

# GOVERNMENT OF TAMIL NADU

## Abstract

Tamilnadu Revised Scales of Pay Rules, 1985 - Junior getting more pay than the senior - Rectification of - Orders - issued.

### Finance (Pay Cell) Department

G.O.Ms.No.859.

Dated 11th September, 1986.

Atchayya, Avani 26,

Thiruvalluvar Aandu, 2017.

Read:-

1. G.O.Ms.No. 555, Finance (PC) Department, dated 10.6.85
2. Letter from Agriculture Department, No. 3104/AA. IV/86-1 dated 28.1.86.

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### ORDER:

As per rule 5(b) of the Tamilnadu Revised Scales of Pay Rules, 1985, the pay of a senior can be refixed on par with the pay of his junior, if the junior gets higher pay consequent on drawal of increment on an earlier date in the revised scales of pay under rule 5(a) of the said rules. A number of points for clarification have been raised regarding the application of this rule.

2. The Government, after careful examination have decided to issue the following guidelines. In exercise of the powers conferred by rule 7 of the Tamilnadu Revised Scales of Pay Rules, 1985, the Government direct that the pay of the senior may be refixed on par with the pay of his junior in the following situations:-



- (i) Where two employees belonging to the same category in the same scale of pay have their pay fixed in the same revised pay scale of the category under Tamilnadu Revised Scales of Pay Rules, 1985;
- (a) the junior among them, on securing his annual increment in the revised scale on a date earlier than the senior, draws more pay than the senior;
  - (b) the pay of the junior among them is fixed under Rule 4(2)(i) with effect from a date subsequent to 1.10.84 or refixed under Rule 4(2) (ii) under Tamilnadu Revised Scales of Pay Rules, 1985 at a stage higher than that of the revised pay of the senior; or
  - (c) the junior who opt to come under the revised scales of pay from a date subsequent to 1.10.84 and happens to get more pay than his senior by way of fitment benefit.
- (ii) where the senior among two or more employees, having been promoted to the higher post before 30.9.84 was drawing more pay than his junior as on 30.9.84 and on fixation of pay under the Tamilnadu Revised Scales of Pay Rules, 1985, the junior promoted to the same higher post subsequently happens to get more pay than the senior; and
- (iii) the pay of the senior shall be stepped upto the level of the pay of the junior with effect from the date from which the junior draws more pay than the senior as at (i) or (ii) above only if the senior was drawing equal or higher rate of pay than that of his junior from time to time in the lower post and prior to 1.10.84, i.e., the date of increment of the senior for reaching a stage in the time scale of pay. The date of subsequent annual increments of the senior will be after completing the requisite qualifying service. Illustrations are given in Annexure.

3. There shall be no refixation of the pay of the senior except in the circumstances stated in paragraph 2 above.

4. The following instances of the junior drawing more pay than the senior shall not, however, be considered anomalous.

- (a) Junior getting advance increment for possessing or acquiring higher qualifications while the senior not getting it because he is not so qualified;
- (b) Senior going on leave which will not count for increment under the rules;
- (c) Punishment of stoppage of increment or reduction to a lower service, grade or post or to a lower time scale, being awarded to the senior;



- (d) Senior being overlooked for promotion to the higher post at the time of preparation of panel on merit or due to non-possession of the qualification prescribed for promotion to the higher post;
- (e) When one is promoted to the higher post from an earlier date with reference to the temporary panel and subsequently he is placed as junior in the regular panel approved by the Tamilnadu Public Service Commission, he may draw more pay than his seniors in the regular panel;
- (f) The junior securing promotion from the lower rank getting his pay fixed in the higher post, under. FR. 22-B, at a stage higher than that of the directly appointed senior;
- (g) When a junior is appointed to a higher post from an intermediary post outside his regular line, he may draw more pay than his senior in the regular line.
- (h) When different posts outside their regular line are being held by more than one person and monetary benefit under the "next below" rule is given only to the senior most person, the other seniors who are outside their regular line may draw less pay than their juniors in the regular line;
- (i) Deputation to other Governments will not count for increment in the post in which a Government servant is given proforma promotion in his parent department to a higher post without prejudice to his being on deputation. In such a case, the senior who is away on deputation may draw only less pay than his junior who is holding the higher post in the parent department.

Provided that cases arising on account of (e) above may be examined on their merits.

5. The refixation of pay of the seniors under this order shall be done by the appointing authorities.

6. These orders shall also apply to the employees of local bodies and teachers and non-teaching staff of aided educational institutions whose pay has been revised in G.O.Ms.No.555, Finance (PC) Department, dated 10.6.85.

(By Order of the Governor)

G. RAMACHANDRAN,  
Commissioner and Secretary to  
Government