

No.11024/26/2006-SSS

भारत सरकार

Government of India

सांख्यिकी एवं कार्यक्रम कार्यान्वयन मंत्रालय

Ministry of Statistics and Programme Implementation

अधीनस्थ सांख्यिकीय सेवा प्रभाग

Subordinate Statistical Service Division

कक्ष सं. 528, सरदार पटेल भवन

Room No. 528, S. P. Bhawan,

संसद मार्ग, नई दिल्ली - 110001

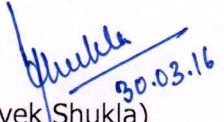
Sansad Marg, New Delhi-110001

दिनांक/Dated: 30<sup>th</sup> March 2016

**OFFICE MEMORANDUM**

**Subject: Recovery of excess payments made to the applicant in O.A. No.2907/2014—Regarding.**

1. The undersigned is directed to refer to this Ministry OM No.12024/6/2006 dated 16.07.2015 and in continuation to OM No.12013/1/2004-SSS dated 02.08.2006 (copies enclosed) on the subject vide which the O/o the Chief Labour Commissioner (Central), Ministry of Labour & Employment, New Delhi was requested to take immediate action for correct re-fixation of pay of Shri Ravi Velivel under FR 22(1)(a)(ii) w.e.f. 1<sup>st</sup> April 2004 in the pay scale of ₹7,450-225-11,500 (Non Functional) and to ensure recovery of excess payments from him, in ten equal monthly installments, under intimation to this Ministry and to state that the requisite information in this matter has not been received till date.
2. The Office of the Chief Labour Commissioner (Central), Ministry of Labour & Employment, New Delhi is, therefore, requested to expedite the status as regard correct re-fixation of pay of Shri Ravi Velivel under FR 22(1)(a)(ii) w.e.f. 1<sup>st</sup> April 2004 in the pay scale of ₹7,450-225-11,500 (Non Functional) and recovery of excess payments from him.
3. This issues with the approval of the competent authority.

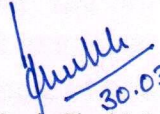
  
(Vivek Shukla)  
Joint Director (SSS)  
Tel.011-23742176

Administrative Officer,  
**(Kind Attn: Sri Supriyo Samadder)**  
O/o the Chief Labour Commissioner (Central),  
Ministry of Labour & Employment,  
Shram Shakti Bhawan,  
Rafi Marg, New Delhi-110001

Encl.: As Above.

Copy to:

1. PPS to Secretary, MoS&PI, New Delhi.
2. AS&FA, MOS&PI New Delhi w.r.t. their Dy.No.513/AS&FA dated 12.05.2014 and Dy. No.735/AS&FA dated 06.07.2015 for information.
3. PPS to Joint Secretary, MoS&PI New Delhi.
4. Under Secretary, Department of Personnel & Training, North Block, New Delhi w.r.t. their OM No.18/26/2011-Estt(Pay-I) dated 06.02.2014 and F.No.18/03/2015-Estt. (Pay-I) dated 02.03.2016 for information.
5. Shri Ravi Velivel, Deputy Director (Stat.), through Administrative Officer, O/o CLC (Central), Ministry of Labour & Employment, New Delhi-110001.
6. All participating Ministries/Department Organizations with request to ensure correct fixation of the pay of the similarly placed incumbents concerned and recovery of excess payments, if any, under intimation to this Ministry.
7. Computer Centre, R.K. Puram, New Delhi with request to upload the above OM on the official website of this Ministry under the 'Miscellaneous' link of SSS.
8. Notice Board.
9. Master Folder of 2016.

  
30.03.16  
(Vivek Shukla)  
Joint Director (SSS)  
Tel.011-23742176

Annex 2

ANN- A/1

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No.12013/1/2004-SSS  
Government of India  
Ministry of Statistics & Programme Implementation

Sardar Patel Bhavan, Sansad Marg,  
New Delhi-110001  
Dated 2.08.2006

OFFICE MEMORANDUM

Subject: Fixation of pay of the incumbents absorbed and appointed in the Subordinate Statistical Service (SSS)

Reference is invited to this Ministry's OM No. 12013/1/2004-SSS dated 30<sup>th</sup> June, 2004 regarding fixation of pay of the incumbents absorbed and appointed in different grades of Subordinate Statistical Service (SSS). The Hon'ble CAT Principal Bench, New Delhi vide its judgment dated 28.07.2005 in CA No. 1607/04 with OA No.2030/04 made the following observations -

".....OA Nos.2030/2003 and 1607/2004 are partly allowed. We do not see any definite assumption of duties and responsibilities of higher nature of assignment to the change from functional scale to non-functional scale one. The condition precedent for invoking FR 22(1) (a) (1) is assumption of duties and responsibilities of higher nature, which is lacking. Accordingly, decision of the respondents to invoke fixation of pay under FR 22 (1) (a) (1) through their OM is certainly in violation of FR as well as DoP&T OM dated 22.05.1989. .... Impugned orders are set aside. However, the respondents are at liberty to re-examine the entire matter, in the light of our observations while taking a decision to fix the pay of the applicants in non-functional scales, by passing a detailed and speaking order within six months from the date of receipt of a copy of this order".

