

Financial Publication of the Government of Maharashtra



**MAHARASHTRA CIVIL SERVICES
(REVISION OF PAY) RULES, 1969**

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MAHARASHTRA CIVIL SERVICES (REVISION OF PAY) RULES, 1969.

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Maharashtra is pleased to make the following rules, namely:—

1. *Short Title.*—These rules may be called the Maharashtra Civil Services (Revision of Pay) Rules, 1969.

2. *Categories of Government servants to whom the rules apply.*—
(i) Save as otherwise provided by or under these rules, these rules shall apply to all persons who are under the rule-making control of the Governor of Maharashtra.

(ii) These rules shall not apply to—

- (a) Government servants not in whole time employment ;
- (b) Government servants on consolidated rates of pay ;
- (c) Government servants employed on contract except when the contract provides otherwise ;
- (d) Government servants paid out of contingencies including those borne on work charged establishments ;
- (e) Government servants who retired on or before 1st April 1966 and who were on re-employment on that date including those whose period of re-employment is extended after that date ;
- (f) Government servants specifically excluded wholly or in part by the Governor from the operation of these rules.

3. *Relaxation of Rules.*—Where the Governor of Maharashtra is satisfied that the operation of these rules causes undue hardship in any particular case, he may, by order, dispense with or relax the requirements of the rules to such extent and subject to such conditions as he may consider necessary for dealing with the case in a just and equitable manner.

4. *Power of Interpretation.*—If any question arises relating to interpretation of these rules, it shall be referred to the Government of Maharashtra in the Finance Department whose decision thereon will be final.

5. *Definitions.*—In these rules unless there is anything repugnant in the subject or context,—

(1) “Basic Pay” means pay as defined in Bombay Civil Services Rule 9(39)(a)(i), provided that where pay is drawn in a pre-1962 scale, basic pay means pay drawn in such scale, *plus* dearness pay as admissible under Government Resolution, Finance Department, No. DRP-3063/XXVI, dated the 15th February 1963, viz.:—

Pay range in the pre-1962 scale	Dearness pay.
Rs. 50 and below	Rs. 35
Rs. 51 and above upto Rs. 200 ...	Rs. 45
Rs. 201 and above upto Rs. 500 ...	Rs. 50
Rs. 501 and above upto Rs. 750 ...	Rs. 65
Rs. 751 and above upto Rs. 1,000.	Rs. 80
Rs. 1,001 and above upto Rs. 1,079.	Amount of dearness allowance admissible on the 1st July 1962 on the pre-1962 scale <i>minus</i> Rs. 20.

Provided further that where special pay is shown in the schedule as merged in the revised scale, basic pay includes special pay.

(2) “City scale” means a scale marked by the letter (C) in column 3 of the Schedule.

(3) “Completed years of service” means completed years of service, both officiating and substantive in the particular post or cadre or class within the cadre concerned and includes—

(i) the period of deputation, including deputation to foreign service, during which the Government servant concerned would otherwise have officiated or continued to officiate therein;

(ii) the period of leave including extra-ordinary leave, provided that the Government servant returned to the same or a higher post after such leave;

(iii) the officiating period during which a person appointed to the post was allowed a rate of pay fixed, under Bombay Civil Services Rule 66, at an amount less than that admissible under the rules.

(iv) broken periods of such service excluding the periods of service rendered prior to resignation, removal from service or dismissal.

Note 1.—In the case of employees allocated from the former States of Madhya Pradesh, Hyderabad, Saurashtra and Kutch, the service, if any, rendered in such former State in the posts which were declared as equivalent to the posts held on 1st April 1966 should be taken into account for the purpose of computing the “completed years of service”.

Note 2.—In cases where two or more previously existing scales were amalgamated into one revised scale in any earlier pay revision or where two or more existing scales in the same line of promotion are now replaced by a single revised scale, the service rendered in all such previously existing/existing scales should be taken into account for computing the “completed years of service”.

(4) “Existing scale” means the scale of pay, other than a pre-1962 scale of pay, applicable to a Government servant in respect of the post held by him in a substantive or officiating capacity on the 1st April 1966.

(5) “Pre-1962 scale” means the scale of pay which has remained in force from a date prior to 1st July 1962.

Explanation 1.—The scales which are pre-1962 scales are shown in column 3 of the Schedule by the words “pre-1962 scale” in brackets.

