

No. 11024/26 (01) /2011-SSS
Government of India
Ministry of Statistics & Programme Implementation

**Sardar Patel Bhawan,
Sansad Marg New Delhi - 110001**

Dated: 14th May, 2016

Office Memorandum

Sub: Implementation of judgment dated 11.05.2010 of the Hon'ble Supreme Court of India in SLP (C) No. 6784 / 2004 converted to Civil Appeal No. 8273 / 2004 - UOI & Others Vs B. Anil Kumar & others reg. extending benefit of Rs.75/- as Special Pay to all similarly placed non-applicant of Assistant Superintendents of NSSO (FOD) - Regarding.

The undersigned is directed to refer to this Ministry OM of even No. dated 25th April 2014 vide which relevant instructions relating to above subject were brought to the notice of all participating Ministries / Departments / Organizations of Subordinate Statistical Service (SSS). In addition to above OMs, one more OM No. C-18013 / 11 / 2002 - Ad. III (Vol. V) dated 4th May 2016 (**Copy enclosed**) issued by MOS&PI (Admin-III) is also brought to the notice of all participating Ministries of SSS.

02. All participating Ministries / Departments / Organizations of Subordinate Statistical Service (SSS) are requested to fix the pay of Assistant Superintendents, who were holding the post of Assistant Superintendents in NSSO (FOD) prior to operationalization of Subordinate Statistical Service (SSS) [i.e. 1st April 2004] in the light of above instructions. It is further requested that clarification in the matter, if any, may be obtained from Sh. S. K. Roy, Under Secretary (Admin- III), Room No. 426-I, M/O Statistics & PI, SP Bhawan, Sansad Marg New Delhi - 110001.

Encl: As above.

Saraswathy

(K. Saraswathy)

Under Secretary to the Govt. of India

Tel. 011-23340888

- (1) All participating Ministries / Departments / Organisations of SSS.
- (2) Copt for information to Under Secretary (Admin- III) w.r.t. letter No. C- 18013 / 11 / 2002 - Ad. III (Vol. V) dated 4th may 2016.
- ✓ (3) Computer Centre, R.K Puram, New Delhi with the request to place the OM on the official web site of the Ministry under the miscellaneous link.

No.C-18013/11/2002-Ad.III(Vol.V)

Government of India
Ministry of Statistics and PI

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Sardar Patel Bhawan, Sansad Marg,
New Delhi, dated, the 04.05.2016

OFFICE MEMORANDUM

Sub:- Implementation of Judgment dated 11.05.2010 of the Hon'ble Supreme Court of India in SLP(C) No.6784/2004 converted to Civil Appeal No.8273/2004– Union of India & Others Vs B. Anil Kumar & Others regarding extending benefit of Rs.75/- as special pay to all similarly placed non applicant Assistant Supdt. NSSO(FOD) – Reg.

The undersigned is directed to refer to Directorate General of Civil Aviation's Order No.A-19011/12/2011-E.II dated 18.04.2016 on the above subject wherein Pay of Sh. B.P. Majhi has been refixed w.e.f. 11.02.1991 by giving the benefit of Judgment dated 11.05.2010 of the Hon'ble Supreme Court of India in SLP(C) No.6784/2004 converted to Civil Appeal No.8273/2004– Union of India & Others Vs B. Anil Kumar & Others regarding Special Pay of Rs.75/- to Assistant Superintendents.

2. It has been observed that pay of Sh. B.P. Manjhi has not been re-fixed as per this Ministry's instructions issued vide O.M. No. No.C-18013/11/2002-Ad.III (Vol.II) dated 08.10.2013(cppy enclosed) wherein clarification regarding the manner / modalities of implementation of the Judgment dated 11.05.2010 has been issued.

3. According to para 5 of this Ministry's aforesaid O.M. dated 08.10.2013, Special Pay of Rs.75/- only is admissible to Assistant Superintendents promoted after 01.01.1986 and Special Pay of Rs.75 would not be taken into consideration for benefits like DA and other allowances(which are admissible on Basic Pay only) and moreover Special Pay of Rs.75 would only be admissible (not double).

