

FIXATION OF PAY OF RE-EMPLOYED EX SERVICEMAN IN INDIA POST

QUESTIONNAIRES AND ITS ANSWER (CLARIFICATION)

Ser	Questionnaires	Its Respond
1.	क्या भूतपूर्व सेनिक जो केन्द्रीय कर्मचारी के रूप में सेवा समाप्त कर दुबारा किसी केन्द्रीय सरकार कि भर्ती पोस्ट की निर्धारित परीक्षा में चयनित होकर केन्द्रीय कर्मचारी के रूप में सेवा देता है तो क्या उसका वेतन निर्धारण किया जा सकता है या नहीं?	हा किया जाता है बशर्ते चयनित भूतपूर्व सेनिक (जो काम्बीटेंट क्लर्क GD/SKT और स्टोरमैन के रूप में सेवा दिए हों) खुद आवेदन करे कि उसको उसका वेतन निर्धारित करवाना है. केन्द्रीय संस्थान/डिपार्टमेंट उसको बाध्य नहीं कर सकता है कि उसको करवाना अनिवार्य ही है. यह उस के खुद के स्व: विवेक पर निर्भर करता कि वेतन निर्धारण करवाना है या नहीं. ऑथरिटी : MOP O.M. Number 3/1/86 estt (Pay II) dated 31 st Jul 1986 (para 16). Detailed copy is also attached for your ready reference.
2.	अगर उसका पुनः वेतन निर्धारण किया जाता सकता है तो क्या उसकी कोई समय सीमा है. जिस में उसका आवेदन स्वीकार किया जायगा उस अवधि पार के बाद स्वीकार नहीं होगा?	भूतपूर्व सेनिक का नई पद पर केन्द्रीय कर्मचारी के रूप में सेवा प्रारम्भ करने की तारीख से 90 दिन के भीतर/अंदर अपने डिपार्टमेंट में वेतन निर्धारण के लिये आवेदन करना है जरूरी है वरना अवधि पार होने पर डिपार्टमेंट उस पर कार्यवाही नहीं करेगा.
3.	वेतन निर्धारण सरकार के किस पत्र का हवाला देकर वेतन निर्धारित किया जाता है.	MOP O.M. No 8 (34)-Estt/57 dated 25.11.58 and FG 6 (8) E-III/03 dated 11.04.1963 MOP O.M. Number 3/1/86 estt (Pay II) dated 31 st Jul 1986 (para 16). Fundamental rule 27 and F.R. 22 and F.R. 22-C. and MOP No 28/90/2022-P&PW(B) /8297 dated 02 Oct 2022 and Para 7 4d(i) & 8(i) of OM No.3/3/2016-Estt.(Pay.II) dated 1.5.2017 उपरोक्त नियमानुसार अधिकारी पद से नीचे वाले सभी भूतपूर्व सेनिकों (PBOR) का उनके अंतिम बेसिक के सामानांतर बेसिक पर उसकी इनिंसिअल बेसिक (प्रारम्भिक/मिनिमम बेसिक) निर्धारित किया जायगा ना कि एक न्यू पोस्ट बेसिक के इनिंसिअल बेसिक आधार से. अगर किसी लेवल कि अधिकतम बेसिक सीमा उस भूतपूर्व सेनिक कि अंतिम बेसिक तक नहीं पहुच पाती है तो उस लेवल के अधिकतम बेसिक पर ही उसकी इनिंसिअल बेसिक (प्रारम्भिक/मिनिमम बेसिक) निर्धारित किया जायगा ना कि पूर्व कि अंतिम बेसिक तक. क्यों कि चयनित पोस्ट लेवल कि बेसिक को पार नहीं किया जा सकता है. इसका ध्याम रखा जाए.

