

F.NO. 02-17/2022-PAP
Ministry of Communications
Department of Posts
[Establishment Division/P.A.P. Section]

Dak Bhawan, Sansad Marg,
New Delhi-110001
Dated: 31.01.2023

To,

1. All Chief Postmasters General/Postmasters General.
2. CGM, BD Directorate/Parcel Directorate/PLI Directorate.
3. Addl. Director General, Army Postal Service, R.K. Puram, New Delhi.
4. All General Managers (Finance)/Directors Postal Accounts/DDAP.


Sub:- Central Civil Services (Revised Pay) Rules, 2016- Opportunity for revision of option to come over to revised pay structure- Clarification Reg.

I am directed to forward herewith copy of clarification issued by Directorate's letter dated 07.10.2022 to Andhra Pradesh Circle in the matter of CAT Hyderabad judgement in OA 706/2021 filed by Shri Y Madhav Rao regarding re-exercising pay fixation on coming over to 7th CPC as per the provisions of DoE OM 4-13/17-IC/E-II A dated 12.12.2018, and as per rules 5 & 6 of CCS (RP) Rules, 2016.

2. Circles are requested to settle similar cases as per the clarification provided in this regard vide Directorate's letter dated 07.10.2022 keeping in view DoE OM 4-13/17-IC/E-II A dated 12.12.2018, thereby avoiding unnecessary litigations.

3. This issues with the approval of competent authority.

Yours faithfully,


31/1/2023
(R.N. Bharti)

Director (Estt.)

Phone - 011-23096191

E-mail- adgestt2@indiapost.gov.in

Copy to:-

1. PS to Minister of State for Communications (I/C)
2. Sr. PPS to Secretary (Posts)/Sr. PPS to Director General (Posts).
3. PPS/PS to Addl DG (Co-ordination)/Member (Banking)/Member (O)/Member(P)/ Member (Planning & HRD)/Member (PLI)/Member (Tech.)
4. PPS to Additional Secretary & Financial Adviser.
5. Sr. Deputy Director General (Vigilance) & CVO/ Sr. DDG (PAF)
6. Director General P&T (Audit), Civil Lines, New Delhi.
7. Secretary, Postal Services Board/All Deputy Directors General
8. Chief Engineer (Civil), Postal Directorate.
9. Notice Board at Postal Directorate.
10. All recognized Federations/ Unions/Associations.
11. GM CEPT for uploading the order on the India Post web site
12. Guard File.
13. Spare Copies.

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Dak Bhawan, Sansad Marg,
New Delhi-110001

Dated: 07th October 2022.

To

The Chief Post Master General,
AP Circle,
Vijayawada - 520013.

Sub: Implementation of Judgement dated 15.03.2022 by CAT Hyderabad in OA 706/2021 filed by Shri Y Madhava Rao, AP Circle – regarding

Sir

This is regarding Implementation of judgement dated 15.03.2022 by Hon'ble CAT Hyderabad in OA 706/2021. Shri Y Madhava Rao, Postal assistant, AP Circle filed OA 706/2021 before Hon'ble CAT Hyderabad bench, as his option to re-exercise pay fixation on coming over to 7th CPC on 28.10.2017, ie date of 2nd MACP, as per the provisions of DoE OM 4-13/17-IC/E-II A dated 12.12.2018 was denied by the Competent Authority.

2. Hon'ble CAT Hyderabad vide its order dated 15.03.2022 disposed the OA with the following directions to the Respondents / Department: *"The aspect of subsequent increment' has not been elaborated anywhere in the Rule nor did the respondents bother to file any executive instructions delving upon the meaning of 'Subsequent increment'. Without explaining the meaning of subsequent increment, the respondents interpretation that the benefit can be extended only to those who have been placed in a higher grade pay / scale between 1st January 2016 and the date of notification of the rules i.e.25.07.2016, could be a misunderstanding of the spirit of the rule. Besides, the respondents are not competent to interpret the rule when the nodal Ministry of Finance has not been approached to explain the aspect of 'subsequent increment. Unless a clarification is received from the Ministry of Finance on the issue of subsequent increment, the respondents denying the benefit sought would not be appropriate in the eyes of law. Hence, we direct the respondents to seek a clarification from the Ministry of Finance as to whether the subsequent increment would mean any financial upgradation beyond the date of notification of the Rules and in consonance with the extension given by the Government to revise the option vide their latest letter dated 12.12.2018..."*

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3. As per proviso Rule 5 of CSS RP rules 2016, a Government servant can chose to retain old pay structure upto his next or any subsequent date of increment and for those who have already earned an increment from 01.01.2016 to 25.07.2016 may elect to come over to new structure from date of such promotions. DOE OM dated 12.12.2018 provided one time opportunity for Government Servant to re-exercise, this option to come over to new pay structure. DoE OM 12.12.2018 permits any employees who have already exercised option to come over to the revised pay structure or to retain the old pay structure till the date of issue of OM 4-13/17-IC/E-II A dated 12.12.2018 , to revise their initial option in terms of Rule 5 & 6 thereof.

4. The matter has been examined at this end and I am directed to inform that the applicant, Shri Y Madhava Rao is eligible for re-exercising option to come over 7th CPC as on 28.10.2017, ic date of his 2nd MACP. It is hence requested to refix officials pay and allowances accordingly. Circle is also requested to settle similar cases as per the clarifications provided earlier in this regard, thereby avoiding unnecessary litigations. A report on action taken by the Circle may be intimated to this Directorate.

5. This issues with the approval of competent authority.

Yours faithfully

Sapna
(Sapna) 10.10.22

Assistant Director General (Estt.)

Phone - 011-23096191

email- adgestt2@indiapost.gov.in