Explanation 2.—The scales of pay sanctioned by the former States of Madhya Pradesh, Hyderabad, Saurashtra and Kutch which were retained by the employees allocated from these States in exercise of the option admissible under Allocated Government Servants’ (Absorption, Seniority, Pay and Allowances) Rules, 1957 and which were not revised in the general revision of 1962 should be treated as pre-1962 scales of pay.

(6) “Present pay” in relation to any post means “basic pay” as defined in sub-rule (1) above, provided that—

(i) where the existing scale or the pre-1962 scale in which pay is drawn is a city scale, the “present pay” shall mean the basic pay in respect of such scale reduced by the amount as shown below:—

Basic pay in the City scale	Amount to be deducted from the Basic pay
Rs.	Rs.
Upto 87 7
88—98 8
99—109 9
110—120 10
121—131 11
132—175 12
176—1,013 8/108th of the amount of basic pay, fraction of a rupee being ignored.
1,014 and above 75

and that—

(ii) where an existing scale is split up and replaced by a revised scale and a special pay, the “present pay” shall mean the basic pay in respect of such existing scale reduced by the amount of the special pay.

Exception.—The provisions of the clause (ii) above shall not apply where the special pay is sanctioned in addition to the revised scale and not by splitting up the existing scale.

Explanation.—Where an existing city scale and a special pay is replaced by a revised scale (in which the special pay is merged) the “present pay” shall be the amount equal to the sum of basic pay in respect of the city scale plus the special pay, reduced by the amount as shown in clause (i) of this sub-rule. Conversely, where an existing city scale is replaced by a revised scale and a special pay, “present pay” for the purpose of this sub-rule shall be the basic pay in respect of the city scale reduced by the amount as shown in clause (i) of this sub-rule and further reduced by the amount of the special pay.

(7) “Revised scale” in relation to any post means the scale of pay of that post specified in column 4 of the Schedule, other than the scale which is identical with the existing scale of the post shown in column 3 of the Schedule.

Explanation.—Where the scales shown in columns 3 and 4 of the Schedule are identical, that is to say, where the two scales have the same minimum, maximum and the rate of increment, the scale shown in column 4 of the Schedule should *not* be treated as a “revised scale” for the purpose of these rules. If, however, the existing scale is a city scale, the scale shown in column 4 of the Schedule should be deemed to be a revised scale even if the two scales have the same minimum, maximum and rate of increment.

(8) “Schedule” means the schedule annexed to these rules. (Annexure II).

6. *Drawal of pay in the revised scales and option to retain existing scales.*—Save as otherwise provided in these rules, a Government servant shall draw, from the 1st April 1966, pay in the revised scale and special pay, if any, prescribed in column 4 of the schedule for the post held by him; provided that a Government servant who was in service on the 31st March 1966 shall have an option either (i) to come to the revised scale of pay with effect from the 1st April 1966 or (ii) to retain the existing scale or the pre-1962 scale of the post held by him until the date on which he earns his next or any subsequent increment in such existing or pre-1962 scale or until he vacates his post or ceases to draw pay in the post, such option, being exercised separately in respect of the pay scale of the post held in a substantive capacity and of the pay scale of the post held in an officiating capacity.

Note.—Where a Government servant allocated from the former States of Madhya Pradesh, Hyderabad, Saurashtra or Kutch, who has elected to retain the pay scale of the former State in respect of any post as well as the post of next higher promotion under the provisions of Allocated Government Servants' (Absorption, Seniority, Pay and Allowances) Rules, 1957, elects to come to the revised scale of pay in respect of the post held on 1st April 1966, his election of the former State scale in respect of the post of next higher promotion shall cease to operate as from the date on which he moves on to the revised scale of the post held on 1st April 1966.

7. *Exercise of option.*—(1) The option under rule 6 shall be exercised in writing so as to reach the authority mentioned in sub-rule (2) within 4 months of the date of issue of these rules or the orders revising the existing scales whichever is later provided that—

(i) in the case of a Government servant who is on that date out of India on leave or deputation or foreign service, the said option shall be exercised in writing so as to reach the prescribed authority within four months of the date of his taking over charge of his post in India ; and

(ii) where a Government servant is under suspension on the 1st April 1966, the option may be exercised within 4 months of the date of his return to duty if the date is later than the date prescribed in the sub-rule.

