

FINANCE DEPARTMENT

NOTIFICATION

The 29th December 1989

No. 45775—Pcc.93/89-F.— In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules, namely:—

Short title
and Commencement.

1. (1) These rules may be called the **Orissa Revised Scales of Pay (for College Teachers), Rules, 1989;**

(2) They shall be deemed to have come into force on the 1st day of January 1986.

Categories of Government servants to whom the rules apply,

2. (1) Save as otherwise provided by or under these rules, these rules shall apply to persons in whole time employment of Government in post services in respect of which revised scales are specified in the First Schedule appended to these rules, and the Orissa Revised Scales of Pay Rules, 1985 and the Orissa Revised Scales of Pay Rules, 1989 shall not apply to them.

(2) These rules shall not apply to:—

(i) persons engaged on contract except when the contract provides otherwise;

(ii) persons re-employed in Government service after retirement

(iii) any other class or category of persons whom the Governor may, by order, specifically exclude from the operation of all or any of the provisions contained in these rules.

Definitions

3. In these rules, unless the context otherwise requires :

(1) "Finance Department" means the Finance Department of the Government of Orissa

(2) "Basic Pay" means the pay as defined in Rule 33 (a) (i) of the Orissa Service Code and shall include—

(a) advance increment granted, if any;

(b) personal pay granted due to fixation of pay under sub-rule (d) of Rule 74 of the Orissa Service Code ;

Provided that personal pay granted on account of protection of special pay drawn in the lower post continuously for a period of three years in accordance with the Finance Department Office Memorandum No. 248/70-F., dated the 10th July 1969, shall not be included in the 'basic pay'.

(3) "existing emoluments", includes :—

(a) the basic pay of a Government servant as defined in clause (2) above, in the existing scale;

(b) dearness pay, if any

(c) dearness allowance (excluding dearness pay) and additional dearness allowance admissible as on the 31st December 1985.

Explanation-I—Dearness pay, dearness allowance and additional dearness allowance aforesaid shall be those appropriate to the basic pay as defined in clause (2) above.

Explanation-II—If the amount of existing emoluments computed under clause (3) constitute a fraction of a rupee such fraction shall be rounded up to a rupee.

(4) "Existing Scale" means—(a) in relation to a Government servant the scale which would have been applicable to the post held by him (or as the case may be), personal scale applicable to him as on the 1st day of January, 1986, whether in a substantive, temporary or officiating capacity, but for the revised scales.

Explanation—In the case of a Government servant who was on the 1st day of January 1986 on deputation or on leave or on foreign service or on training, or who would have on that date, officiated in one or more lower posts but for his officiating in a

higher post, 'existing scale' includes, the scale applicable to the post which he would have held but for his being on deputation or on leave or on foreign service or on training or as the case may be, but for his officiating in a higher post.

- (b) in relation to any post specified in column (2) of the First Schedule means the scale of pay specified against that post in column (3) thereof.

NOTE—A list of existing scales in full details is appended to these Rules as in the Fourth Schedule.

- (5) "revised scale" in relation to any post specified in column (2) of the First Schedule means the scale of pay specified against that post in column (4) thereof.

NOTE—A list of revised scales in full details is appended to these Rules as in the Fifth Schedule

- (6) "revised emoluments" means the basic pay of a Government servant in the revised scale to be fixed under the formula specified here-in-after and shall include reducible personal pay, if any.

- (7) "Schedule" means the Schedule appended to these rules.

Scales of pay of the post. 4. As from the date of commencement of these Rules, the scale of pay of every post specified in column (2) of the First Schedule shall be as specified against it in column (4) thereof.

Drawal of pay in the revised scales. 5. Save as otherwise provided in these Rules, a Government servant shall draw pay in the revised scale applicable to the post to which he is appointed :

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 any subsequent increment in the existing scale or until he vacates his post or ceases to draw pay in that scale.

Explanation-1—The option to retain the existing scales under the proviso to this Rule shall be admissible only in respect of one existing scale.

Explanation-2—Where a Government servant exercises the option under the 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 of in respect of the permanent post on which he holds a lien or would have held a lien, had his lien not been suspended.

