

FINANCE DEPARTMENT

NOTIFICATION

The 12th September 1990

No. 31067—PCC-114/90-F.—In exercise of the powers conferred by the proviso, to Article 369 of the Constitution of India, the Governor of Orissa is pleased to make the following rules to amend the Orissa Revised Scales of Pay Rules, 1989, namely:—

1. (1) These rules may be called the **Orissa Revised Scales of Pay (Amendment) Rules, 1990.**

(2) They shall be deemed to have come into force on the 1st day of May, 1989.

2. In the Orissa Revised Scales of Pay Rules, 1989 (hereinafter referred to as the said rules), in rule 3, in sub-rule (2), for clause (vii), the following clause shall be substituted, namely “(vii) employees governed by the Orissa Revised Scales of Pay (For College Teachers) Rules, 1978, Orissa Revised Scales of Pay (For Medical College Teachers) Rules, 1982, Orissa Revised Scales of Pay (For College Teachers) Rules, 1989, Orissa Revised Scales of Pay (For Medical College Teachers) Rules, 1989 and Orissa Superior Judicial Service (Senior Branch) Rules, 1963, and”;

3. In the said rules in rule 3, in clauses (c) for sub-clause (ii), the following sub-clause shall be substituted, namely:—“(ii) Dearness Pay as admissible on the date of coming over to the revised scale of pay”.

4. In the said rules, for rule 5, the following rule shall be substituted, namely:—

Drawal of pay in the Revised Scale. 5. (1) Save as otherwise provided in these rules, a Government servant shall draw pay in the corresponding revised scales of pay effective for the 1st May, 1989:

Provided that a Government servant may elect to continue to draw pay in the existing scale until the date on which he earns his next or subsequent increment in the existing scale or until he vacates his post or ceases to draw pay in that scale:

Provided further that a Government servant who, prior to the commencement of these rules, had elected in pursuance of the provisions of the Orissa Revised Scales of Pay (For Non-Gazetted Officers) Rules, 1974 or the Orissa Revised Scales of Pay (For Gazetted Officers) Rules, 1974 or the Orissa Revised Scales of Pay Rules, 1981 or Orissa Revised Scales of Pay Rules, 1985, as the case may be to come over to the existing scale from a date after the first day of May, 1989, shall, unless he exercises fresh option under the first proviso to come over to the revised scale from any subsequent date, be deemed to have elected to be governed by the revised scale applicable to his post with effect from the 1st day of May, 1989. In either case, the pay of the Government servant shall notionally be computed in the existing scale in accordance with the appropriate rules, on the first day of May, 1989 or any subsequent date as may be elected by him within the stipulated period and on the basis of the pay so computed, the pay in the revised scale shall be fixed in accordance with these rules.

NOTE—(I) The option to retain the existing scale under the first proviso to this rule shall be admissible only in respect of one existing scale.

(II) Where a Government Servant exercises option under the first proviso to this rule to retain the existing scale in respect of a Post held by him in an officiating capacity, for the purpose of regulation of pay in that scale under rule 74 of the Orissa Service Code, his substantive pay shall be the substantive pay which he would have drawn, had he retained the existing scale in respect of the permanent post on which he holds a lien or would have held a lien, had his lien not been suspended.

(2) The option under the first proviso to this rule shall be exercised in writing in the form appended as Fourth Schedule so as to reach the authority mentioned in sub-rule (3) within two months from the date of Publication of the Orissa Revised Scales of pay (Amendment) Rules, 1990, or within such further period as may be determined by the Finance Department in this behalf, or where an existing scale has been revised or any existing provision regulating fixation of pay has been modified by an order made subsequent to that date, within two months from the date of such order.

