

**GOVERNMENT OF ASSAM
FINANCE (PRU) DEPARTMENT
DISPUR : GUWAHATI-6**

No. FPC 85/2009/2

Dated Dispur the 4th February, 2010

NOTIFICATION

THE ASSAM SERVICES (REVISION OF PAY) RULES, 2010.

In exercise of the powers conferred by the proviso to Article 309 of the constitution of India, the Governor of Assam is hereby pleased to make the following rules namely :-

1. Short title and commencement

(a) These rules may be called the Assam Services (Revision of Pay) Rules 2010.

(b) They shall be deemed to have come into force from the 1st day of January, 2006.

2. Application of the Rules

(a) Save as otherwise provided by or under these rules, these rules shall apply to all employees appointed to services or posts in connection with the affairs of the State of Assam and which are under the rule making control of the Governor of Assam.

(b) Unless specifically extended under express order of the Government, these Rules shall not apply to –

- i. Members of All India Services,
- ii. Members of the Assam Judicial Service,
- iii. Members of the services to whom the University Grants Commission and the All India Council of Technical Education pay structure apply,
- iv. Officers and staff of the Assam Public Service Commission,
- v. Officers and staff of Public Undertakings of the Assam Government,
- vi. Officers and staff of the Gauhati High Court,
- vii. Government employees not in whole time employment,
- viii. Employees appointed on contract except when the contract provides otherwise,
- ix. Government employees paid otherwise than on a monthly basis, including those paid at piece-rates,
- x. Government employees who have retired in the afternoon of the 31st December, 2005,
- xi. Government employees re-employed after retirement and
- xii. employees specifically excluded wholly or in part by the Governor of Assam from the operation of these rules.

Note - These rules apply to members of the work charged establishment holding posts carrying identical pay scales as admissible to members of corresponding categories of the regular establishment or where there is specific entry in the Schedule relating to such staff.

3. Relaxation of Rules

Where the Governor of Assam is satisfied that the operation of any of these rules causes undue hardship in any particular case, he may, by order, dispense with or relax the requirements of that rule to such extent and subject to such conditions as may be considered necessary for dealing with the case in a just and equitable manner.

4. Definition

In these rules, unless there is anything repugnant to the subject or context:-

- (a) **“existing basic pay”** means pay drawn in the prescribed existing scale of pay, including stagnation increment(s), but does not include any other type of pay like ‘special pay’, etc. **(Appendix-I)**
- (b) **“existing pay scale”** in relation to a Government employee means the present pay scale applicable to the post held by the Government employees (or, as the case may be, personal scale applicable to him) as on the 1st day of January, 2006 whether in a substantive or officiating capacity.

Explanation:- In the case of a Government employee who was on the 1st day of January, 2006 on deputation out of India or on leave or on foreign service, or who would have on that date officiated in one or more lower posts but for his officiating in a higher post, “existing pay scale” includes the scale applicable to the post which he would have held but for his being on deputation out of or on leave or on foreign service or, as the case may be, but for his officiating in a higher post;

- (c) **“existing emoluments”** means the sum of (i) existing basic pay, (ii) dearness pay appropriate to the basic pay and (iii) dearness allowance appropriate to the basic pay at index average 536 (1982=100) **(Appendix-II and III)**
- (d) **“Pay Band”** in relation to any post/ grade specified in column (1) of the Schedule means the “pay band” specified against that post in column (3) thereof **(Appendix-IV)**.
- (e) **“Pay in the pay band”** means pay drawn in the running pay bands specified in Column (3) of the Schedule.
- (f) **“Grade Pay”** is the fixed amount corresponding to the pre-revised pay scales/ posts. Specified in column (4) of the Schedule.
- (g) **“revised pay structure”** in relation to any post specified in column (1) of the Schedule means the pay band and the grade pay specified

against that post unless a different revised pay band and grade pay is notified separately for the post. **(Appendix-IV)**

- (h) **"Revised basic pay"** in the revised pay structure means the pay drawn in the prescribed pay band plus the applicable grade pay and ad hoc fitment benefit, if any, but does not include any other types of pay.
- (i) **"Schedule"** means the Pay Schedule annexed with these rules.
- (j) **"State Government"** means the Government of Assam.

Note :- (a) words or expression not defined in these rules, but defined in the Assam Fundamental Rules and Subsidiary Rules shall have the same meaning respectively assigned to them in those rules.