2. The matter has been considered in consultation with the DoP&T, Ministry of Law and Justice and the Department of Expenditure. It has been decided to modify para 2(ii) and 2 (iv) of OM dated 30.06.2004 in compliance of the above observations of the Hon'ble Tribunal.

3. Accordingly, in the OM of even number dated 30.06.2004, the sections 2(ii) and (iv) shall be substituted as follows:

Mrs. HARVINDER OBEROI  
ADVOCATE  
F-105, KAKKAJI,  
NEW DELHI-110049

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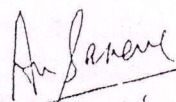
"2(ii) The incumbents who are holding the posts included in SSS in the pay scale of Rs.6500-200-10500 on regular basis and absorbed and appointed to the grade of Statistical Investigator Grade I in the pay scale of Rs.7450-225-11500 shall be fixed in accordance with FR 22(i)(a)(2)"

"2(iv) The incumbents who are holding the posts included in SSS in the pay scale of Rs.5000-150-8000 on regular basis and absorbed and appointed to the grade of Statistical Investigator Grade III in the pay scale of Rs.5500-175-9000 shall be fixed in accordance with FR 22(i)(a)(2)"


4. This OM shall be effective from 1.4.2004 i.e. the date of absorption and appointment of the incumbents in SSS. The excess payment already made shall be recovered as per rule from the salary of the incumbents.

5. There would be no re-fixation of pension for incumbents who have retired from the service /expired before the date of issue of this OM.

6. All participating Ministries/ Departments/ Organizations may take immediate action in re-fixation of pay of the incumbents under intimation to this Ministry.

  
(A. K. Saxena) 2/8/06  
Joint Secretary

To:  
All participating Ministries/Departments/Organizations

  
MIS. HARVINDER SINGH  
2/8/06  
New Delhi

No.12024/6/2006-SSS

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Room No. 528, S. P. Bhawan,  
संसद मार्ग, नई दिल्ली - 110001  
Sansad Marg, New Delhi-110001

दिनांक/Dated: 16<sup>th</sup> July 2015

**OFFICE MEMORANDUM**

**Subject: Recovery of excess payments made to the applicant in O.A. No.2907/2014—Regarding.**

The undersigned is directed to refer to O/o Chief Labour Commissioner (Central) letter No. Adm.I/4(17)/2014(Pt.) dated 09.02.2015 forwarding therewith representation dated 02.02.2015 of Shri Ravi Velivela on the subject and to say that the issue of recovery of excess payment due to wrong fixation of his pay under FR 22(1)(a)(i) in the pay scale of ₹7,450-225-11,500 (Non Functional) w.e.f. 1<sup>st</sup> April 2004 on account of his absorption and as per his inter-se seniority appointment as Statistical Investigators Grade-I in SSS has been duly considered by the competent authority.

2. It is informed that the competent authority has decided that his pay be fixed under FR22(1)(a)(ii) w.e.f. 1<sup>st</sup> April 2004 in the scale of ₹7,450-225-11,500 (Non Functional) and recovery of excess payment be made from him due to wrong fixation of his pay specifically when no relief has been granted to the applicant by Hon'ble Court as regards fixation of his pay under FR22(1)(a)(i), in the aforementioned court case.

3. Office of the Chief Labour Commissioner (Central), Ministry of Labour & Employment, New Delhi is, therefore, requested to take immediate action for correct re-fixation of pay of Shri Ravi Velivela under FR 22(1)(a)(ii) w.e.f. 1<sup>st</sup> April 2004 in the pay scale of ₹7,450-225-11,500 (Non Functional) and ensure recovery of excess payments from him, in ten equal monthly installments, under intimation to this Ministry.

4. This issues with the approval of the competent authority.

*Saraswathy*

**(K. Saraswathy)**

Under Secretary to the Govt. of India  
Ph. 23340888

Administrative Officer,  
**(Kind Attn: Sri Supriyo Samadder)**  
O/o the Chief Labour Commissioner (Central),  
Ministry of Labour & Employment,  
Shram Shakti Bhawan,  
Rafi Marg, New Delhi-110001

Copy to:

1. PPS to Secretary, MOS&PI, New Delhi.
2. AS&FA, MOS&PI New Delhi w.r.t. their Dy.No.513/AS&FA dated 12.05.2014 for information.
3. PPS to Joint Secretary (A), MOS&PI New Delhi.
4. Under Secretary, Department of Personnel & Training, North Block, New Delhi w.r.t. their OM No.18/26/2011-Estt(Pay-I) dated 06.02.2014 for information.
5. Shri Ravi Velivela, Assistant Director (Stat.), through Administrative Officer, O/o CLC (Central), Ministry of Labour & Employment, New Delhi-110001
- ✓ 6. Official Website.
7. Notice Board.
8. Master Folder of 2015.

*Saraswathy*

**(K. Saraswathy)**

Under Secretary to the Govt. of India  
Ph. 23340888