GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI,
DIRECTORATE OF EDUCATION, OLD SECTT. DELHI,
(PENSION AND PAY FIXATION BRANCH)

No.F.38 (11)2008/08/Vol-III/316-28

CIRCULAR

Proposals for stepping up of pay with reference to juniors are
being received from various Distts. for consideration of competent authority.
It is observed that often the requisite documents/certificates are not
submitted as per requirement, for examination, as a result of which the
proposals have to be returned to concerned Distts. for submission of required
documents / certificates causing avoidable delays.

In order to facilitate the Disttt. Authority while submitting the cases
for stepping up of pay with reference to junior, documents mentioned in the
enclosed list Annexure "A" may invariably be ensured.

(Ramesh Chander)
Dy. Controller of Accounts (Education)

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Copy to:
1. PS to Pr. Secretary (Edn.), PS to Director (Edn.) and PA to
   Spl.DE (Finance/HOO), Education Deptt. for information.
2. All DDEs/EOs/HOSs through web-site of Department.
3. All Accounts Functionaries of Distt. through web-site of Department
4. OS (IT) for uploading the same in Department website.

(Ramesh Chander)
Dy. Controller of Accounts (Education)
CHECK LIST FOR STEPPING UP OF PAY.

Requirement of documents/ certificates regarding removal of anomaly in pay.

1. Service book of senior in original and photocopy duly attested by HOS concerned in respect of junior.
2. Comparative pay fixation statement of both junior and senior from the date of initial appointment to date duly verified by HOS as well as District Accounts Functionary also containing Seniority Number of final seniority list issued by the Deptt., date of joining posts held e.g. TGT Hindi, English, Maths, and so on as applicable cadre to which belong.
3. Copy of final seniority list in respect of both junior and senior duly verified by HOS.
4. Reason for anomaly in pay.
5. Mode of recruitment of both junior and senior.
6. Whether appointment/ Promotion is on regular or adhoc basis.
7. Certificate of Accounts functionary that pay fixation of both junior and senior has been checked from time to time and found in order.
8. Certificate of HOS that anomaly in pay fixation is not due to proceeding of senior on EOL etc.
9. Certificate that junior is not drawing higher pay due to additional increment earned on acquiring Higher qualification, grant of advance increments as well as grant of benefit under ACP/MACP etc.
10. Certificate regarding both the junior and senior belong to same cadre and post Specify the cadre.
11. Certificate that the scale of pay of both lower and higher posts in which both Junior and senior are entitled to draw pay, is identical.
12. Certificate that anomaly has arisen directly as a result of application of FR- 22C. (Now FR-22(1)(a)(1)).
3. These orders will also be applicable to the released ECOs/SSCOs, subject
to the same conditions as laid down in this Department's O.M. No. 5/15/76-CS. 1,
dated the 18th November, 1976 and subject to the further condition that no
arrears prior to 26-10-1989 will be admissible. The conditions laid down in
Paras. (3), (4) and (5) of OM, dated 18-11-1976, ibid, will also apply mutatis
mutandis.

[ G1, Dept. of Per. & Trg., O.M. No. 5/1/95-CS-I, dated the 31st July, 1995.]

(23) Instances which do not constitute an anomaly for stepping up of
pay with reference to juniors.— Cases for stepping up of the pay of seniors in
a pay scale to that of juniors are generally considered if the following conditions
are satisfied:

(a) both the junior and senior officer should belong to the same cadre
and the posts in which they have been promoted or appointed should
be identical and in the same cadre;

(b) the scales of pay of the lower and higher posts in which the junior
and senior officer are entitled to draw pay should be identical;

(c) the anomaly should be directly as a result of the application of FR 22-C.
For example, if even in the lower post the junior officer draws from
time to time a higher rate of pay than the senior by virtue of grant of
advance increments or on any other account, the above provisions
will not be invoked to step up the pay of senior officer.

2. Instances have come to the notice of this Department requesting for
stepping up of pay due to the following reasons:

(a) where a senior proceeds on Extraordinary Leave which results in
postponement of Date of Next Increment in the lower post, consegue\nently he starts drawing less pay than his junior in the lower grade
itself. He, therefore, cannot claim pay parity on promotion even though
he may be promoted earlier to the higher grade;

(b) if a senior forgoes / refuses promotion leading to his junior being
promoted / appointed to the higher post earlier, junior draws higher
pay than the senior. The senior may be on deputation while junior
avails of the ad hoc promotion in the cadre. The increased pay drawn
by a junior either due to ad hoc officiating / regular service rendered
in the higher posts for periods earlier than the senior, ceteris paribus,
therefore, be an anomaly in strict sense of the term;

(c) if a senior joins the higher post later than the junior, for whatsoever
reasons, whereby he draws less pay than the junior in such cases,
request cannot claim stepping up of pay at par with the junior;

(d) if a senior is promoted later than the junior in the lower post itself
whereby he is in receipt of lesser pay than the junior, in such cases
also the senior cannot claim pay parity in the higher post though he
may have been promoted earlier to the higher post;

(e) where a person is promoted from lower to a higher post, his pay is
fixed with reference to the pay drawn by him in the lower post under
FR 22-C and he is likely to get more pay than a direct appointee
whose pay is fixed under different set of rules. For example, an UDC
job promotion to the post of Assistant gets his pay fixed under FR 22-C
with reference to the pay drawn in the post of UDC, whereas the pay
of Assistant (DR) is fixed normally at the minimum under FR 22-B
(2). In such cases, the senior direct recruit cannot claim pay parity
with the junior promoted from a lower post to higher post as seniority
alone is not a criteria for allowing stepping up;

(f) where a junior gets more pay due to additional increments earned on
acquiring higher qualifications.

3. In the instances referred to in Para 2 above, a junior drawing more pay
than the senior will not constitute an anomaly. In such cases, stepping up of pay
will not, therefore, be admissible.

[ G1, Dept. of Per. & Trg., O.M. No. 4/792-Estt. (Pay-I), dated the 4th November, 1993.]

(24) Protection of pay is admissible for candidates recruited from
Central Autonomous Bodies / Public Sector Undertakings.— As per extant
rules / orders, pay protection is granted to candidates who are appointed by the
method of recruitment by selection through the Union Public Service
Commission, if such candidates are in Government service. No such pay
protection is granted to candidates working in Public Sector Undertakings,
Universities, Semi-Government Institutions or Autonomous Bodies, when they
are so appointed in Government. As a result of this, it has not been possible for
Government to draw upon the talent that is available in non-Government
organizations.

2. The question as to how pay protection can be given in the case of
candidates recruited from Public Sector Undertakings, etc., has been engaging
the attention of the Government for sometime. The matter has been carefully
considered and it has been decided that in respect of candidates working in
Public Sector Undertakings, Universities, Semi-Government Institutions or
Autonomous Bodies, who are appointed as direct recruits on selection through
a properly constituted agency including departmental authorities making
recruitment directly, their initial pay may be fixed at a stage in the scale of pay
attached to the post, so that the pay and DA, as admissible in the Government
will protect the pay plus DA, already being drawn by them in their parent
organization. In the event of such a stage not being available in the post to which
they have been recruited, their pay may be fixed at a stage just below in the scale
of the post to which they have been recruited, so as to ensure a minimum loss to
the candidates. The pay fixed under this formulation will not exceed the maximum
of the scale of the post to which they have been recruited. The pay fixation