(b) where a female Government employee is concerned, the word "he" "his" and "him" used in the rules shall be taken to mean "She" "her" and "her" respectively in these rules.

5. Application of the Revised Pay

Save as otherwise provided in these rules a government employee who is in service on the 31st December, 2005 or who may have been appointed on or after the 1st January, 2006 shall draw pay in the revised pay structure (Pay Band with Grade Pay) applicable to the post/ service which he has been holding or to which he may have been appointed as the case may be;

Provided that a Government employee who is in service on the 31st December, 2005 or who enters service on or after the 1st January, 2006 but before the date of publication of these rules, may, at his option, continue to draw pay in the existing pay scale, until the date on which he earns his next or any subsequent increment(s) in the existing pay scale or until he vacates his post or ceases to draw pay in the existing pay scale.

Note :- (i) The option to retain the existing pay scale under this rule shall be admissible only in respect of one existing pay scale, that is to say,

- (a) in the case of an employee having no lien on a permanent post under the State Government, in respect of the existing scale of pay of the post held on the date of publication of these rules; and
 - (b) in the case of an employee having a lien or a suspended lien on a permanent post under the State Government, in respect of the existing scale of pay either of the permanent post held substantively on the date of publication of these rules or the officiating post, if any, held on the said date;
- (ii) when a Government employee exercises option under clause (b) of Note (i) to retain the existing scale of pay in respect of a post held by him in an officiating capacity, his substantive pay for the purpose of regulation of pay in the scale under Fundamental Rule 22(1)(a)(i) or Fundamental Rule 31, shall be the substantive pay which he would have drawn had he retained the existing pay

scale in respect of the permanent post on which he holds a lien or would have a lien had his lien not been suspended;

- (iii) the option exercised either under Clause (a) or Clause (b) or note (i) to retain the existing scale of pay in respect of the officiating post will be applicable in respect of the lower officiating post, if any, which the Government employee would have held but for his promotion/ appointment to the officiating post actually held;
- (iv) Re-appointment after a break in service to a post/ service on or after the 1st January, 2006 shall in all cases, be treated as first appointment for the purpose of these rules.

6. Admissibility of Dearness Allowance in the event of retaining the existing scale of pay

A government employee exercising option to retain the existing scale of pay under Rule 5 shall continue to draw the Dearness Allowance as was appropriate to the pay of existing pay scale at the rates in force on 1st of January, 2006.

7. Exercise of option

- (a) The option under the Rule 5 shall be exercised in the form at **Appendix-V** and submitted to the authority mentioned in sub-rule (c) of this rule within 60 days from the date of publication of these rules or within such further period as may be determined by the State Government in the Finance Department, or where an existing pay scale has been revised or any existing provision regulating fixation of pay has been modified by an order made subsequent to that date, within 60 days from the date of such order.

Provided that:-

- i) In the case of a Government employee 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 (a) or within 60 days from the date of his taking over charge of his post under the State Government, or
- ii) Where a Government employee is under suspension on the 1st day of January, 2006, the option may be exercised within 60 days from the date of his return to his duty if that date is later than the date prescribed in sub-rule (1), or
- iii) In case a Government employee expired on or after the revised pay structure becoming effective but without being able to exercise his option, the pay fixation shall be decided by the Head of Office in the

case of non-gazetted employees including those of the Gazetted Officers whose pay is drawn in establishment pay bills and the Accountant General, Assam in the case of Gazetted Officers, in a manner most beneficial to the deceased employee.

- (b) The option, once exercised, is final and cannot be modified on any subsequent date.
- (c) The option shall be submitted :-
 - (i) If he is a Gazetted Government employee drawing pay on Accountant General's authorization, to the Accountant General, Assam, and
 - (ii) If he is a non-Gazetted Government employee or a Gazetted Government employee whose pay and allowance are drawn by the Head of his office to the Head of his office.

Note: - It should be noted that mere exercise of an option within the specified time limit by a Government employee is not sufficient. It will be his responsibility to ensure that it reaches the prescribed authority within the time limit and he obtains an acknowledgement to that effect.