Questionnaires	: Its Respond
4. क्या भूतपूर्व सेनिक को केन्द्रीय कर्मचारी के रूप में मे चयनित होने पर पूर्व का लेवल स्केल (ग्रेड) पर उसका वेतन निर्धारण किया जा सकता है या नहीं?	: नहीं किया जा सकता. भूतपूर्व सेनिक ने जिस केन्द्रीय सरकार कि भर्ती पोस्ट कि परीक्षा मे चयन करवाया है उसी लेवल मे रखा जायगा केवल बेसिक को उसकी अंतिम पे तक या समानांतर निर्धारित कि जायेगी.
5. क्या भूतपूर्व सेनिक को केन्द्रीय कर्मचारी के रूप में मे चयनित होने मिलिट्री सेवा वेतन का अमाउंट बेसिक मे जोड़ कर नई बेसिक वेतन निर्धारित कि जायेगी?	: नहीं. मिलिट्री सेवा वेतन को नई बेसिक पे मे शामिल नहीं किया जाएगा.
6. क्या भूतपूर्व का वेतन निर्धारण करते समय किसी प्रकार कि कटौती कि जायेगी ?	: 1. अगर कोई भूतपूर्व सेनिक 01 जनवरी 2004 से पूर्व अपनी केन्द्रीय कर्मचारी के रूप मे सेवा प्रारम्भ कर चुका है और पुरानी पेंशन योजना (OPS) का लाभ लेता है, तो उसको सरकारी ग्रेचुरिटी(इनाम/रिवाँड) का पैसा वापस जमा करवाना होगा और उसकी किसी एक बेसिक पर दैनिक-भाता(DA) फ्रीज करवाना होगा. 2. अगर कोई भूतपूर्व सेनिक 01 जनवरी 2004 के बाद केन्द्रीय कर्मचारी के रूप मे अपनी सेवा प्रारम्भ करता है और OPS मे ना होकर वह नेशनल पेंशन योजना (NPS) के तहत आता है तो किसी भी प्रकार का सरकारी लाभ जमा और फ्रीज नहीं होगा. और उसका वेतन निर्धारण उसकी पूर्व सेवा कि अंतिम बेसिक से अधिक नहीं होगा. वह उसके बराबर/समकक्ष हो सकती है. ऑथोरिटी :- As the auth of MOP No 28/90/2022-P&PW(B) /8297 dated 02 Oct 2022. Para 3 of above OM is as under for your ready ref please:- After introduction of the National Pension System, the CCS (pension) rules, 1972 were not applicable to the government servant appointed on or after 01.01.2004. therefore the option under rule 19 of the Central Civil services (pension) Rule, 1972 was available only to the military pensioners who were re-employed on the civil side on or before 31 December 2003. If a Government servant, who had rendered military service, is/was re-employed in a civil service or post after 31 December 2003, he shall continue to draw the military pension and/or retain received on discharge from military service and on re-employment in a civil service or post, he shall be covered by the rules governing the Nation Pension System.

Questionnaires	Its Respond
7. क्या भूतपूर्व सेनिक सेवा कि पेंशन यथावत मिलती रहेगी या नहीं.	: जी. उस को PCDA इलाहाबाद हर माह के अंतिम दिन भूतपूर्व सेनिक के बैंक खाता मे पूरी पेंशन क्रेडिट कर देगा वशर्ते वो OPS (ओल्ड पेंशन स्कीम) के तहत ना आता हो. नेशनल पेंशन सिस्टम का हिस्सा हो अर्थात 01 जनवरी 2004 के बाद NPS लागु हो चुकी है और 01 जनवरी 2004 के बाद भर्ती वाले सभी सिलेक्टेड कैंडीडेट्स को NPS मिलेगा. MOP No 28/90/2022-P&PW(B) /8297 dated 02 Oct 2022
8. क्या 01 अप्रैल 2004 के बाद चयनित किसी भी भूतपूर्व सेनिक को नई पौस्ट सेवा से सेवानिवर्ती पर OPS का लाभ मिलेगा.	: नहीं. उसको केवल NPS मिलेगा कोई अलग से पेंशन नहीं मिलेगी. भारत सरकार केवल भूतपूर्व सैनिक वाली पेंशन सुविधा जारी रखेगी.
10. What is the fixation of pay of re-employed ex-serviceman?	: The para 4(b) (ii), as amended vide OM dated 05.04.2010, provides that in case where the entire pension and pensionary benefits are not ignored for pay fixation, the initial basic Pay on re-employment shall be fixed at the same stage as the last basic pay drawn before retirement. It there is no such stage in the re-employ post, the pay shall be fixed at the stage below that pay. OR Total pay should be equal to the last pay drawn by the pensioner. In this regards your attentions is also invited to para 3 (v) of DOPT OM No 3/19/2009-Estt (pay II) dated 05 Apr 2010 where is clearly instructed that the pay of re-employed personnel will be fixed at the same stage as last pay drawn.
11. What is the procedure of pay fixation of ex-combatant clerks (Armed forces) re-employee in central department	: As the auth of MOF (Department of Expenditure) OM No F6(8)/E-III/63 dated 11 April 1963. Para 1 of above OM is as under for your ready ref please:- It has been decided, as a special case, the service rendered as a Combatant clerk may be treated as a equivalent ranks or service as LDC/Junior clerk in civil department irrespective of pay drawn in the armed forces & then when such persons are absorbed in posts of LDC/Junior clerks in civil department after their released /retirement from the armed forces. Their initial pay in the posts of L.D.C. /Junior clerk may be fixed at a higher stage in the scale above the minimum equal to the number of completed years of service as Combatant Clerks.

