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NOTIFICATIONS BY GOVERNMENT

PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT

Amendments to the Fundamental Rules.

[G.O. Ms. No. 39, Personnel and Administrative Reforms (FR.IV), 30th March 2016, பங்குனி 17, மன்மத, திருவள்ளூர் ஆண்டு-2047.]

No. SRO B-33/2016.—In exercise of the powers conferred by the proviso to Article 309, read with Article 313 of the Constitution of India and of all other powers hereunto enabling, the Governor of Tamil Nadu hereby makes the following amendments to the Fundamental Rules.

2. The amendments hereby made shall be deemed to have come into force on the 1st January 2006.

AMENDMENTS

In the said Fundamental Rules, in rule 22B,-

(1) for the paragraph commencing with the expression “Notwithstanding anything contained in these rules,” and ending with the expression “in the time scale of pay of the higher post”, the following paragraph shall be substituted, namely:—

“Notwithstanding anything contained in these rules, where a Government servant holding a post in a substantive or officiating capacity, is promoted or appointed in a substantive or officiating capacity, to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him, his initial pay in the pay band of the higher post shall be fixed by increasing one increment equal to three percent of the sum of the pay in the pay band and the existing grade pay, and it shall be computed and rounded off to the next multiple of 10. This shall be added to the existing pay in the pay band and the difference in grade pay corresponding to the promotion/higher post and the feeder post shall thereafter be granted in addition to this pay in the pay band. In cases where promotion involves change in the pay band also, the same methodology shall be allowed. However, if the pay in the pay band in the lower post after addition of the increment is less than the minimum of the higher pay band in the promotion post, pay in the pay band shall be stepped up to the minimum in the higher post.”;

(2) the first, third, fourth, fifth, sixth and seventh provisos shall be omitted;

(3) in the second proviso, the word “further” shall be omitted;

(4) after the second proviso as so amended, the following proviso shall be inserted, namely:—

“Provided further that where the pay so arrived at under this rule exceeds the maximum in the pay band, pay shall be fixed beyond the maximum of the pay band and shall be allowed biennial increment at the rate of three percent of the basic pay including grade pay as stagnation increment.”;

(5) in the eighth proviso,—

(a) in clause (i), for the expression “time scale of pay”, the expression “Pay band” shall be substituted;

(b) for clause (ii), the following clause shall be substituted, namely:—

“(ii) for fixation of pay on the date of promotion or appointment to the higher post initially to draw the same pay in the pay band in the lower post or minimum in the higher pay band where promotion or appointment involves change in the pay band, whichever is higher together with the difference in grade pay among the feeder post and promotion post and for re-fixation of pay under this rule on the date of accrual of next increment in the lower post. The pay shall be fixed in the promotion post after sanctioning three percent of the pay and grade pay on the normal date of increment in the lower post and then another three percent of the basic pay including grade pay in the lower post. Such option shall be exercised within a period of one month from the date of promotion or appointment. The option once exercised shall be final. If no such option is exercised within the said period of one month, the pay shall be fixed in the manner as provided in clause (i) above. If the pay is fixed in the manner as provided in this clause, next increment shall be allowed on completion of the required qualifying period of one year with effect from the date of re-fixation of pay.”;

(6) in the ninth proviso, for the expression “time scale” wherever it occurs, the expression “pay band and grade pay” shall be substituted;

(7) for Explanation 4, the following Explanation shall be substituted, namely:—

“Explanation 4,- In cases of non permanent Government servants, where the period of absence is treated as "non- duty", the fourth proviso to this rule shall not apply and the period of service prior to such "non-duty" shall not count for increment.”;

(8) in ruling (2) (ii) and ruling (6), for the expression “the scale of Pay”, the expression “pay band and grade pay” shall be substituted;

(9) rulings (7), (8), (9) and (10) shall be omitted;

(10) for ruling 11, the following ruling shall be substituted, namely:—

(11) (1) In cases where a Government servant who has already been moved to Selection Grade or Special Grade of the lower post prior to 1.1.2006 is promoted or appointed to a higher post after 1.1.2006 and also in cases where a Government servant has moved to Selection Grade or Special Grade after 1.1.2006 and opted for revised scale of pay on a subsequent date after 1.1.2006 in whose cases their Selection Grade or Special Grade of the lower post carries identical or higher pay band and or grade pay, the Government Servant shall be allowed to continue in the same identical or higher pay band and grade pay applicable to Selection grade or Special grade of the lower post as per the clarifications issued in Government Letter No.45113/Finance (PC) Department, dated 17.08.2009 with one increment benefit either from the date of promotion or appointment or from the date of accrual of next increment in the lower post, based on the option exercised by the Government Servant.

(2) The option once exercised shall be final, If no such option is exercised within one month from the date of promotion or appointment, the pay shall be fixed from the date of promotion or appointment.

(3) The next increment shall be allowed on completion of the required qualifying period of one year with effect from the date of fixation of pay;

(11) after ruling (11) as so substituted, the following Note shall be added, namely:—

“Note.- The above modes of fixation of pay shall take notional effect from 1.1.2006 with monetary benefit from 1.1.2007 and all the conditions issued from time to time regarding notional effect and monetary benefit for fixation of pay shall be adhered to”.

P.W.C. DAVIDAR,
Principal Secretary to Government (In-Charge).