

FINANCE DEPARTMENT

NOTIFICATION

The 29th December 1989

No. 45777—PCC-94/89-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 com-
mencement.

1. (i) These rules may be called the **Orissa Revised Scales of Pay (for Medical 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
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 posts/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 Orissa Revised Scales of Pay Rules, 1989 shall not apply to them.

(2) These rules shall not apply to—

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

(b) persons re-employed in Government service after retirement;

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

(d) persons paid otherwise than on monthly basis including those paid on piece-rate basis; and

(e) persons not drawing pay in the regular scales of pay for whom no revised scales of pay are prescribed.

Definitions

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

(i) "Finance Department" means the Finance Department of the Government of Orissa;

(ii) "Pay" means the pay as defined in sub-clause (i) of clause (a) of rule 33 of the Orissa Service Code and shall include —

(a) advance increment granted, if any; and

(b) personal pay granted due to fixation of pay under rule 74 clause (d) of the said Code;

(iii) "existing scale" means —

(a) in relation to a Government servant, the scale which would have been applicable to the post held by the Government servant as on the 1st day of January 1986, whether in a substantive, temporary or officiating capacity, but for the revised scale;

Explanation — In the case of Government servant who, on the 1st day of January, 1986, was on deputation, leave, foreign service or 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.

(d) 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 Second Schedule ;

(iv) "existing emoluments" includes —

- (a) the pay of a Government servant as defined in clause (ii) in the existing scale ;
 - (b) Dearness Pay, if any ;
 - (c) Dearness Allowance (excluding Dearness Pay) ; and
 - (d) Additional Dearness Allowance admissible as on the 31st December 1985 ;
- (v) "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 Third Schedule:

(vi) "Schedule" means a Schedule appended to these rules.

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.

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.

Explanations — (1) The option to retain the existing scales under the proviso to this rule shall be admissible only in respect of one existing scale.

(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, this 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.

6. (1) The option under the first proviso to rule 5 shall be exercised in writing in the form appended to these rules as in the Fourth Schedule so as to reach the authority mentioned in sub-rule (2) within two months from the date of publication of these rules or within such further period as may be determined by the State Government in this behalf or where an existing scale had 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 —

- (a) 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 two months from the date of his taking charge of his post under the State Government ; or
- (b) where a Government servant is under suspension on the first 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
- (c) where a Government servant has been discharged, 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
- (d) a 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 the revised scale of pay from the 1st day of January, 1986 or a later date, as is most beneficial to his beneficiaries, if the revised scale is more beneficial, or

Scale of Pay of the Post.

Drawal of pay in the revised scales.

Exercise of option.

- (e) where a Government servant retired between the 1st day of January, 1986 and the date of publication of these rules, or if a Government servant on the date of publication of these rules was on leave preparatory to retirement, the option shall be deemed to have been exercised for revised scale of pay from the 1st day of January, 1986 or such later date as is most beneficial to him, 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 next higher authority who is competent to sanction his normal entitlements.

(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 scale 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.

Authority
competent to
fix pay.

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

Fixation of
initial pay in
revised scale.

8. (1) Unless in any case the Governor by special order otherwise directs, the pay of Government servant who elects or is deemed to have elected to be governed by the revised scale of pay from the 1st January 1986 shall be fixed at the minimum of the revised scale, if the amount of existing emoluments is less than the minimum or at the stage of the revised scale which is equal to his existing emoluments, or if there is no such stage, at the stage next above that 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.

Notes—1. 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.

2. The pay fixation shall be made in the form appended to these rules as in the Fifth 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 under sub-rule (1).

(3) Where a Government servant is holding a substantive post and is officiating in a higher post, the pay under sub-rule (1) shall be fixed both in respect of the substantive post and the officiating post, and the pay so fixed shall be applicable to him in the officiating or the 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.

Waiver of
excess
amount.

9. (1) In the event of re-fixation of pay due to retrospective operation of any order changing revised scale or retrospective amendment of these rules, or where the amount already drawn or received by a Government servant in the revised scale or otherwise under these rules as they stood prior to such order or amendment, if found to be in excess of the amount computed to be payable to him under these rules in view of the said order or the 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.

(2) Where in course of pay fixation under these rules, any amount drawn or received as pay by any Government servant under any rule is found to be in excess of the amount payable to him under these rules, the excess amount so drawn or received, shall not be recoverable from such Government servant and shall be deemed to have been waived.

Date of
next incre-
ment in
the revised
scale.