4. Directorate of Civil Aviation is, therefore, advised to re-fix the pay of Sh. B.P. Manjhi as per para 5 of this Ministry's aforesaid O.M. dated 08.10.2013.

-sd-

(S.K. Roy)

Under Secy. to the Govt. of India
Tel. No. 23364008

Directorate General of Civil Aviation,
(Sh. Pawan Malviya, Deputy Director of Administration),
Opp. Safdarjung Airport, Aurobindo Marg,
New Delhi-110 003

Copy to: ✓ US (SSS), MOS&PI- SSS Division being Cadre Controlling Authority of Subordinate Statistical Service, is requested to ensure confirmation from all concerned /participating Ministries regarding compliance of this Ministry's aforesaid O.M. dated 08.10.2013 under intimation to Admn.III Section(copy of Directorate General of Civil Aviation's Order No.A-19011/12/2011-E.II dated 18.04.2016 is enclosed for reference & appropriate necessary action in r/o other participating Ministries etc.


(S.K. Roy)

Under Secy. to the Govt. of India
Tel. No. 23364008

S.M.
06/05/16

Sh. Dwivedi

No.A-19011/12/2011-E-II
Government of India
Directorate General of Civil Aviation

Opp. Safdarjung Airport,
Aurobindo Marg, New Delhi-110 003

Dated : 18th April, 2016

ORDER

In supersession of this office's Order of even number dated 7th August, 2015 and in pursuance of Ministry of Statistics & Programme Implementation (Cadre controlling authority of ISS Officers) OM No.C-18013/11/2002-Ad-III (Vol.II) dated 09.11.2012 and 26.09.2012, vide which instruction issued for implementation of judgment dated 11.05.2010 of the Hon'ble Supreme Court of India in SLP (c) No. 6784/2004 converted to Civil Appeal No. 8273/2004 UOI & Others Vs B. Anil Kumar & Others regarding extending benefit of Rs. 75/- as special pay to all similarly placed non- applicant of Assistant Superintendents of NSSO (FOD) and in pursuance of the Hon'ble High Court, Hyderabad judgment in case No. 7596 of 2003, the pay of Shri B.P. Majhi who was promoted to the post of Assistant Superintendent in the scale of Pay of Rs. 1600-50-2300-60-2660 is re-fixed with effect from the date of promotion i.e. 11.02.1991, as under:-

Sl. No	Existing Pay (In Rs.)	Revised pay after grant of Special pay	As on	Remarks
1.	1750	1750 +75	11.02.1991	Pay fixed in compliance of the direction of MoS&PI and Supreme court decision dated 11.05.2010. (Pre Revised Pay scale Rs. 1600-50-2300-60-2660)
2.	1800	1800+75	01.02.1992	Annual Increment
3.	1850	1850+75	01.02.1993	Annual Increment
4.	1900	1900+75	01.02.1994	Annual Increment
5.	1950	1950+75	01.02.1995	Annual Increment
6.	1950	2025	01.01.1996	Special pay merged with basic pay (Special pay will be taken into consideration for fixation in the revised pay scale of Vth Pay commission for all purpose)
7.	6025	6200	01.01.1996	Pay fixed in terms of Vth CCS (RP) Rules, 1997 in the pay scale of Rs. 5500-175-9000.
8.	6200	6375	01.02.1996	Annual Increment
9.	6375	6550	01.02.1997	Annual Increment
10.	6550	6725	01.02.1998	Annual Increment
11.	6725	6900	01.02.1999	Annual Increment
12.	6900	7075	01.02.2000	Annual Increment
13.	7075	7250	01.02.2001	Annual Increment
14.	7250	7425	01.02.2002	Annual Increment
15.	7425	7600	01.01.2003	Annual Increment
16.	7600	7775	01.02.2004	Annual Increment
17.	7900	8100	01.04.2004	Appointed as Statistical Investigator Grade-II of SSS (Group B Gazetted) in the Scale of Rs. 6500-200-10500 , w.e.f. 01.04.2004, vide MoS&PI Order No.A-44015/01/2004-Ad-II dated 08.09.2004.
18.	8100	8300	01.04.2005	Annual Increment
19.	8300	8500	01.04.2006	Annual Increment
20.	15440+4600	15810+4600	01.01.2006	Pay fixed in terms of CCS (RP) Rules, 2008 and Department of Expenditure OM dated 19 th March, 2012, in the scale of PB-2 of