Provided that,

- (i) In the case of a Government servant who on the date of such publication or as the case may be date of such order, is on leave, deputation, foreign service or training, as the case may be, the said option may be exercised in writing so as to reach the said authority within the period specified under sub-rule (2) or within 2 months from the date of his taking charge of his post under the State Government, or
- (ii) where a Government servant is under suspension on the 1st day of May, 1989 the option may be exercised within two months from the date of his return to his duty if that date is later than the date prescribed in this sub-rule, or
- (iii) where a Government servant has been discharged, dismissed or removed from Government service between the 1st day of May 1989 and the date of publication of the Orissa Revised Scales of Pay (Amendment) Rules, 1990, the option may be exercised within a period of two months from the date of publication of the Orissa Revised Scales of Pay (Amendment) Rules, 1990, or
- (iv) where a Government servant died between the 1st day of May, 1989 and the date of publication of the Orissa Revised Scales of Pay (Amendment) Rules, 1990 or where a Government servant died or dies on or after the date of publication of the Orissa Revised Scales of Pay (Amendment) Rules, 1990 without exercising any option within the time-limit, the option shall be deemed to have been exercised for the revised scale from the 1st day of May, 1989 or such later date as is most beneficial to his beneficiaries, provided the revised scale is more beneficial, or
- (v) where a Government servant retired between the 1st day of May, 1989 and the date of publication of the Orissa Revised Scales of Pay (Amendment) Rules, 1990, or where a Government servant, on the date of publication of the Orissa Revised Scales of Pay (Amendment) Rules, 1990 was on leave preparatory to retirement the option shall be deemed to have been exercised for the revised scale from the 1st day of May, 1989 or such later date as is most beneficial to him, provided that the revised scale is more beneficial.

(3) The option shall be intimated by the Government servant to the head of office and where the Government servant is himself the Head of Office, the option shall be intimated to the authority competent to sanction his normal increment.

(4) If the intimation regarding option is not received within the time mentioned in sub-rule (2) the Government servant shall be deemed to have elected to be governed by the revised scale with effect from the 1st day of May, 1989.

(5) The option once exercised shall be final unless the authority referred to in sub-rule (3) otherwise direct:

Provided that such authority shall not give any direction inconsistent with or repugnant to the Provisions of Sub-rule (2)".

5. In the said rules, in rule, 7 after sub-rule (8) the following sub-rules shall be added, namely:—

"(9) The pay of a Government servant who opts under rule 5 to come over to the revised scale after earning the next or any subsequent increment shall be fixed in the revised scale in the manner provided in sub-rule (1) and (2).

(10) Where a Government servant is in receipt of *Ad hoc* D. A. /R. P. P. in terms of Finance Department Office Memorandum No. 587-F., dated the 4th January 1986/Memo. No. 5520 (162), dated the 16th February 1987, which together with his existing emoluments as per rule 3(c) exceeds the revised emoluments, then, the difference representing such excess shall be allowed to such Government servant as personal pay to be absorbed in future increases in pay.

(11) In cases where benefits of advancement scales of pay or three advance increments in terms of Finance Department Office Memorandum No. 27801-F., dated 17th May 1986 and Office Memorandum No. 27782-F., dated 17th May 1986 respectively have accrued and are due to an employee in between the date of commencement of the Orissa Revised Scales of Pay Rules, 1989 and the day preceding the date of issue of Finance Department Resolution No. 37376-F., dated 3rd October 1989 (i. e. between 1st May 1989 to 2nd October 1989 including both days) the pay shall be fixed in the same manner as indicated in sub-rule (3).

Note.—The benefit of advancement scale and three increments referred to in this sub-rule shall not be admissible on and after 3rd October 1989 as this has been abolished in Finance Department Resolution No. 37376-F., dated the 3rd October 1989.

6. In the said rules, in the First Schedule,

(i) for the scale of pay appearing against Sl. No. 2 in Col. (4) under the heading "Revised Scales of Pay", the following scale of pay shall be substituted, namely:—

"Rs. 775—12—871—E. B.—14—1,025".

