

**GOVERNMENT OF HARYANA
(FINANCE DEPARTMENT)**

**No. 2/48/2000-5PR(FD)
23rd July, 2003**

Office Memorandum

Subject:- Clarifications regarding grant of benefit under the Schemes namely:

- (i) additional increment(s) at 10th & 20th years point in time scale;
- (ii) additional increment(s) on completion of 8 and 18 years service;
- (iii) Higher Standard pay scales on completion of 10/20 years of regular satisfactory service.

Sir,

Referring on the subject cited above, the undersigned is directed to inform you that the State Government, being a welfare State, introduced the various schemes from time to time in order to take care of stagnation and lack of promotional avenues for Government employees belonging to Group 'C' and 'D'. In this regard a reference is invited to the Finance Department's following letters:-

- (i) Letter No. 9/9/91-3PR(FD), dated 14.05.1991
- (ii) Letter No. 9/9/91-3PR(FD), dated 09.04.1992
- (iii) Letter No. 1/138/92-1PR(FD), dated 7.8.1992
- (iv) Letter No. 1/34/93-4PR(FD), dated 08.02.1994
- (v) Letter No. 1/191/92-4PF(FD), dated 14.6.1994
- (vi) Letter No. 10/108/94-4PR(FD), dated 29.12.1995
- (vii) Letter No. 1/34/93-4PR(FD), dated 1.4.1998
- (viii) Letter No. 2/3/98-5PR(FD), dated 7.12.1998

2. The Scheme of grant of additional increments(s) to Group 'C' and 'D' employees at 10th and 20th year point in the time scale as applicable w.e.f. 1.1.1986 was introduced vide F.D's letter dated 14.5.1991 but effective from 1.1.1991. This scheme was modified vide letter dated 7.8.1992 by allowing additional increments(s) w.e.f. 1.7.1992 after 8/18 years of service in a particular service group. In replacement of the above scheme another scheme namely Higher Standard Pay Scale Scheme was introduced vide F.D's letter dated 8.2.1994 but effective from 1.1.1994. Under this scheme the benefit was to be extended to those employees who have not got any promotional/higher time scale/S.G. in their service career and have completed 10/20 years or more regular satisfactory service on or after 1.1.1994. The intention of the State Government behind introducing the above schemes was that every employee should get at least two promotions in his entire service career. However, lack of adequate promotional avenues for all in the administrative

hierarchy posed a major problem in achieving the stated objective of the Government. An effort was made that if two promotions could not be assured to each and every employee during his service career then at least two financial upgradations may be ensure.

3. Some clarifications were also issued vide F.D's letter dated 9.4.1992, 14.6.94, 29.12.95, 1.4.98 and 7.12.98 to regulate the provisions of the above said schemes. Vide a detailed classificatory letter dated 29.12.1995 which was regarding clarifications of all the above three schemes, the para 12 of the F.D's letter No. 1/34/93-4PR(FD), dated 8.2.1994 which is as under, was deleted.:-

“Since the grant of Higher Standard pay Scale under these instructions is compensation for stagnation and is therefore based on length of service without involving hither responsibilities, this will be treated as a fortuitous circumstances and thus no benefit of step of pay to a senior just on the basis of seniority in the hierarchy will be admissible”.

On the other hand at point No. 10 of para 2 of F.D's letter dated 29.12.1995 it was provided that pay/pay scale of the senior Government employee shall be stepped up to the level of his junior, in case a senior Government employee has got two promotions within his time of promotion and he becomes ineligible to a higher standard pay scale but his junior who has completed 20 years of service but has got no promotion, becomes eligible for 2nd higher standard pay scale. And in case the higher standard pay scale of the lower post happens to be higher then the pay scale of the promotional post, then pay scale of the senior shall be stepped up to the level of pay/pay scale of his junior.