Exercise of option. 6. (1) The option under the proviso to Rule 5, shall be exercised in writing in the Form appended to the Second Schedule so as to reach the authority mentioned in sub-rule (2) within two months from the date of publication of these rules or where an existing scale has been revised by any 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 or deputation or foreign service or training the said option may be exercised in writing so as to reach the said authority within two months from the date of his taking charges of his post under the State Government, or
- (ii) where a Government servant is under suspension on the 1st day of January 1986 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 or dismissed or removed from Government service between the 1st January 1986 and the date of publication of these Rules, the option may be exercised within a period of two months from the date of publication of these Rules, or
- (iv) Government servant who died between the 1st January 1986 and the date of publication of these rules or a Government servant who died or dies on or after the date of publication of these rules, without exercising any option within the time limit shall be deemed to have opted for revised scale of pay from the 1st day of January 1986 or such later date as is most beneficial to his beneficiaries, if the revised scale is more beneficial.

(2) 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 increments.

(3) If the intimation regarding option is not received within the time mentioned in sub-rule (1) the Government Servant shall be deemed to have elected to be governed by the revised scales of pay with effect from the 1st day of January 1986.

(4) The option once exercised shall be final unless the authority referred to in sub-rule (2) otherwise directs:

Provided that such authority shall not give any direction inconsistent with or repugnant to the provisions in sub-rule (1).

7. (1) Unless in any case the Government by Special Order otherwise directs, the pay of a Government servant who elects or is deemed to have elected to be governed by the revised scale from the 1st day of January, 1986 shall be fixed:—

(a) at the minimum of the revised scale if the amount of the existing emoluments is less than that minimum;

(b) at the stage of the revised scale which is equal to the amount of existing emoluments, or if there is no such stage, at the stage next above the existing emoluments and the pay so fixed, except where it is fixed at the minimum, shall be increased by one increment admissible at that stage of the revised scale.

NOTE—(i) The increment or increased pay due and admissible in the existing scale as on the 1st day of January, 1986 or on the date of coming over to the revised scale shall be taken into consideration for fixation of pay in the revised scale.

(ii) Fixation of pay in the revised scale shall be made in the form appended to these rules as in the Third Schedule.

(2) 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).

(3) Where a Government servant is holding a substantive post and is officiating in the higher post the pay under sub-rule (1) shall be fixed both in respect of the substantive post and the officiating post simultaneously, and the pay so fixed shall be applicable to him in the officiating or substantive post actually held by him or which would have been held by him had the revised scale not been introduced.

(4) "The next increment of a Government servant, whose pay is fixed on the 1st day of January, 1986 at the same stage as the one fixed for another Government servant junior to him in the same cadre and drawing pay at the same or at a lower stage than his in the existing scale, shall be granted on the same date as admissible to his junior if the date of increment of the junior happens to be earlier."

(5) In the event of fixation of pay due to retrospective operation of any order changing a revised scale or retrospective amendment of these rules, where the amount already drawn or received by any Government servant in the revised scale or otherwise under these rules as they stood prior to such order or amendment, is found to be in excess of the amount computed to be payable to him under these rules in view of the said order or amendment, as the case may be, the excess amount so drawn or received shall not be recoverable from such Government servant and shall be deemed to have been waived.

Authority
competent to
fix the pay.

8. The pay of a Government servant in the revised scale shall be fixed by the authority competent to sanction his normal entitlement, and the next higher authority will check the pay fixation statement.

Date of next
increment in
the Revised
scales.

9. The next increments of the Government servant whose pay has been fixed in the revised scale in accordance with rule 7 of these Rules, except when the pay of such Government servant is fixed at the minimum of the revised scale applicable, shall be granted on the anniversary of his last increment in the existing scale of pay, unless otherwise inadmissible:

Provided that the next increment of a Government servant whose pay has been fixed the minimum of the revised scale of pay shall be granted on completion of one year (months) from the 1st day of January, 1986 :

Provided further that where the next increment of a Government servant, whose pay is fixed on the 1st day of January, 1986 at the same stage as the one fixed for another Government servant junior to him in the same cadre and drawing pay at a lower stage than his in the existing scale shall be granted on the same date as admissible to his junior if the date of increment of the junior happens to be earlier.