(2) The option shall be intimated by the Government servant in the form annexed to these rules (Annexure I)—

(a) if he is a gazetted officer, to his Accounts Officer ;

(b) if he is a non-gazetted Government servant, to the Head of his office.

(3) If the declaration regarding the option is not received within the time mentioned in sub-rule (1), the Government servant shall be deemed to have elected the revised scale of pay with effect from the 1st April 1966.

(4) The option once exercised shall be final.

8. *Fixation of initial pay in the revised scale.*—The initial pay of a Government servant who elects or is deemed to have elected under rule 7(3), the revised scale from the 1st April 1966, shall, unless in any case the Governor of Maharashtra by special orders otherwise directs, be fixed in the revised scale separately in respect of his substantive pay in the permanent post on which he holds a lien or would have held a lien if it had not been suspended and in respect of his pay in the officiating post, if any, held by him, in the following manner:—

(I) If the employee is the holder of a post which is on a time scale of pay (and not on a fixed rate of pay), his initial pay in the revised

scale shall be fixed at the highest of the three rates admissible under following alternatives (a), (b) and (c):—

- (a) present pay increased by an amount of Rs. 10 ;
- (b) the stage in the revised scale next above the present pay ;
- (c) the lower of the following two rates—
 - (i) present pay increased by an amount of Rs. 30 ;
 - (ii) the stage in the revised scale next above the present pay, increased by increments for completed years of service as shown below:—

Completed years of service	Number of increments to be added
less than 2	Nil
2	1
5	2
8	3
11 and more	4

Provided that if the highest rate admissible under the three alternatives is not a stage in the revised scale, the initial pay shall be fixed at the stage next below that rate, the difference being granted as personal pay to be absorbed in future increments and further provided that the initial pay or the sum of pay plus personal pay shall not exceed the maximum of the revised scale.

(II) If the employee is the holder of a post which is at present on a fixed rate of pay but for which a time scale is now prescribed, his initial pay in such time scale shall be fixed at lower of the following two rates, viz.:—

(a) the pay admissible under sub-rule (I) ;

(b) the pay to which the employee would have been entitled had the entire service rendered on the fixed pay (excluding the portion of service, if any, which does not count for increments in a time scale under the Bombay Civil Services Rules) been rendered in the revised scale.

Provided that in cases where the initial pay fixed under clause (b) of this sub-rule is lower than the present pay of the Government servant, the difference shall be granted as personal pay to be absorbed in future increments.

Note 1.—For the purpose of this Rule, minimum of the revised scale shall mean the actual minimum of the revised time scale and not the fixed pay below the minimum of the time scale prescribed for probationers. However, in the case of probationers who were drawing on 1st April 1966 a fixed rate of pay prescribed with reference to the existing scale, the corresponding fixed pay prescribed in the revised scale shall be allowed for the unexpired portion of their probationary pay.

Note 2.—When a Government servant is holding a permanent post substantively and is officiating in a higher post and the pay scales applicable to both these posts are merged into one scale, the pay shall be fixed under this rule with reference to the officiating pay only provided that he has continuously officiated in the higher post

for not less than one year on the 1st April 1966 and the pay so fixed shall be treated as his substantive pay. Where such a Government servant has not completed one year's continuous service in the higher officiating post on 1st April 1966, his pay in the revised scale shall be fixed separately with reference to his substantive pay and officiating pay in the existing scales and his pay in the revised scale fixed with reference to the officiating pay shall be treated as substantive pay in that scale after he has rendered service for the period by which it fell short of one year on the 1st April 1966, provided it is certified by the appointing authority that he would have continued to officiate in the higher officiating post during this period had the revised scale not been introduced. If, however, the appointing authority certifies that he would have reverted to the lower post during this period, his pay in the revised scale shall, from the date on which he would have reverted, be regulated on the basis of the pay fixed on the 1st April 1966 with reference to his substantive pay in the lower post.

The provisions of this note shall apply, *mutatis mutandis* to Government servants holding in an officiating capacity posts on different scales which have been replaced by a single revised scale.