10. Where the pay of a Government servant has been fixed under rule 8 at the minimum of the revised scale, his next increment shall be granted on completion of one year from the date on which the pay is so fixed. Where the pay is fixed in the revised scale at the stage other than the minimum of the revised scale, the next increment shall be granted on the anniversary of his last increment in the existing scale of pay, unless otherwise inadmissible.

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

11. A Government servant who had officiated in a post prior to the first 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 under the second proviso to sub-rule (d) of rule 74 of the Orissa Service Code to the extent it would have been admissible, had he been holding that post on the first day of January, 1986 and had elected to come over to the revised scale of pay from that date.

Mode of payment of arrears of pay.

12. Notwithstanding anything contained in these rules, the arrear dues to which a Government servant is entitled on account of revision of pay scale from the 1st day of January, 1986 to the 31st day of March, 1989 shall be credited to his provident fund account. In respect of those who have no such account, new account shall be opened immediately in relaxation of the relevant rules, where necessary, and thereafter, the dues shall be credited.

Power to relax.

13. Where the Government is satisfied that the operation of all or any of the provisions of these rules causes undue hardship in any particular case, 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 power to remove anomalies or any other difficulties.

14. If any question arises relating to the interpretation of these rules or for removal of omission and clerical errors, all such matters shall be referred to the Government in the Finance Department for clarification and decision.

Effect of other rules.

15. The Orissa Revised Scales of Pay (for Medical College Teachers) Rules, 1982 and the provisions of the Orissa Service Code and orders or instructions issued in respect of matters related to the said Code or the rules, to the extent they are inconsistent with these rules, shall not, save as otherwise provided in these rules, apply to cases where pay is regulated under these rules.

FIRST SCHEDULE

[See rule 2 (1)]

Sl. No.	Name of the Post	Existing scale of pay	Revised scale of pay
(1)	(2)	(3)	(4)
MEDICAL COLLEGES UNDER HEALTH AND FAMILY WELFARE DEPARTMENT.			
		Rs.	Rs.
1	Director, Medical Education and Training	3,350—4,500	4,500—6,300
2	Additional Secretary to Government Health and Family Welfare Department.		(if held by persons from teaching cadre in the rank of Professors).
3	Principal, Medical Colleges/Superintendent, Medical College Hospitals.	1,500—2,500	4,500—6,300
4	Professor ..	1,500—2,500	4,500—6,300
5	Associate Professor ..	1,200—1,900	3,700—6,700
		(with three advance increments at the time of Promotion from the post of Assistant Professor).	(with three advance increments in the scale at the time of promotion from the rank of Assistant Professor).
6	Assistant Professor ..	1,200—1,900	3,700—5,700
7	Junior Teachers (Registrar, Clinical Tutor, Demonstrator, Curator, Assistant Radiologist, Epidemiologist, Anaesthetist Assistant Dental Surgeon, Refractionist, Resident Pathologist, Anaesthetic Registrar and Assistant Anaesthetist).	700—1,600	2,200—4,000

SECOND SCHEDULE

[See note under Clause (iii) of rule 3]

List of existing scales of pay

- 1 Rs. 1,500—60—1,800—100—2,000—125/2—2,500
- 2 Rs. 1,200—50—1,300—60—1,900
- 3 Rs. 700—40—1,100—50—1,300—Assessment 50—1,600

THIRD SCHEDULE

[See note under clause (v) of rule 3]

List of revised scales of pay

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

FOURTH SCHEDULE

[See rule 6 (1)]

Form for exercising option under the Orissa Revised Scales of Pay
(for Medical College Teachers) Rules, 1989.

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 January, 1986/to continue in the existing scale of pay up to.....

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.....

Head of Office/any other
Gazetted Officer

Date

Received the above declaration

Signature

Head of Office/Competent Authority

FIFTH SCHEDULE

[See note 2 below rule 8 (1)]

Form for fixation of pay under the Orissa Revised Scales of Pay (for Medical College
Teachers) Rules, 1989.

1. Department/Office.....

2. Name and designation.....
of the Government servant.

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 D. P.).....

(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 admissible at that stage in the revised scale;

(c) stage of the revised scale at which initial pay is to fixed.

9. Difference between the existing emoluments and pay fixed in the revised scale.

10. Pay finally fixed in the revised scale [as per (8) above]

11. Date of fixation of pay in the revised scale;

12. (i) Date of increment in the existing scale.

(ii) Date of next increment in the revised scale

ORDER—Ordered that this Notification be published in an extraordinary issue of the *Orissa Gazette* for general information and copies be forwarded to all Departments of Government/all Heads of Departments Accountant-General (Accounts/Audit), Orissa, Balasorewar/Deputy Accountant-General, Orissa Puri.

By order of the Governor

P. K. PATNAIK

Secretary to Government