

From

The Additional Chief Secretary to Government Haryana,
Finance Department.

To

The Director,
Treasuries and Accounts, Department,
Haryana, Chandigarh.

Memo No. 29/42/2011-4FA
Dated Chandigarh, the 11.07.2023

Subject:- Clarification with reference to re-fixation of pay and recovery arising thereof.

Reference to your letter No. 12063-TA-HR(18)/23/2363, dated 12.04.2023 on the subject noted above.

2. It is clarified that during the course of issuance of orders dated 11.8.2016, provisions available under the HCS (ACP) Rules, 2008 were not taken into consideration. If these were considered, then there was no need to decide any amendment in Service Rules of 2013, as all the persons appointed under these rules from Government Departments under promotional quota, strictly in accordance with service rules were entitled to get full range of ACPs. Moreover, benefit of full range of ACPs was also admissible to persons appointed under promotional quota on or after 1.1.2006, who were appointed under the provisions of the Haryana State Subordinate Accounts (Group C) Service Rules, 1982. Hence, issue decided under RSA No. 3413 of 2010 was sorted out w.e.f. 1.1.2006 under the provisions of the HCS (ACP) Rules, 2008.

3. Hence, decision regarding amendment in service rules by treating appointment of Government employees in SAS cadre (appointed on or after 1.1.2006) by way of selection and re-fixation of their pay was not justified and actually against the spirit of orders of Hon'ble Court, as such decision caused undue hardship for those, who were drawing pay equal or more than the initial basic pay for the post of



Section Officer and appointed as Section Officer on or after 1.1.2006 with the benefit of fixation of pay as per Rule 13 of HCS (RP) Rules, 2008, with the benefit of one increment.

4. Since issuance of order dated 11.8.2016, relevant provisions of rules of the Haryana State Subordinate Accounts (Group C) Service Rules, 1982 and the Haryana State Subordinate Accounts (Group C) Service Rules, 2013 have not been amended and in absence of any amendment in rules, orders (i.e. para (i) of order dated 11.8.2016 and decision regarding re-fixation of pay of promoted Section Officers to their disadvantage) in contradiction with statutory rules may not prevail.

5. Both sets of service Rules i.e. the Haryana State Subordinate Accounts (Group C) Service Rules, 1982 and the Haryana State Subordinate Accounts (Group C) Service Rules, 2013 have been repealed and any retrospective amendment, which causes hardship for employees and adversely affect them, may invite litigation in future.

6. As far as question regarding ACP entitlements of Section Officers under the HCS (ACP) Rules, 1998, ACP may be allowed to all the concerned Section Officers as per observations of Hon'ble Court in RSA No. 3413 of 2010, which has already been allowed with the concurrence of FD in view of orders of Hon'ble Court.

7. The employees of boards and corporations, who were allowed to be absorbed in HSAS cadre in relaxation of service rules may be treated as fresh entrants, as per decisions taken from time to time, as provisions of CSR Vol. I Part I do not allow them protection of pay. Hence, decision of protection of their pay on case to case basis as per letter dated 17.5.1995 may prevail.


Superintendent, Finance Accounts,
for Additional Chief Secretary to Government Haryana,
Finance Department. 

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