- (d) If the declaration of a Government employee regarding option is not received within the time mentioned in sub-rule (a) he shall be brought over to the revised pay structure with effect from 1st January, 2006 or the date of appointment, if it happens to be later than 1st January, 2006 as the case may be.
- (e) A Government employee who does not want to retain the existing scale of pay may indicate his willingness to come over to the revised pay structure to the authority concerned in the form at **Appendix-VI** so that the drawl of pay in the revised pay structure may not be delayed till the expiry of the stipulated period of 60 days as referred in Sub-rule (a).
- (f) The Governor of Assam may, by specific order, extend time in any case or class of cases, the period of 60 days as prescribed in sub-rule-(a).

8. Fixation of initial pay in revised pay structure

- (A) The initial pay of a Government employee who is in service on 31st December, 2005, and is entitled under these rules, to draw pay in the revised pay structure, shall, unless the Governor of Assam by Special Order directs otherwise in any special case, be fixed, on the date he becomes so entitled, in respect of a post or posts referred to in sub-rule- (B) below in the following manner :-

- (a) In case of all Government employees :-
- (i) The pay in the Pay Band will be determined by multiplying the existing basic pay as on 01-01-2006 by a factor of 1.86 and rounding off the resultant figure to the next multiple of 10.
 - (ii) Provided, the minimum of the Pay Band is higher than the amount so arrived at in accordance with the provision at (i) above, the pay shall be fixed at the minimum of the Pay Band.
 - (iii) Wherever bunching is occurring during the initial stages for some of the pre-revised scales due to the fact that the employees at these stages will have their salaries fixed at the minimum of the pay band as per clause (ii) above, an ad-hoc fitment benefit at the rate of 50% of the first increment, (rounded off to the nearest Rs. 10), in the particular pre-revised scale, shall be given for subsequent stages till the bunching of pay is removed. (As shown in **Appendix VII**)
- (B) The initial pay of a Government employee in the revised pay structure shall be fixed under these rules separately in respect of :-
- (a) a permanent post held substantively and on which he holds a lien or would have held a lien had his lien not been suspended; and
 - (b) an officiating post held by him or that would have been held by him but for his deputation out of India, temporary transfer to another Office/Department of the State Government or the Government of India or any other State Government or foreign service;
 - (c) the fixation of pay in the revised pay structure shall be allowed only in the officiating post actually held on the date on which the revised pay structure came into effect and the substantive post, if that happens to be different and not in any other intermediate officiating post in which he had acted previously but not held by him on that date.

- Note:-*
- (i) In Case where an increment in the existing pay scale is due to a Government employee on the date of his being entitled to draw pay in the revised pay scale, his existing basic pay is to be calculated taking into account the increment due on that date.
 - (ii) In case a Government employee is on leave on the date of his being entitled to draw pay in the revised pay structure, then his existing emolument should be taken to be the emolument which would have been admissible to him on that date but for his proceeding on leave. In calculating the existing emolument in

such a case, any increment(s) that may be due to the Government employee during the period from the date of his proceeding on leave and the date from which he is entitled to draw pay in the revised pay structure, should also be taken into account. In case the Government employee proceeded on leave from an officiating post, the above would be subject to a certificate as required under F.R.26(b)(ii).

- (iii) In the case of Government employee who is on joining time on the date of his being entitled to draw pay in the revised pay structure, either from duty or on expiry of leave, his emolument should be determined in the manner indicated in Note (ii) above.
- (iv) The pay of a Government employee who is under suspension on the date of his being entitled to draw pay in the revised pay structure, shall be regulated in that scale on termination of his suspension in the manner indicated below:-
 - (a) if he is dismissed, there is no question of fixation of his pay in the revised pay structure;
 - (b) if he is fully or honorably acquitted, his pay in the revised pay structure on the date of his being entitled to draw revised pay shall be fixed on the basis of existing emolument which he would have been entitled to on that date but for his being under suspension; and
 - (c) if he is acquitted otherwise than fully or honorably and if the period of suspension is converted into leave, his emolument for the purpose of pay in the revised pay structure on the date of his being entitled to draw pay in that existing pay scale should be regulated in accordance with the principles set forth in Note (ii) above. If, however, the period of suspension is regularized otherwise than as being on leave and the reinstatement is to the same post, the existing emolument that he was entitled to on the date of his being placed under suspension shall be taken as his existing emolument on the date on which he is eligible to draw pay in the revised pay structure. In a case where the period of suspension is not converted into duty or leave, but is allowed to be counted towards increment, his existing emolument should be taken to be the emolument which would have been admissible to him on the date of coming over to the revised pay structure but for his being placed under suspension. In calculating existing emolument in such a case, any increment(s) that may be due to a Government employee during the period from the date of him been placed under suspension and the date from which he is coming over to the revised pay structure should also be taken into account. In case the re-instatement is to a post other than the one from which he is coming over to

the revised pay structure should also be taken into account. In case the re-instatement is to a post other than the one from which he was placed under suspension, his pay in the revised pay structure applicable to the other post should, unless the Governor of Assam directs otherwise, be regulated under the normal rules.