Fixed of pay on re-appointment after the 1st day of January, 1986 to a post held prior to that date.

10. A Government servant who has officiated in a post on the 1st day of January, 1986 but was not holding that post on that date and who on subsequent appointment to that post draws pay in the revised scale of pay shall be allowed the benefit of Rule 74 (d) of the Orissa Service Code to the extent it would have been admissible, had he been holding that post on the 1st day of January 1986 and had elected the revised scales of pay from that date.

Mode of payment of arrear dues.

11. Notwithstanding anything contained in these rules the arrear dues from the 1st January 1986 to 31st March 1989 to which a Government servant is entitled as a revision of pay scale shall be credited to G. P. F. Account and in respect of those who have no such accounts, new account shall be opened immediately in relaxation of the relevant rule where necessary, and thereafter the dues shall be credited :

Provided that in the case of Government servants, who are due to retire within a period of six months from the date of publication of these rules and Government servants referred to in the proviso (ii) and (iv) of sub-rule (1) of rule 6 of these rules such arrear dues shall be paid in cash.

Power to relax.

12. Where the Finance Department is satisfied that the operation of all or any of the provision of these rules causes undue hardship in any particular case or class of cases they may by order, dispense with or relax the requirements of all or any such provision to such extent and subject to such conditions as may be considered necessary for dealing with the case in a just and equitable manner.

Interpretation and removal of anomalies or any other difficulties.

13. If any question arises relating to the interpretation of these rules, or for removal of anomalies, omissions, clerical errors and difficulties, such cases shall be referred to Government in the Finance Department for clarification and decision.

Effect of other Rules.

14. The provisions of the Orissa Service Code and the Orissa Revised Scales of Pay (for College Teachers) Rules, 1978 and orders/instructions issued in respect of matters related to the said Code/Rules to the extent they are inconsistent with these rules, shall not save as otherwise provided in those Rules, apply to cases where pay is regulated under these Rules.

FIRST SCHEDULE

Sl. No.	Name of the post	Existing scale of pay	Revised scale of pay
(1)	(2)	(3)	(4)
A. General Colleges			
1	Lecturer	Rs. 700—1,600 Rs. 1,350—2,975	Rs. 2,200—4,000 *(with three advance increment for Ph. D. and one advance increment for M.Phil. at the initial on first appointment).
2	Lecturer (Senior scale)	Not existing	Rs. 3,000—5,000
3	Lecturer (Selection Grade)	Not existing	Rs. 3,700—5,700
4	Reader	Rs. 1,200—1,900	Rs. 3,700—5,700
5	Professor	Rs. 1,500—2,500	Rs. 4,500—6,300
6	Principals of Colleges		
	(i) in Degree Colleges	Rs. 1,200—1,900	Rs. 3,700—5,700
	(ii) 3—P-G. Colleges (Revenshaw/ G.M./ Khallikote Colleges)	Rs. 1,500—2,500	Rs. 4,500—6,300
	(iii) Lead Colleges situated at State and District Headquarters and Colleges having P.-G. Courses. (A list of all such colleges is appended to these Rules as in the sixth Schedule).	Rs. 1,200—1,900	Rs. 3,700—5,700 Rs. 4,500—6,300 (For posts to be upgraded to the rank of professor).
B. College of Accountancy and Management Studies (For teachers having qualification prescribed by the U.G.C).			
1	Principal-cum-Professor	Rs. 2,550—3,650	Rs. 4,500—6,300
2	Professor	Rs. 2,550—3,650	Rs. 4,500—6,300
3	Associate professor, Reader	Rs. 2,250—3,500	Rs. 3,700—5,700
4	Lecturer	Rs. 1,350—2,975	Rs. 2,200—4,000 (with three advance increments for Ph. D. and one advance increment for M.Phil. at the initial on first appointment).

SECOND SCHEDULE

Form for exercising option under the Orissa Revised Scales of pay (for College Teachers) Rules, 1989 (Rule 6).