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n. Joshi

21	16050+4600	16430+4600	01.07.2006	Rs. 9300-34800 with GP Rs. 4600/-
22.	16670+4600	17060+4600	01.07.2007	Annual Increment
23	17310+4600	17710+4600	01.07.2008	Annual Increment
24.	17970+4800	18380+4800	01.09.2008	2 nd Financial Up-gradation under MACP Scheme in the scale of PB-2 of Rs.-9300-34800 with GP 4800/-, vide MoS&PI order dated 19.02.2010
25.	18660+4800	19080+4800	01.07.2009	Annual Increment
26.	19370+4800	19800+4800	01.07.2010	Annual Increment
27.	20100+4800	20540+4800	01.07.2011	Annual Increment
29.	20850+4800	21300+4800	01.07.2012	Annual Increment
30.	21620+5400	22090+5400	01.07.2012	3 rd Financial Up-gradation under MACP Scheme in the scale of PB-2 of Rs.-9300-34800 with GP 5400/-, vide MoS&PI order dated 03.09.2012.
31.	21620+5400	22920+5400	31.12.2012	Promoted to the grade of JTS of ISS in the scale of PB-3 of Rs. 15600-39100 with GP 5400 on Ad-hoc basis, Vide MoS&PI order dated 31.12.2012. Pay fixed as per Rule 13(i) of the CCS (RP) Rules, 2008.
32.	22430+5400	23770+5400	01.07.2013	Annual Increment
33.	23270+5400	24650+5400	01.07.2014	Annual Increment
34	23270+5400	23770+5400	19.09.2014	Reverted to substantive post of SSO w.e.f. 19.09.2014, vide MoS&PI dated 19.09.2014.
34.	23270+5400	23770+5400	30.04.2015	Promoted to the post of JTS of ISS in PB-3 with GP Rs. 5400 on regular basis w.e.f. 30.04.2015, vide MoS&PI order dated 30.04.2015.
35	23270+5400	25560+5400	01.07.2015	Pay fixed under FR 22 (1) (a) (1)
				DNI 01.07.2016 , if applicable

2. The pay fixation is subject to post audit or any further rule/clarification in this regard and discrepancy, if any found, recovery of excess payment of pay and allowance will be made subsequently without notice.

(Pavan Malviya)

Deputy Director of Administration

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Copy to:-

1. Shri B.P. Majhi, Assistant Director (ISS), DGCA (Hqrs.), New Delhi.
2. The Accounts Officer, CPAO, Safdarjung Airport, New Delhi.
3. Ministry of Statistics & Programme Implementation (Kind Attn:- Shri S.K. Roy, Under Secretary), Sardar Patel Bhawan, Sansad Marg, New Delhi.
4. Section officer, Cash/General/E-II Section, DGCA (Hqrs.), New Delhi.
5. Service Book of Shri B.P. Majhi, Assistant Director (ISS).
6. Office order folder.

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No. C-18013/11/2002-Ad. III (Vol. II)
Government of India
Ministry of Statistics & Programme Implementation

Sardar Patel Bhawan, Sansad Marg
New Delhi-110001, dated: 08.10.2013

OFFICE MEMORANDUM

Sub: Implementation of Judgment dated 11.05.2010 of the Hon'ble Supreme Court of India in SLP(c) 6784/2004 converted to Civil Appeal No. 8273/2004 – Union of India & Others Vs. B. Anil Kumar & Others reg. extending benefit of Rs. 75/- as Special Pay.