9. *Date of next increment in the revised scale.*—The next increment of a Government servant whose pay has been refixed in accordance with rule 8 shall be granted in the revised scale on the date on which he would have drawn an increment in the existing scale or on the date on which an increment falls due in the revised scale, whichever is earlier, provided that in cases in which solely as a result of the operation of this rule a junior Government servant draws his next increment on a date earlier than his senior or seniors who belong to the same cadre and thereby draws more pay than the latter, the date of next increment of the latter shall be advanced to the date on which the former draws his next increment.

Explanation 1.—The concession of advancing the date of increment in the proviso to this rule will not be admissible to a senior, in respect of any period for which his increment in the revised scale is postponed due to causes unconnected with this rule e.g., withholding of increments, overstay of leave not specially allowed to count for increments. In other words, the period by which the next increment is to be accelerated should exclude periods which do not qualify for increment under the Bombay Civil Services Rules or other rules and orders made by competent authorities. Subsequent increments will be regulated in the usual manner.

Explanation 2.—In the case of a Government servant who is drawing pay at the maximum of the existing scale, next increment in the revised scale will accrue only after he has rendered service required to earn an increment in the revised scale, as he would not have drawn any increment in the existing scale.

10. *Increase in pay/additional increments for Government servants who elect to retain the existing scales on 1st April 1966.*—(1) Where a Government servant elects to retain the existing scale or pre-1962 scale

applicable to him on 31st March 1966 or elects to move on to the revised scale after the 1st April 1966, he shall be given an increase in the pay drawn by him on the 1st April 1966 in such existing or pre-1962 scale as shown below:—

(A) Where the Government servant has not rendered two completed years of service, his pay shall be re-fixed in the same existing or pre-1962 scale at a stage equal to the pay drawn by him on the 1st April 1966 increased by an amount of Rs. 10 provided that if the pay so admissible is not a stage in the pay scale, the pay shall be fixed at the stage next below such pay the difference being granted as personal pay to be absorbed in future increments and further provided that the initial pay or the sum of pay plus personal pay shall not exceed the maximum of the scale.

(B) Where the Government servant has rendered two or more completed years of service his pay shall be re-fixed in the same existing or pre-1962 scale at the highest of the three rates admissible under following alternatives:—

- (i) the pay admissible under clause (A) of this sub-rule ;
- (ii) the pay drawn on the 1st April 1966 increased by one increment ;
- (iii) the lower of the following two rates—
 - (a) the pay drawn on the 1st April 1966 increased by an amount of Rs. 30 ;
 - (b) the pay drawn on the 1st April 1966 increased by increments for completed years of service as shown below :—

Completed years of service	Number of increments to be added
2	1
5	2
8	3
11 and more.	4

Provided that if the highest rate admissible under the three alternatives is not a stage in the pay scale, the pay shall be fixed at the stage next below that rate, the difference being granted as personal pay to be absorbed in future increments and further provided that the pay or the sum of pay plus personal pay shall not exceed the maximum of the scale.

(2) The provisions of the above sub-rule shall apply to a Government servant who is holding a permanent post and officiating in another post and his pay in respect of both the posts shall be re-fixed in the manner prescribed thereunder.

(3) The next increment of a Government servant whose pay is re-fixed under this rule shall be granted on the date on which the Government servant would have drawn an increment in the scale.

11. *Regulation of temporary additional pay.*—The temporary additional pay of Rs. 5 sanctioned in Government Resolution, Finance Department, No. PAY-1065/3480-V, dated the 1st April 1965 shall be withdrawn as from the 1st April 1966 and the amount already drawn from that date to the date of issue of these orders shall be adjusted against the pay admissible under these orders. Recovery of over payments, if any, shall be waived.

12. *Protection in respect of Pension and Dearness Allowance for Government servants on city scales of pay.*—(1) Government servants who were drawing pay in a city scale of pay on the 31st March 1966 and are brought over to the revised scale from the 1st April 1966 or any subsequent date shall, in the event of their retiring from the post held on the 1st April 1966, be granted pension at the higher of the following rates, viz.:—

(a) The amount of pension that would have been admissible had the Government servant continued to draw pay in the city scale till the date of his retirement ;

(b) The amount of pension admissible on the basis of the pay drawn in the revised scale.

Note.—For the purpose of calculation of pension under alternative (a), the pay that would have been drawn in the city scale of pay applicable to any lower post held substantively or would have been held in an officiating capacity but for appointment to the higher post, should also be taken into account to the extent to which such pay is relevant for the purpose of calculation of pensionable pay.

