



No. 2/1/2019- 1 PR (FD)/ 22953

From

The Additional Chief Secretary to Government Haryana,
Finance Department.

To

1. All of the Administrative Secretaries in Haryana State.
2. All of the Heads of Departments in Haryana State.
3. All of the Divisional Commissioners in Haryana State.
4. All the Deputy Commissioners in Haryana State.
5. All the SDOs (Civil) in Haryana State.

Dated Chandigarh the, 11th November, 2022

Subject:- Amendment in HCS (Revised Pay) Rules, 2008 by virtue of Gazette Notification dated 7.2.2019 – Clarification regarding impact on orders no. 1/83/2008- 2 PR (FD) dated 21.11.2017 and certain other issues.

I have been directed to refer to the subject noted above and to state that the Haryana Civil Services (Revised Pay) Rules, 2008 were notified by virtue of Gazette notification dated 30.12.2008 and were implemented w.e.f. 1.1.2006. The Section-II of Part-B of the First Schedule of these Rules dealt with the posts/ categories whose pre-revised pay structure was modified and accordingly revised from 1.1.2006. Besides, the Section-II of the Part-A of the First Schedule provided for the entry level pay of the direct recruits appointed on or after 1.1.2006. By means of revision/ modification of pre-revised pay structure, the entry level pay of existing employees (who were in Govt. Service as on 31.12.2005) rendered lowered than that of direct recruits appointed on or after 1.1.2006. Having noticed this anomaly, the Finance Department instructions dated 18.8.2009 and 16.12.2010 were issued providing for reducing the entry level pay of the new entrant employees w.e.f. 1.1.2006 and protecting the part thereof so drawn as personal pay to be subsumed in future increments.

This measure, however could not satisfy the existing employees (who were in Govt. Service as on 31.12.2005) and a huge number of litigations arose. The Hon'ble High Court vide its judgment dated 15.5.2013 in CWP No. 11254 of 2010- Neelam Rani & others Vs. State of Haryana had directed to step-up the pay of senior employees at par with junior employees as personal pay (PP) to be subsumed in future increments. The LPA and SLP filed subsequently by the Govt. in the Hon'ble High Court and in the Hon'ble Apex Court respectively were also dismissed. The matter was then considered at length and in a bid to eradicate the unnecessary litigation the Govt. generalized the effect of the judgment dated 15.5.2013 and issued instructions no. 1/83/2008- 3 PR (FD) dated 21.11.2017. By generalizing this judgment a considerable amount of litigation subsided but a new sort of litigation started to arise and the direct recruited/ fresh employees who had joined the Govt. service on or after 1.1.2006 started to challenge the instructions dated 18.8.2009 and 16.12.2010 terming those illegal as mere instructions cannot override the statutory rules (i.e. HCS (Revised Pay) Rules 2008) and accordingly, the entry level pay cannot be reduced by means of instructions dated 18.8.2009 and 16.12.2010.

The Govt. again considered the matter at length, obtained the opinion of Ld. Advocate General and Ld. LR and accordingly amended the HCS (Revised Pay) Rules, 2008 w.e.f. 1.1.2006 itself by issuing the HCS (Revised Pay) Amendment Rules, 2019 vide notification dated 7.2.2019. With the promulgation of these rules the reduction of entry level pay of certain categories/ posts has been given effect w.e.f. 1.1.2006 itself and as such host of litigation challenging the issuance of FD instructions dated 18.8.2009 and 16.12.2010 rendered futile/ infructuous.

After issue of above amendment in HCS (Revised Pay) Rules, 2008, a detailed letter has also been issued vide No. 6/16/2018- 4 PR (FD) dated 14.3.2019, where intention of Government behind issuance of letters dated 18.8.2009,

Wm



16.12.2010, 21.11.2017 and amendment in the HCS (RP) Rules, 2008 vide notification dated 7.2.2019 is lucid and clear.

However, despite clear position (which was readily available in said letters of Finance Department), instances have come into notice of Finance Department, whereby, matters in Education Department are not being dealt in 'letter and spirit' and benefit of step-up is being found denied/withdrawn from employees merely on the plea that HCS (Revised Pay) Rules, 2008 have been amended by virtue of issuance of notification dated 7.2.2019 w.e.f. 01.01.2006 or undue benefit has been extended to ineligible persons.

Therefore, to safeguard the interest of all the eligible employees (who are entitled to get the benefit of step-up under Orders/ letter dated 21.11.2017 or as per specific orders of Hon'ble Court, which have been implemented with the approval of Finance Department) and to avoid discrepancies/ any further litigation for State Government, it is hereby clarified as under:-

1. Notification dated 7.2.2019 has no linkage with Orders dated 21.11.2017 and accordingly, Orders dated 21.11.2017 are still in existence and should be applicable for grant of benefit to concerned employees in 'letter and spirit'.
2. That, in spirit of letter dated 14.3.2019, benefit of step-up of personal pay extended to eligible petitioners/ employees as a consequence of implementation of judgment dated 15.5.2013 in CWP No. 11254 of 2010 - Neelam Rani vs. State of Haryana and other connected cases or as per Orders/ letter no. 1/83/2008- 2 PR (FD) dated 21.11.2017 of Finance Department or any other relevant orders, should not be withdrawn on the grounds of issuance of notification dated 7.2.2019. Further, similar benefit is also admissible on same lines to eligible employees, whose cases are lying pending with various Departments.
3. Interest on arrears is admissible in such cases, where there are specific orders of Hon'ble Court to pay interest and Finance Department has accorded its concurrence or any other specific advice has been issued by Finance Department in this regard. In other cases, no interest is payable.
4. Seniority as per provisions of prevailing Service Rules should be considered for e.g. if district wise seniority is maintained for any particular post on the date of grant of step-up, then an employee can't be compared with employee of any other district.
5. While considering above guidelines and examining the matters, any relevant specific orders of Hon'ble Court should be kept in view, so as to avoid any Contempt of Court Proceedings. In case of any contrary position or ambiguity, that particular case may be referred to Finance Department for necessary advice or concurrence.
6. In case, if benefit of Step-up/pay fixation/payment of interest on arrears is/ are found against the actual admissibility, then responsibility be fixed and disciplinary action against concerned officer/ official should be taken.

[Signature]

Chief Accounts Officer (PR)
for Additional Chief Secretary to Government, Haryana,
Finance Department

Endst. No. 2/1/2019- 1 PR (FD)

Dated 11th November, 2022

A copy is forwarded to the Accountant General, Haryana (A&E) and (Audit), Chandigarh for information.

[Signature]

Chief Accounts Officer (PR)
for Additional Chief Secretary to Government, Haryana,
Finance Department