The undersigned is directed to refer to this Ministry's letters of even no. dated 29-06-2011 and 26-09-2012 directing that the judgement/order of the Supreme Court dated 11-05-2010 and 13-04-2010 be implemented in respect of the applicants and the applicants for intervention as well as in respect of the similarly placed/ circumstanced non-applicants.

2. This Ministry received queries from FOD for clarification regarding the manner/ modalities of implementation of the judgement dated 11-05-2010 and the implication of para 14 of the judgement.


3. The following facts are relevant:

(i) In CCS (Revised Pay) Rules 1986, Basic Pay is defined to mean Pay as defined in FR 9 (21) (a) (i) which defines Pay as the Pay other than Special Pay or Pay granted in view of personal qualification which has been sanctioned for a post held substantively or in officiating capacity or to which entitled by reason of position in a cadre.

(ii) It is therefore clear that Special Pay is distinct and separate from Basic Pay and is not part of Basic Pay after 01-01-1986 i.e. after coming into vogue of CCS (RP) Rules 1986.

(iii) As per normal administrative and financial practice DA and other allowances are paid only on Basic Pay.

(iv) Assistant Superintendents promoted prior to 01-01-1986 have already been given benefit of Special Pay of Rs.75 in the pre-revised Pay Scale of Rs.475-750 and their pay in the revised Pay Scale of Rs.1600-2600 had been fixed after taking into consideration Special Pay of Rs.75. Giving



them Special Pay again would be tantamount to double benefit of Special Pay.

(v) The normal replacement scale of pay of Rs.450-750 of Assistant Superintendents as per the Fourth Central Pay Commission was Rs.1400-2600. As against this normal replacement scale, Assistant Superintendents were granted a higher replacement scale of Rs.1600-2600 after taking into account their duties and responsibilities. Therefore the need for grant of Special Pay was adequately taken care of.

4. The matter of implication of para 14 of the judgement dated 11-05-2010 and manner / modalities of implementation is under examination. When a final decision in the matter is taken, in consultation with Ministry of Law, Department of Expenditure and DoPT, the same would also be communicated to FOD and concerned Ministries / Departments.

5. Meanwhile, inter alia considering the facts mentioned in para 3 above, the implementation of the judgement dated 11.05.2010 would be appropriate and logical in the following manner:

(a) Assistant Superintendents promoted prior to 01-01-1986 would not be entitled to Special Pay of Rs.75 after 01-01-1986.

(b) Assistant Superintendents promoted after 01-01-1986 would be entitled to Special Pay of Rs.75 in the revised Pay Scale of Rs.1600-2600.

(c) Special Pay of Rs.75 would not be taken into consideration for benefits like DA and other allowances (which are admissible on Basic Pay only).

(d) Special Pay of Rs.75 would be admissible upto 31-12-1995 i.e. the duration of the Fourth Central Pay Commission scales of pay.

(e) Special Pay of Rs.75 would be admissible (not double).

6. However, as stated earlier, the various issues are under examination in consultation with DoPT, MoLaw and DoExpenditure. When a final decision is taken, the same would become applicable.

7. Meanwhile, to avoid legal problems and/ or financial impropriety, the judgement dated 11.05.2010 may be implemented on the lines as mentioned in para 5 above.

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8. FOD and other concerned/ Ministries/ Departments may ensure immediate and strict implementation/ compliance, under intimation to this Ministry.

9. This has the approval of IFD vide diary No. 910/ AS&FA dated 18.09.2013.

10. This issues with the approval of Competent Authority.

[Signature]
08/10/13
(S.K. Roy)

Under Secretary to the Govt. of India

1. NSSO, (FOD), A.D.G., East Block 6, Level No. 4 & 7, R.K. Puram, New Delhi. With reference to their D.O. Letter No C-18013/25/2012-CC, dated 12.04.2013.
2. Other Concerned/ participating Ministries/ Departments.
3. SSS Division, M/oS&PI.