PARA 16 OF 1986 ORDER

16. FIXATION OF PAY OF EX COMBATANT CLERKS /STOREMEN:

(1) In partial modification of the provisions contained in order 4 and 5 above above, Ex-combatant Clerks on their re-employment as Lower Division Clerks or Junior Clerks in the civil posts and Ex- storeman in the Armed Forces on their re-employment as Storeman in civil Posts shall have the option to get their pay fixed under order 4 & 5 above in accordance with the procedure indicated insub-para (2) below.

EXPLANATION :

(i) The option once exercised is final. The re-employed pensioner should be asked to exercise the option within the period of three months from the date of his reemployment.

(ii) Ex-combatant Clerks and Store man referred to in this order will include reservists released at their own request or on compassionate or medical grounds.

(2) Services rendered as Combatant Clerks and Storeman in Armed Forces shall be treated as equivalent to service as Lower Division Clerks /Junior Clerks and Storeman respectively in Civil Posts, irrespective of the pay drawn in those posts in Armed Forces. The initial pay in such cases shall be fix in the time scale of the re-employed posts at a stage equivalent to the stage that would have been reached by putting in the Civil Posts, the number of completed years of service rendered in the posts in the Armed Forces. The pay so fixed will not be restricted to the 'pre-retirement Pay'. The fixation of pay in these cases shall be done by invoking the provisions of Fundamental Rules 27.

Authors' note (As per Swamy's books) – entry pay for fixation as per above provision will be the pay for direct recruits appointed on or after 1-1-2006 –see clarification below.

EXPLANATION –

(i) For the purpose of calculation of completed year of service rendered in the Armed Forces, the non qualifying service in the Armed Forces will not be taken into account.

(ii) Pension as defied in Order 3(1) above shall be deducted from the pay fixed under this rule after ignoring Rs 15 thereof and only the net pay is payable.

(iii) If the resultant amount does not correspond to a stage in the scale applicable to the re-employed post, pay may be fixed at the next lower stage and the difference allowed as personal pay to be absorbed in future increases of pay.

(iv) Where the pay in such cases is fixed below the minimum of the pay scale of the re-employed post, as a result of adjustment of amount of pension drawn by him from the Army in excess of Rs 15 per month, increases in pay may be allowed after each year of service at the rate of increment admissible as if the pay has been fixed at the minimum till the minimum of the scale is reached. Thereafter, subsequent increments may be granted in the scale of the re-employed post in the usual manner.

Existing provision (1986 Orders)	Revised provision
Para 4(d): In the case of persons retiring before attaining the age of 55 years and who are re-employed, pension (including PEG and other forms of retirement benefits) shall be ignored for initial pay fixation in the following extent:-	Para 4(d): In the case of persons retiring before attaining the age of 55 years and who are re-employed, pension (including PEG and other forms of retirement benefits) shall be ignored for initial pay fixation in the following extent:-
(i) In the case of ex-servicemen who held posts below Commissioned Officer rank in the Defence Forces and in the case of civilians who held posts below Group 'A' posts at the time of their retirement, the entire pension and pension equivalent of retirement benefits shall be ignored.	(i) No change.
(ii) In the case of service officers belonging to the Defence Forces and Civilian pensioners who held Group 'A' posts at the time of their retirement, the first Rs. 500/-* of the pension and pension equivalent retirement benefits shall be ignored. (*Already revised to Rs. 4000/- vide O.M. No. 311312008-Estt. (Pay II) dated 11 th November 2008)	(ii) In the case of Commissioned Service officers belonging to the Defence Forces and Civilian pensioners who held Group 'A' posts at the time of their retirement, the first Rs.4000/- of the pension and pension equivalent retirement benefits shall be ignored.