4. In the letter No. 1/34/93-4FR(FD), dated 1.4.1998 it was stated that the Hon'ble Punjab & Haryana High Court while disposing of a bunch of writ petitions (main CWP No. 7255 of 1997-Surinder Singh & Others V/s State of Haryana) inter-alia held that:-

“ In view of the statement made in para 12 of the circular dated 8th February , 1994, we hold that the benefit of higher standard pay scale to a senior on the ground that the pay of his junior has been fixed higher to his pay in terms of the scheme contained in the circular, shall not be admissible to such senior”.

It was also clarified vide letter dated 1.4.98 that the interpretation and modalities laid down by Hon'ble Punjab and haryana High Court should be strictly followed and any provisions or clarifications which are inconsistent with the observations/interpretations as given by the Hon'ble Punjab and Haryana High Court should not be considered to the extent of their inconsistency with the interpretation/observation of the Hon'ble Punjab and Haryana High Court.

5. Finance Department observes that the benefit of additional increments(s) granted vide letter dated 14.5.91, 7.8.92 and Higher Standard pay Scales vide letter dated 8.2.94 was only meant for the

Group 'C' and 'D' employees and the stepping up benefit is not admissible due to increases in pay or pay scales of junior Govt. employee by rendering more number years of service in a particular service group as the same will be treated as fortuitous circumstances. Thus no benefit of stepping up is validly extendable ipso-facto to the officers of Group 'A' and 'B'.

6. F. D. also observes that in view of the observations of Hon'ble Punjab & Haryana High Court in CWP No. 7255 of 1997 and F.D's instructions dated 1.4.1998, there was no necessity for the issuance of the instructions dated 7.12.98 which inter-alia provide that deletion of para 12 of instructions dated 8.2.1994 is valid. If it is treated so then clarification issued vide instructions dated 29.12.95 is to be treated to have been modified to the extent that condition mentioned in the para 12 of scheme issued vide letter dated 8.2.1994 is valid and no stepping up of benefit is admissible to the seniors just on the basis of seniority in the hierarchy, therefore, the clarification vide point 10 of para 2 of the F.D.'s instructions dated 29.12.95 is inconsistent to the adjudication of the Punjab and Haryana High Court and should have been deleted.

7. From the explained situation it comes out that benefit of stepping up of pay to some of the ineligible officers/officials had been granted erroneously by the certain departments with or without the concurrence of the Finance Department. The Government after examination of the entire issue has now decided to clarify the position, which is as under :-

- i) That the benefit under the schemes issued vide F.D.'s letter dated 14.5.1991, 7.8.1992 and 8.2.1994, which was meant only for the employees of Group 'C' and 'D', is not validly extendable ipso-facto to the officers of Group 'A' and 'B'.
- ii) That the provision contained in point No. 10 of para 2 of F.D.'s letter dated 29.12.1995 is to be treated as withdrawn. Apart from the above, the deletion of para 12 of dated 8.2.1994, vide F.D.'s letter dated 29.12.95 is also withdrawn. The instructions dated 7.12.1998 are also hereby withdrawn. Consequently the benefit of stepping up of pay allowed to the senior officers erroneously may of course be withdrawn/set right after affording them a reasonable opportunity of hearing. The recovery, if any, however may not be affected from the retrospective effect but can be affected from the date of issuance of these instructions.
- iii) The officers who got erroneous benefit and got retired from service their cases be reviewed for the withdrawal of the same after giving them a reasonable opportunity of hearing. No recovery is to be made from them. However, their pension should be recomputed/refixed notionally for the period prior to the

date of issue of these instructions and actually from the date of issuance of these instructions.

These instructions may be brought to the notice of all concerned for strict compliance.

Yours faithfully,

Sd/-

Under Secretary, Finance (PR)
for Financial Commissioner & Principal Secretary
to Government, Haryana, Finance Department.

To

1. All the Administrative Secretaries to Govt. Haryana in various Deptts.
2. All the Head of Deptts./Divisional Commissioner/Deputy Commissioner/SDO (C) in Haryana.
3. The Registrar, Punjab and Haryana High Court at Chandigarh.
4. The Accountant General (A&E and Audit), Haryana.