I holding the post** of in the office of *do hereby elect to come under the Revised Scale of pay with effect from the 1st day of January 1986/to retain the existing scale of pay for the period upto without any time limits.

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

Date 1989 Signature

Designation

Office

Signature of witness (with date)

Signed before me

(Another Gazetted Officer with seal)

Received the above declaration

Date

Signature

Head of Office/Competent Authority.

*Strike out the portion which is not necessary

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

THIRD SCHEDULE

For fixation of pay under the Orissa Revised Scale of Pay (for College Teachers) Rules, 1989

(Rule-7)

1. Department/Office
2. Name and designation of the Government Employee
3. Post held
4. Nature of post/appointment
 - (i) Permanent or temporary
 - (ii) Substantive or Officiating
5. Existing scale of pay
6. Revised scale of pay
7. Total existing emoluments—
 - (i) Basic Pay
 - (ii) Personal pay as defined in Rule-3
 - (iii) Dearness Pay
 - (iv) Dearness Allowance (Excluding Dearness Pay)
 - (v) Additional Dearness Allowance
8. Initial pay to be fixed in the revised scale—
 - (i) at the minimum if total existing emoluments is less than the minimum of the revised scale;
 - (ii) (a) at the stage of the revised scale equal to existing emoluments as per (7) above or if there is no stage, the stage next above in the revised scale—
 - (b) Add one increment at the stage in the revised scale:—
 - (c) Stage of the revised scale at which initial pay is to be fixed:—
9. Difference between existing emoluments and revised pay (7) and (8):
10. Pay finally fixed in the revised scale:—
11. Date of fixation of pay in the revised scale:—
12. Date of increment in the existing scale:—
13. Date of next increment in the revised scale:—

Head of Office/Competent Authority

FOURTH SCHEDULE

[See Note under sub-rule (4) of Rule 2]

List of Existing Scales of Pay

1. Rs. 700—40—1,100—50—1,300—Assessment—50—1,600
2. Rs. 1,200—50—1,300—60—1,900
3. Rs. 1,500—60—1,800—100—2,000—125/2—2,500
4. Rs. 1,350—55—1,735—E.B.—60—2,095—70—2,375—E.B.—75—2,975
5. Rs. 2,250—85—2,590—90—3,310—E.B.—95—3,500
6. Rs. 2,550—85—2,635—90—3,175—E.B.—95—3,650

FIFTH SCHEDULE

[See Note under sub-rule (5) of Rule 3]

List of Revised Scales of Pay

1. Rs. 2,200—75—2,800—100—4,000
2. Rs. 3,000—100—3,500—125—5,000
3. Rs. 3,700—125—4,950—150—5,700
4. Rs. 4,500—150—5,700—200—6,300

SIXTH SCHEDULE

(See Column 2 of the First Schedule)

List of Lead Colleges situated at State and District Headquarters and Colleges having P.-G. Course

(A) Lead Colleges at District Headquarters —

1. S. C. S. College, Puri
2. S. B. Women's College, Cuttack
3. Dhenkanal College, Dhenkanal
4. F. M. College, Balasore
5. D. D. College, Koonjhar
6. Rajendra College, Balangir
7. Government College, Bhawanipatna
8. N. S. C. B. College, Sambalpur
9. Government College, Sundargarh
10. Science College, Chhatrapur
11. D. A. V. College, Koraput
12. Government College, Phulbani
13. M. P. C. College, Baripada

(B) Lead Colleges having P.-G. Courses —

1. N. C. College, Jajpur
2. S. K. C. G. College, Parlakhemundi
3. V. D. College, Jeypore
4. Government College, Rourkela
5. Bhadrak College, Bhadrak
6. Government College, Angul
7. Panchayat College, Baragarh

(C) Lead College at State Headquarter —

1. B. J. B. College, Bhubaneswar

ORDER — Ordered that the Notification be published in an extra ordinary issue of the *Orissa Gazette* for general information and copies be forwarded to all Departments of Government/all Heads of Departments / A.-G. (Audit/Accounts) Orissa, Bhubaneswar / D. A. G. Orissa, Puri.

By order of the Governor

P. K. PATNAIK

Secretary to Government