay of ICAR scientists should not be fixed in accordance with the instructions contained in MoF (DoE) OM dated 28.09.2018.</p>

4. This issues with the approval of the Competent Authority and concurrence of FA, ICAR.

Yours faithfully,



(M. K. Jain)
Joint Secretary (Pers.)

Copy to :-

1. All DDGs / All Independent ADGs
2. PSO to DG, ICAR/ PPS to Secretary, ICAR/PPS to FA, ICAR
3. DS (Pers.)/ US (Pers.)
4. SO (P-I/P-II/P-III)
5. Information System Officer, DKMA, KAB – I, Pusa, New Delhi for uploading on ICAR website
6. e-Office Notice Board

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भारतीय कृषि अनुसंधान परिषद
INDIAN COUNCIL OF AGRICULTURAL RESEARCH
 कृषि भवन, डॉ० राजेन्द्र प्रसाद मार्ग, नई दिल्ली-110 001
 Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi 110 001

F.No.Admn.15-1/2019-R&P

Dated: 25th November, 2020OFFICE MEMORANDUM

Sub.: Central Civil Services (Revised Pay) Rules, 2008 – Section II of the Part 'A' of the First Schedule thereto- entry pay for direct recruits appointed on or after 1.1.2006 and pay fixation in the case of persons other than such direct recruits.

The Ministry of Finance (Department of Expenditure), Government of India has vide O.M. No. 8-23/2017-E.IIIA dated 28th September, 2018 conveyed the approval of the Competent Authority that for the posts where entry pay for direct recruits appointed on or after 1.1.2006, as per Section II of Part – A of the First Schedule of CCS (RP) Rules, 2008, becomes applicable by virtue of the provision of the element of direct recruitment in the relevant recruitment rules, the pay of the Central Government employees who were appointed to such posts prior to 1.1.2006 and who whose pay, as fixed in the revised pay structure under Rule 7 thereof as on 1.1.2006 turns out to be lower than the prescribed entry pay for direct recruits of that post, shall not be less than such entry pay w.e.f. 1.1.2006. Likewise, the pay of Central Government employees who were appointed to such posts by way of promotion on or after 1.1.2006 and whose pay, as fixed under Rule 13 of CCS(RP) Rules, 2008, happens to be lower than the said entry pay, shall also be not less than such entry pay from the date of their promotion taking place on or after 1.1.2006. The said OM dated 28.9.2018 is endorsed herewith for implementation on the eligible posts in the Council.

This issues with the concurrence of IFD, ICAR.

(Ravi Chauhan)

Under Secretary (Admn.)

Distribution:-

1. Director of all ICAR Institutes/NRCs/Bureaux/PDs
2. All Directors / Deputy Secretaries / Secretary, ASRB / COE, ASRB / Under Secretaries, ICAR at Krishi Bhavan / Krishi Anusandhan Bhavan I & II, Pusa, New Delhi.
3. PSO to DG, ICAR / PPS to Secretary, ICAR/ PPS to FA, DARE/ICAR/ PPS to Chairman, ASRB.
4. Cdn.(A&A), Cash I & II, Audit I & II, A/Cs-I, Budget and Estt. I & II Sections, ICAR.
5. Secretary (SS), CJSC, IISWC, Dehradun.
6. Secretary (SS), HJSC, ICAR, Krishi Bhavan, New Delhi.
7. Media Unit, ICAR with the request to upload RRs on the ICAR website.
8. Guard File / Spare Copies.

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No. 8-23/2017-E.IIIA
Government of India
Ministry of Finance
Department of Expenditure

North Block, New Delhi
28th September, 2018

Office Memorandum

Subject: Central Civil Services (Revised Pay) Rules, 2008 - Section II of the Part 'A' of the First Schedule thereto- entry pay for direct recruits appointed on or after 1.1.2006 and pay fixation in the case of persons other than such direct recruits.

The undersigned is directed to invite the attention to the provisions contained in Section-2 of Part 'A' of the First Schedule of the Central Civil Services (Revised Pay) Rules, 2008 which provides for entry pay in the revised pay structure (pay structure effective from 1.1.2006 up to 31.12.2015) for direct recruits appointed on or after 1.1.2006 on a post and to say that pay in respect of persons appointed to the same posts before 1.1.2006 is required to be fixed as on 1.1.2006 under Rule 7 (1)(A)(i) and pay in respect persons appointed on the same post on promotion on or after 1.1.2006 is required to be fixed under Rule 13 thereof.

2. A number of references were received in Ministry of Finance, Department of Expenditure, stating that the pay of seniors of a post was fixed at a stage lower than the entry pay applicable to the persons appointed on direct recruitment basis on that post on or after 1.1.2006. In such cases, stepping of pay was allowed to the senior employee at par with the entry pay of direct recruits of those posts, subject to the conditions, inter-alia, that stepping up of pay of seniors is applicable only in those cases which have an element of direct recruitment and where a directly recruited junior is actually drawing more basic pay than the seniors. Thus, the stepping up of pay of senior employees was admissible from the date a junior direct recruit joined on or after 1.1.2006.