- (v) (a) The pay of a Government employee, who was temporarily reduced to a lower stage in his existing scale prior to the date of his being entitled to draw pay in the revised pay structure as a measure of penalty and in whose case the reduction was operative on the date of his being entitled to draw pay in the revised pay structure, should be fixed in the revised pay structure in the usual manner on the basis of his reduced pay in such existing pay scale. If the competent authority has declared that the reduction should not operate to postpone his future increments, the Government employee should be allowed, from the date from which he would have been restored to the unreduced pay in the existing pay scale, the pay that he would have been drawing in the revised pay structure but for the reduction. If however, the reduction to the lower stage was permanent, the fixation of pay in the revised pay structure on the basis of the Government employee's reduced pay in the existing pay scale with effect from the date of his being entitled to draw pay in the revised pay structure will be final.
- (b) The above procedure will also apply mutatis mutandis in the case of a Government employee who was temporarily reduced to a lower grade or post or was held up at the efficiency bar or at any stage of the existing pay scale, and where such reduction or bar to increments was operative on the date of his being entitled to draw pay in the revised pay structure.
- (c) In case where a government employee is held up at an efficiency bar or at any stage of the existing pay scale on the date of his being entitled to draw pay in the revised pay structure, he should, in addition, be held up at the stage in the revised pay structure in which his pay is fixed by the competent authority.
- (d) The provisions of sub-clause (a) above should also be followed in the case of a Government employee whose pay is reduced to a lower stage in the existing pay scale or reduced to a lower grade or post or held up at an efficiency bar or at any stage of the existing pay scale within the period of option allowed under rule 5.
- (e) The form to be used in fixation of initial pay in the revised pay structure under this rule is given in **Appendix-VIII**

- (f) If the pay of a Government employee, who, in the existing pay scale was drawing immediately before the 1st January, 2006 more than other Government employees junior to him in the same cadre, gets fixed in the pay band at a stage lower than that of such junior, his pay shall be stepped up to the same stage in the revised pay structure as that of the junior.
- (g) In case where a senior Government employee promoted to a higher post before the 1st day of January, 2006 draws in the revised pay structure pay less than his junior who is promoted to the higher post on or after the 1st day of January, 2006, the pay in the pay band of the senior Government employee should be stepped up to an amount equal to the pay in the pay band as fixed for his junior in that higher post. The stepping up should be done with effect from the date of promotion of the junior Government employee subject to the fulfillment of the following conditions, namely:-
 - (i) both the junior and the senior Government employees should belong to the same cadre and the posts in which they have been promoted should be identical in the same cadre.
 - (ii) the pre-revised scale of pay and the revised Grade Pay of the lower and higher posts in which they are entitled to draw pay should be identical.
 - (iii) the senior Government employees at the time of promotion should have been drawing equal or more pay than the junior.

9. Rate of increment in revised pay structure

- (1) The rate of increment in the revised pay structure shall be three per centum (3%) of the sum of the pay in the pay band, resultant grade pay as applicable and the ad hoc fitment benefit, if any. The resulting amount shall be rounded off to the next multiple of Rs. 10.
- (2) The amount of increment shall be added to the existing pay in the pay band.

10. Date of increment in revised pay structure

In respect of all Government employees, these shall be a uniform date of annual increment and such date of annual increment shall be 1st July of every year.

Provided that in case of a Government employee who had been drawing maximum of the existing scale of pay for more than a year on the 1st day of January, 2006, the next increment in the existing pay scale shall be counted for fixation on the 1st day of January, 2006 and thereafter the provision of this rule shall apply.