(2) A Government servant who was drawing pay in a city scale of pay on the 31st March 1966 and on fixation of pay in the revised scale becomes eligible for a lower rate of pay and consequently a lower rate of dearness allowance shall, provided he elects to move on to the revised scale from a date prior to the 1st April 1969, continue to be paid dearness allowance at a rate not lower than the rate admissible on the pay drawn by him in the city scale on the date on which he moves on to the revised scale, till such time his pay in the revised scale increases and he becomes eligible for the higher rate of dearness allowance.

13. *Fixation of pay in the revised scales subsequent to 1st April 1966.*—Where a Government servant continues to draw pay in an existing scale or a pre-1962 scale and elects to come to a revised scale from a date later than 1st April 1966 his pay in the revised scale shall be fixed on such date at the stage equal to his "present pay" as defined in Rule 5(6), and if there is no such stage in the revised scale, at the stage next below that "present pay" the difference being granted as personal pay to be absorbed in future increments. His next increment shall be granted on the date on which he would have drawn an increment in the existing scale or on the date on which an increment falls due in the revised scale, whichever is earlier.

Note.—The “Explanation” below Rule 9 above regarding the date of next increment of a Government servant who is drawing pay at the maximum of the existing scale will apply in the cases covered by this Rule also.

14. *Fixation of pay in the revised scale on appointment to another post after 1st April 1966.*—(1) When a Government servant who has elected to retain the existing or pre-1962 scale of the post held by him on 31st March 1966 is transferred to another post on or after 1st April 1966, his pay on such transfer shall be fixed in the revised scale of the other post under the provisions of Bombay Civil Services Rules, viz. B. C. S. R.s 41, 56 and 57 and for this purpose his pay in respect of the first post shall be his “present pay” in that post on the date of transfer.

Explanation.—The provision of this sub-rule shall apply to all employees irrespective of whether the existing/pre-1962 scale retained is a mofussil scale or a city scale. Where the existing/pre-1962 scale which is retained is a city scale, the employee’s “present pay” on the date of transfer to the other post shall be first determined in terms of sub-rule 5(6) and his pay in the revised scale of the other post shall be fixed on the basis of such “present pay”.

(2) The initial pay of a Government servant who has officiated in a post prior to the 1st April 1966 but was not holding that post on that date, shall on his subsequent appointment to that post after that date, be fixed in the revised scale also under the provisions of Bombay Civil Services Rules 41, 56 and 57, provided that the pay so fixed shall not be less than the “present pay” to which he would have been entitled if he were to hold that post on the 1st April 1966 and were to draw, on that date, pay which he actually drew when he held the post on the last occasion.

Note.—The provisions of this Sub-Rule shall also apply to a Government servant who had held, prior to the 1st April 1966, another post which was at that time on the same scale of pay as, or on an identical scale of pay with that of the post to which he is appointed after that date.

15. *Over-riding effect of the rules.*—In cases where the pay is regulated under these rules, the provisions of Bombay Civil Services Rules shall not apply to the extent they are inconsistent with these rules.

16. *Commencement.*—These rules shall be deemed to have come into force from the 1st April 1966. However, arrears arising from the rules will be payable only for the period falling from the 1st July 1968. As for the period prior to the 1st July 1968 orders will be issued in due course.

ANNEXURE I

FORM OF OPTION

(See Rule 7)

I. _____ ^{*substantive}
 _____ ^{*officiating}
 holder of the post of _____ in the scale of
 Rs. _____ in the Office of the _____
 hereby :—

* (i) elect the revised scale of the post with effect from 1st April 1966 ;

* (ii) elect to retain the ^{*existing}
_{*pre-1962} scale of the post until

 *the date of my next increment

 *the date of my subsequent increment raising my pay to Rs. _____

 *I vacate or cease to draw pay in that scale.

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

Date 196
 Signature.

Signed before me.

Date 196
 Signature.

Head of the Office (in the case of
 non-gazetted Government servant).

Date 196
 Signature.

Another Gazetted Officer (in the
 case of Gazetted Officer).

.....
 Received the above Declaration.

Date 196
 Signature.

Assistant Accountant General,
 Pay and Accounts Officer,
 Head of Office.

*Note:—*The option should be exercised separately in respect of substantive and officiating appointments.

* To be scored out if not applicable.