3. The matter was also considered in the meeting of the National Anomaly Committee (NAC) held on 17.7.2012 based on a demand raised by the Staff Side under the JCM. NAC had recommended that in cases where Recruitment Rules provide for direct recruitment, then the stepping up of pay of senior may be considered, even if no actual direct recruitment takes place or no direct recruit has actually joined. However, it was decided that stepping up of the pay of seniors can be claimed only in the case of those cadres which have an element of direct recruitment and in cases where a directly recruited junior is actually drawing more basic pay than the seniors. Thus, stepping up of pay was dependent upon actual joining of a direct recruit.



4. Trained Graduate Teachers (TGTs) of the Government of National Capital Territories of Delhi (GNCTD) filed an OA No. 3217/2014 before the Hon'ble Principal Bench of CAT. The 13 petitioners of the post of Trained Graduate Teachers (TGT) comprised those who were appointed as TGT before 1.1.2006 as also those who were promoted to the post of TGT on or after 1.1.2006. The pay of these 13 employees had been fixed as per the relevant provisions of the CCS(RP) Rules, 2008 and the same happened to be lower than the entry pay as applicable to direct recruits of the post of TGT appointed on or after 1.1.2006. These petitioners prayed for re-fixing their pay as applicable to direct recruits appointed on or after 1.1.2006.
5. The Hon'ble Principal Bench of CAT in their order dated 4.4.2016 in OA No.3217/2014 allowed the application and directed the Government to ensure that none of the applicant's pay is fixed at a stage lower than the pay which could be drawn by a direct recruit appointed on or after 1.1.2006. The order of Hon'ble CAT dated 4.4.2016 was upheld by the Hon'ble Delhi High Court in terms of their order dated 23.3.2017 in WP(C) No.2634/2017. The Hon'ble Delhi High Court in its order dated 23.3.2017 observed, inter-alia, that the plea of stepping up of pay, as mentioned in para 2 above, means that the direct recruits should have actually joined before any stepping up of pay can be granted and the date of joining would be different as filling up of direct recruit vacancies in the cadre would depend upon vacancy position, selection etc. The Hon'ble Delhi High Court held that this was unacceptable.
6. The matter arising out of the aforesaid order of Hon'ble Delhi High Court dated 23.3.2017 was heard by the Hon'ble Supreme Court as part of the SLP and in its order dated 01.09.2017 (Dy. No. 23663/2017), the Hon'ble Supreme Court has observed that once the question, in principle, has been settled, it is only appropriate on the part of the Government to issue a Circular. The Hon'ble Supreme Court further observed that the present situation is that the stepping up is available only to those who have approached the Court, but since the issue otherwise became final, the Hon'ble Supreme Court directed Government to immediately look into the matter and issue appropriate orders.
7. Accordingly, the matter has been considered in the light of the above background and in the context of the specific orders of Hon'ble Supreme Court dated 01.09.2017 as arising out of the original issue raised by the Trained Graduated Teachers of GNCTD in terms of their OA No. 3217/2014. As mentioned above, the petitioners in that case were those who were appointed as TGT before 1.1.2006 and also promoted as TGT on or after 1.1.2006, and had occasion for grievance because their pay in the pay structure in vogue from 1.1.2006 had been fixed lower than the entry pay as prescribed for direct recruits appointed as TGT on or after 1.1.2006. Therefore, the principle of the benefit of pay fixation, as flowing from the aforesaid orders of Hon'ble CAT, Hon'ble Delhi

High Court and the Hon'ble Supreme Court, is that the pay of those who were appointed to the post prior to 1.1.2006 and those who were appointed to the post on promotion in the pay structure effective from 1.1.2006 onwards, and where in respect of such posts entry pay for direct recruits appointed on or after 1.1.2006 has been prescribed giving rise to differential pay, may not be lower than the said entry pay. It is the case of differential pay in respect of employees of a post, as caused by the existence of entry pay applicable for direct recruits on that post appointed on or after 1.1.2006, that has been addressed in the aforesaid case of the post of TGTs. In case entry pay as per Section II of Part A of the First Schedule of the CCS(RP) Rules, 2008 is not applicable in case of a post, the same will not give rise to differential pay for holders of the post and, hence, not covered under the ratio of the case of TGT.

8. Accordingly, the President is pleased to decide that in respect of those posts where entry pay for direct recruits appointed on or after 1.1.2006, as per Section II of Part A of the First Schedule of CCS(RP) Rules, 2008, becomes applicable by virtue of the provision of the element of direct recruitment in the relevant recruitment rules, the pay of Central government employees who were appointed to such posts prior to 1.1.2006 and whose pay, as fixed in the revised pay structure under Rule 7 thereof as on 1.1.2006 turns out to be lower than the prescribed entry pay for direct recruits of that post, shall not be less than such entry pay w.e.f. 1.1.2006. Likewise, the pay of Central Government employees who were appointed to such posts by way of promotion on or after 1.1.2006 and whose pay, as fixed under Rule 13 of CCS(RP) Rules, 2008, happens to be lower than the said entry pay, shall also not be less than such entry pay from the date of their promotion taking place on or after 1.1.2006.

9. In their application to the employees of office of Indian Audits and Accounts Department, these orders issue after consultation with the Comptroller and Auditor General of India.

10. Hindi version of these orders is attached.


(Amar Nath Singh)
Director

To

- 1) All Ministries / Departments of the Government of India (As per Standard List).
- 2) C&AG
- 3) UPSC
- 4) Lok Sabha Secretariat
- 5) Rajya Sabha Secretariat
- 6) NIC