Note: - I. A Government employee completing six(6) months and above in the revised pay structure as on 1st day of July shall be eligible to be granted the increment. The first increment after fixation of pay on 1st day of January, 2006 in the revised pay structure shall be granted notionally on the 1st day of July, 2006, for those employees for whom the date of next increment was between 1st July, 2006 and 1st January, 2007.

II. Government employees who earned their last increment between the period commencing from the 2nd day of January, 2005 and ending on the 1st day of January, 2006, after fixation of their pay under revised pay structure, will get their next increment on the 1st day of July, 2006.

III. In case of the Government employee whose date of next increment falls on the 1st day of January, 2006 after granting an increment in the pre-revised pay scale as on the 1st day of January, 2006, their pay in the revised pay structure should be fixed on the 1st day of January, 2006, and such Government employee will get their next increment on the 1st day of July, 2006.

IV. If a Government employee opts to come under revised pay structure on any date between the 1st day of January, 2006 to the 1st day of July, 2006, his pay in the revised pay structure should be fixed accordingly, but his date of next increment should be 1st day of July, 2007.

11. Fixation of pay on promotion on or after 1st day of January, 2006

(1) In case of promotion from one post to a higher post on or after the 1st day of January, 2006, the fixation of pay of a Government employee shall be made in the following manner:-

(a) one increment equal to three per centum (3%) of the sum of the existing pre-promotion pay in the Pay Band and the Grade Pay corresponding to the pre-promotion post plus ad hoc fitment benefit, if any, shall be computed and rounded off to the next multiple of Rs. 10/-.

(b) In case of post to post promotion, revised pay in the Pay Band shall be fixed by adding the amount arrived at Clause (a) above to the existing pre-promotion pay of the employee in a Pay Band. He will also be given Grade Pay at enhanced rate as applicable to the promotion post.

- (c) In case the promotion from one post to another involves movement from one Pay Band to a higher Pay Band then also fixation of pay consequent to promotion shall be done in the same manner as at (a) and (b) above.

However, if the revised pay so arrived at consequent to promotion becomes lower than the minimum of the higher Pay Band to which he has been promoted, then his pay shall be fixed at the minimum of the higher Pay Band. After such fixation he will automatically move to the higher Pay Band to which he is promoted and he will also draw Grade Pay as applicable to the post to which he has been promoted.

Note: I. In case the Government employee opts to get his pay fixed from his date of next increment, then, on the date of promotion, pay in the Pay Band shall continue to be unchanged, but Grade Pay of the higher post shall be granted. Further, re-fixation shall be done on the date of his next increment, i.e. 1st day of July. On that day, such a Government employee shall be granted two increments; one annual increment and the second on account of promotion. While computing these two increments, basic pay prior to the date of promotion and Grade Pay corresponding to such pay in the Pay Band shall be taken in account. After allowing such increments, Grade Pay of the higher post/scale shall be allowed.

- II. In case the Government employee opts to get his pay fixed in the higher grade from the date of his promotion, he shall get his first increment in the higher grade on the next 1st July, if he was promoted between the period from 2nd July to 1st January. However, if he was promoted between period commencing from the 2nd January and ending on the 30th June of a particular year, he shall get his increment on the 1st July of the next year.

12. Fixation of pay in the revised pay structure subsequent to the 1st day of January, 2006

Where a Government employee continues to draw his pay in the existing scale and is brought over to the revised pay structure from a date later than the 1st day of January, 2006, his pay from the later date in the revised pay structure shall be fixed by adding the basic pay applicable on the later date, the dearness pay applicable on that date and the pre-revised dearness allowance based on rates applicable as on 1.1.2006. This figure will be rounded off to the next multiple of Rs. 10 and will then become the pay in the applicable pay band. In addition to this, the Grade Pay corresponding to the pre-revised pay scale will be payable.

13. Power of Interpretation of Rules

If any question arises relating to the interpretation of these Rules, it shall be referred to the Government of Assam in the Finance (PRU) Department, whose decision thereon shall be final.

14. Cases not covered by these rules

Cases not covered by these rules shall be decided on merit by the Finance Department, Government of Assam.

15. Overriding effect of the rules

In case where pay is regulated under these rules, the provisions of Fundamental Rules and/or any other rules, shall not apply to the extent they are inconsistent with these rules.

16. Typical illustrations

Some typical illustrations of fixation of pay in the revised pay scales are given in **Appendix-IX**.

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