(ii) for the scale of pay appearing against Sl. No. 6 in Col. (4) under the heading "Revised Scales of Pay", the following scale of pay shall be substituted namely:—

(a) Rs. 975—25—1,150—E. B.—30—1,660 (For all posts except Trained Matric Teachers)

(b) Rs. 1,080—30—1,440—E. B.—30—1,800 (For Trained Matric Teachers)

(iii) for the scales of pay appearing against Sl. Nos. 7 to 20 in Col. (4) under the heading "Revised Scales of Pay", the following scales of pay shall respectively be substituted, namely:—

REVISED SCALES OF PAY

"7. 1,200—30—1,560—E. B.—40—2,040

8. 1,350—30—1,440—40—1,800—E. B.—50—2,200

9. 1,400—40—1,800—E. B.—50—2,300

10. 1,400—40—1,800—E. B.—50—2,300

11. 1,400—40—1,800—E. B.—50—2,300

12. 1,400—40—1,800—50—2,300—E. B.—60—2,600

13. 1,400—40—1,800—50—2,300—E. B.—60—2,600

14. 1,600—50—2,300—E. B.—60—2,660

15. 1,640—60—2,600—E. B.—75—2,900

16. 1,640—60—2,600—E. B.—75—2,900

17. 1,800—60—2,400—E. B.—75—3,000

18. 1,800—60—2,400—E. B.—75—3,000

19. 2,000—60—2,300—E. B.—75—3,200

20. 1,700—60—2,300—E. B.—75—3,200

7. In the said rules, in Third Schedule,

(i) Under illustration—2, for the scale of pay appearing against the "Revised Scale—1,350—30—1,440—40—1,800—E. B.—50—2,200", the following scale of pay shall be substituted, namely:—

"1,400—40—1,800—E. B.—50—2,300",

(ii) for illustrating—3, the following illustration shall be substituted namely:—

"Illustration—3

"Existing scale Rs. 1,090—35—1,155—E. B.—40—1,515—E. B.—45—1,785—50—2,135 (Which is the advancement scale of the scale Rs. 890—1,830.)

Revised scale Rs. 1,400—40—1,800—E. B.—50—2,300 (which is the corresponding revised scale of the existing scale of Rs. 890—1,830 before going over to the advancement scale.

Existing Emoluments (Excluding, Dearness Allowance)

Pay	..	Rs.1,785'00
Dearness Pay	..	Rs.143'00
Total	..	Rs.1,928'00

An amount equal to an increment admissible at that stage in the existing scale (Advancement scale) shall be added.

	..	Rs. 50'00
Total	..	Rs. 1,978.00

Pay to be fixed in the revised scale Rs. 2,000.00

(iii) for illustration—4, the following illustration shall be substituted, namely:—

“Existing scale Rs. 1,315—45—1,450—50—1,650—E. B.—55—1,815—60—2,175—E. B. 65—2,500.

(Which is the Advancement scale of the scale Rs. 1,050—2,085)

Revised scale Rs. 1,400—40—1,600—50—2,300—E. B.—60—2,600

(Which is the corresponding revised scale of the existing scale Rs. 1,050—2,085 before going over to the advancement scale).

Existing Emoluments (Excluding Dearness Allowance)

Pay	..	Rs. 2,500-00
Dearness Pay	..	Rs. 180-00
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Total	..	Rs. 2,680-00
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An amount equal to the last increment in the existing scale (advancement scale) shall be added.

Total	..	Rs. 2,745-00
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Pay to be fixed in the revised scale Rs. 2,600.00 + Rs. 145.00 (R. P. P.)”

8. In the said rules, after the “Third Schedule”, the following Schedule shall be added namely:—

“FOURTH SCHEDULE”

{See rule 5 (2) }

Application form for exercising option under the Orissa Revised Scales of Pay (Amendment) Rules, 1990

I.....holding the post of.....in the scale of.....() do hereby elect to come under the revised scale of pay with effect from the 1st day of May 1989/to continue in the existing scale of pay up to...../without any time limit**.

2. The option hereby exercised is final and will not be modified at any subsequent date

Date.....

Signature.....

Designation.....

Office.....

Signed before me.....

Head of Office/Any other Gazetted Officer

Received the above declaration

Signature.....

Head of Office/Competent Authority

Date.....

* Here indicate if the post is held substantively or in officiating/temporary capacity

** Strike out the portion which is not necessary.

By order of the Governor
P. K. PATNAIK
Secretary to Government