

## FINANCE DEPARTMENT

Mantralaya, Bombay 400 032, dated the 2nd July 1993

### CONSTITUTION OF INDIA

No. PAY-1088/CR-253/SER-3.—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Maharashtra is hereby pleased to make the following rules further to amend the Maharashtra Civil Services (Pay) Rules, 1981, as follows, namely :—

1. These rules may be called the Maharashtra Civil Services (Pay) (Amendment) Rules, 1993.
2. In the Maharashtra Civil Services (Pay) Rules, 1981, in rule 11,—
  - (a) for sub-rule (1), following sub-rule shall be and shall be deemed to have been substituted with effect from the 5th October 1981, namely :—
    - (1) When appointment to the new post involves assumption of duties or responsibilities of greater importance than those attaching to the old post; and
    - (a) if he is holding a post not higher than class I post, the minimum pay of which is Rs. 1,500 his initial pay in the time-scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has occurred and in the case of a Government servant drawing pay at the maximum of the pay-scale by an amount equivalent to the last increment ; and
    - (b) if he is holding a post which is also a Class I post and carries a time-scale of pay the minimum of which is more than Rs. 1,500 he will draw as initial pay the stage of the time-scale next above his pay in respect of the old (lower) posts :

Provided that a Government servant who is regularly promoted to the higher post which is in direct line of promotion, may, at his option, to be exercised within one month from the date of his promotion, elect to get his pay fixed in one of the following manners, namely :—

- (i) either to get his pay fixed under clause (a) straightway without any further review on accrual of increment in the pay-scale of the lower posts ; or
- (ii) to get his pay fixed under clause (b) initially and to get his pay refixed under clause (a) on the date of accrual of next increment in the scale of the lower post.

If the pay is refixed under clause (a) on accrual of the increment in the lower post as per his option, the date of next increment shall fall due on completion of 12 months from the date of pay is refixed. ” ;

(b) Explanation below sub-rule (5) shall be and shall be deemed to have been deleted with effect from the 5th October 1981 ;

(c) after Instruction 2 but before the Note thereunder, the following *Instruction 3* and *4* shall be and shall be deemed to have been inserted with effect from the 1st May 1981 and the 5th October 1981, respectively namely :—

*Instruction 3.*—In case a senior Government servant drawing pay in a pay-scale, the minimum of which does not exceed Rs. 1,500 who is promoted prior to the 1st May 1981 and in whose case pay was fixed straightway under rule 11 (1)(a) draws less pay than his junior promoted on or after the 1st May 1981 and in whose case pay was initially fixed in terms of clause (ii) of the proviso to rule 11 (1) in the manner as provided under rule 11 (1)(b) and the same was refixed under rule 11 (1)(a) on the date of accrual of next increment in the lower post, the pay of the senior Government servant should be stepped up to a figure equal to the pay as fixed for the junior Government servant in that higher post under rule 40, from the date, the pay of the junior Government servant was refixed in the higher post in terms of clause (ii) of the proviso to rule 11 (1) and it shall be subject to the fulfilment of the conditions mentioned at (a) to (c) of Instruction 3 above.

*Instruction 4.*—In case, a senior Class I Officer drawing pay in the pay-scale, the minimum of which does not exceed Rs. 1,500 who is promoted to a higher post prior to the 5th October 1981 but drawing less pay than his junior promoted subsequently to higher post on or after the 5th October 1981, the pay of the senior Class I Officer in the higher post should be stepped up to a figure equal to the pay as fixed for the junior subject to the fulfilment of the following conditions and the next increment of such senior officer will be drawn on completion of the required qualifying service with effect from the date of refixation of pay, namely :—

- (a) both the senior and junior officer should belong to the same cadre and the post in which they have been promoted on regular basis should be identical and in the same cadre and in the same line of promotion ;

(b) scales of pay of the lower and higher post in which they are entitled to draw pay should be identical ; and

(c) the anomaly should be directly as a result of this provision. For example, if even in the lower post the junior officer was in receipt of higher pay than the senior officer by virtue of fixation of pay under the normal rules or due to any advance increments granted to him, or, fixation of pay of the junior officer on promotion was regulated under different provisions other than these provisions, then the provisions contained in respect of stepping up of the pay should not be evoked to step up the pay of the senior officer.

By order and in the name of the Governor of Maharashtra,

**P. SUBRAHMANYAM,**  
Principal Secretary to Government.

To

The Secretary to Government of India, Ministry of Finance, New Delhi.  
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 \*The Secretary, Maharashtra Legislature Secretariat, Bombay,  
 The Chief Executive Officers of all Zilla Parishads,  
 All Departments of Mantralaya,  
 All Heads of Departments and Heads of Offices under the various Departments of Mantralaya,  
 All Desks in Finance Department,  
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\*By letter.