Existing provision (1986 Orders read with OM dated 5th April 2010)	Revised provision
Page 5 of OM No.3/3/2016-Estt.(Pay.II) dated 1 .5.2017	
Para 4(d): In the case of persons retiring before attaining the age of 55 years and who are re-employed, pension (including PEG and other forms of retirement benefits) shall be ignored for initial pay fixation in the following extent:-	Order 4(d): In the case of persons retiring before attaining the age of 55 years and who are re-employed, pension (including PEG and other forms of retirement benefits) shall be ignored for pay fixation to the following extent:-
(i) In the case of ex-servicemen who held posts below Commissioned Officer rank in the Defence Forces and in the case of civilians who held posts below Group 'A' posts at the time of their retirement, the entire pension and pension equivalent of retirement benefits shall be ignored.	(i) No change
(ii) In the case of Commissioned Service officers belonging to the Defence Forces and Civilian pensioners who held Group `A' posts at the time of their retirement, the first Rs.4000/- of the pension and pension equivalent retirement benefits shall be ignored.	(ii) In the case of Commissioned service officers belonging to the Defence Forces and Civilian pensioners who held Group 'A' posts at the time of their retirement, the first Rs. 15,000/- of the pension and pension equivalent retirement benefits shall be ignored.

SCOPE OF FUNDAMENTAL RULE 27 ISSUE BY GOI MOF DOE OM NO F.2(46) E.III(A) /60 PT .II
OF 1966 DATED 07 FEB 1968

In terms of the provisions of FR 27 Subject to any general or special order that may be made by the President in this behalf, an authority may grant a premature increment to a Government Servant on a time scale of pay if it has power to create a post (Permanent or temporary) in the same cadre on the same cadre on the same scale of Pay. The utility of this rule lies in its applicability to cases of fixation of pay where the application of normal rules give rise to extreme hardship of difficulties. The main rules governing the fixation of pay on promotion or on initial appointment to a post are F.R. 22 and FR 22-C. The ministries or other competent authorities may, in their discretion, fix the pay of a Government Servant at a stage higher than permissible under FR 22 by invoking the power under FR 27. There are, however certain limitations to the use of this description for example, It is a long established convention that F.R. 27 should not be resorted to in any case in order to give a higher initial pay than that recommended by U.P.S.C. In this connection our office memorandum No F10(2) Est III/55 dated 15.05.55 reference. It was also clarified in our O.M. No F2 (46) EIII A/60 dated 05th August 1960 that the power to disregard the provision of F.R. 22 must be exercised should not be taken to F.R. 27 so often as to reduce F.R. 22 to a mere utility.

2. The exercise of power under FR 27 has been further reviewed and the president is pleased to decide that these powers shall not be used by ministries or other competent authority to grant premature increments :-
 - i) as reward for meritorious work;
 - ii) in disregard of the advice given by the ministry of Finance in any individual case of fixation of Pay;
 - iii) In disregard of the normal rules governing fixation of pay except in case of hardship as where the circumstances are unusual.
 - iv) to take into account the monetary equivalent of certain perquisites allowed special pay drawn, or deputation allowance granted in previous post, for the purpose of fixing the initial pay on appointment to another post where monetary benefits are not permissible.
3. These orders do not affect the use of FR 27 where specifically allowed under special government order already in existence.
4. In so far as persons serving in Indian Audit and Accounts Department are concerned these orders are issued after consultation with the Comptroller and Auditor General.

FIXATION OF PAY OF RE-EMPLOYED EX SERVICEMAN IN INDIA POST

Authority : Pay is to be fixed as per Order 16 (2). And as amendment time to time by higher competent authority.

Employee ID	:	101302703
Employee Name	:	Dharmendra Singh Naruka
Department	:	India Post
Date of Joining in Department	:	02 Nov 2022
Post Occupied	:	Postal Assistant
Occupied post Pay Level as per 7 th CPC	:	4
Occupied post basic as per 7 CPC started from	:	25500/-
Length of Service	:	17 years 4 months. (Period from 01 Nov 2001 to 28 Feb 2019)
Last Basic Pay, Grade Pay & Pay level in Indian Army	:	39900/- & Grade Pay 4200/- and Level 6.
Present Post Level and Basic Pay	:	Level 4 and Basic Pay in new post is 25500/-
Difference between New post basic and last basic pay drawn in Indian Army	:	(Rs 39900/- – Rs 25500/- =14400/-)= 14400/- differences
Stage after deducting the pensionery benefits	:	No pensionery benefits will be deducted as per auth of MOP No 28/90/2022-P&PW(B) /8297 dated 02 Oct 2022 due to NPS is introduced.
Total number of Pre step to be covered in new post (In Level 4) for fixation basic of re-employee ex-serviceman (Similar/Approximation of last basic of Indian Army)	:	16 (For 39800)

The employee fix the mimimum initial basic 39800/- from date of joining ie 02 Nov 2022 and next increment will be counted from step 17 of Level 4 of 7 CPC pay matrix wef 01 Jul 2023.