FINANCE DEPARTMENT

Mantralaya, Mumbai-400032,
Dated the 22nd April 2009.

NOTIFICATION

CONSTITUTION OF INDIA.

No.RPS 1209/CR-27/SER-9.– 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, namely :—

1. **Short title and commencement.**—

(1) These rules may be called the Maharashtra Civil Services (Revised Pay) Rules, 2009.

(2) They shall be deemed to have come into force on the 1st day of January 2006.

2. **Categories of Government Servants to whom rules apply.**—

(1) 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.

(2) These rules shall not apply to, —

(a) Government servants not in the whole time employment ;

(b) Government servants on consolidated rates of pay ;

(c) Government servants employed on contract except where the contract provides otherwise;

(d) Government servants paid out of contingencies ;

(e) Government servants borne on work charged establishments who are not on regular time scale and whose pay scales are not identical with the pay scales of the corresponding posts on the regular establishment ;

(f) daily rated employees ;

(g) Government servants who retired on or before the 31st December 2005 and who were on re-employment on that date including those whose period of re-employment extended after that date;

(h) Government servants specifically excluded wholly or in part by the Governor of Maharashtra from the operation of these rules.

3. **Definitions.**- In these rules unless the context otherwise requires.—

(1) "Annexure" means the Annexures appended to these rules;

(2) " basic pay " in the revised pay structure means the pay drawn in the prescribed pay band plus the applicable grade pay but does not include any other type of pay like special pay, etc. In the case of Government servants in the pay scale of higher administrative grade+(HAG+), basic pay means a pay in the prescribed scale.

(3) "existing basic pay" means pay drawn in the prescribed scale of pay, including stagnation increment or increments, but does not include any other type of pay like " special pay ", etc.

(4) "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 plus dearness pay.

(5) "existing scale" means the present scale applicable to the post held by the Government servant 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 servant, 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 scale" includes the scale applicable to the post which he would have held but for his being on deputation out of India or on leave or on foreign service or, as the case may be, but for his officiating in a higher post.

Note.—A list of existing scales of pay in operation excluding University Grants Commission scales is given in Annexure I.

(6) " grade pay " is a fixed amount corresponding to the pre-revised pay scales or posts specified in column 5 of the Schedule;

(7) " pay in pay band " means pay drawn in the running pay bands specified in column 4 of the Schedule.

(8) " present scale " in relation to any post specified in column 2 of the Schedule means the scale of pay whether fixed or otherwise specified against that post in column 3 thereof;

(9) " revised emoluments " means the pay in the pay band plus the grade pay of a Government servant in the revised pay structure or the basic pay in higher administrative grade+ (HAG+);

(10) " revised pay structure " in relation to any post specified in column 2 of the Schedule means the pay band and grade pay specified against that post or the pay scale specified in column 4 and 5 thereof, unless a different revised pay band and grade pay or pay scale is notified separately for that post.

Note:— A list of revised pay structure is given in Annexure II.

(11) " Schedule " means a Schedule appended to these rules.

4. Scale of pay or pay structure of posts.- As from the date of commencement of these rules, the pay band and grade pay in the revised pay structure of every post specified in column 2 of the Schedule shall be as specified against it in column 4 and 5 thereof.

5. Drawal of pay in the revised pay structure.- Save as otherwise provided in these rules, a Government servant shall draw pay in the revised pay structure applicable to the post to which he is appointed:

Provided that a Government servant may elect to continue to draw a pay in the existing scale until the date on which he earns his next or any subsequent increment in the existing scale or until he vacates his post or ceases to draw pay in that scale:

Provided further that, in cases where a Government servant has been placed in a higher pay scale between the 1st day January 2006 and the date of notification of these Rules on account of promotion, upgradation of pay scale, etc., the Government servant may elect to switch over to the revised pay structure from the date of such promotion, upgradation, etc.

Explanation 1.—The option to retain the existing scale under the provisos to this rule shall be admissible only in respect of one existing scale.

Explanation 2.— The aforesaid option shall not be admissible to any person appointed to a post on or after the 1st day of January 2006, whether for the first time in Government service or by transfer from another post and he shall be allowed pay only in the revised pay structure.

Explanation 3.— Where a Government servant exercises the option under the provisos to this rule to retain the existing scale in respect of a post held by him in an officiating capacity on a regular basis for the purpose of regulation of pay in that scale or under any other rule or order applicable to that post, his substantive pay shall be the substantive pay which he would have drawn had he retained the existing scale in respect of the permanent post on which he holds a lien or would have held a lien had his lien not been suspended or the pay of the officiating post which has acquired the character of substantive pay in accordance with any order for the time being in force, whichever is higher.

6. Exercise of Option.—

(1) The option under the proviso to rule 5 shall be exercised in writing in the form appended to these rules as Annexure IV so as to reach the authority mentioned in sub rule *(2)* **within one month from the date of issue of this notification** or where an existing scale has been revised by any amendment to these rules within one month of the date of such order:

Provided that;

(i) in the case of a Government servant who is, on the date of such publication or, as the case may be, date of such order, out of India on leave or deputation or foreign service or active service, the said option shall be exercised in writing so as to reach the said authority within one month of the date of his taking charge of his post in India, and

(ii) where a Government servant is under suspension on the 1st day of January 2006, the option may be exercised within one month of the date of his return to his duty if that date is later than the date prescribed in this sub-rule.

(2) The option shall be intimated by the Government servant to the Head of his Office.

(3) If the intimation regarding option is not received within the time mentioned in sub- rule (1), the Government servant shall be deemed to have elected to be governed by the revised pay structure with effect on and from the 1st day of January 2006.

(4) The option once exercised shall be final.

Note 1.— Persons whose services were terminated on or after the 1st day of January 2006 and who could not exercise the option within the prescribed time limit, on account of death, discharge on the expiry of the sanctioned posts, resignation, dismissal or discharge on disciplinary grounds, are entitled to the benefits of this rule.

Note 2.— Persons who have died on or after the 1st day of January 2006 and could not exercise the option within the prescribed time limit be deemed to have opted for the revised pay structure on and from the 1st day of January 2006 or such later date as is most beneficial to their dependents, if the revised pay structure is more favourable and in such cases, necessary action for payment of arrears should be taken by the Head of Office.

Note 3.— Persons who were on earned leave or any other leave on 1st day of January 2006 which entitled them to leave salary will be allowed the benefits of these rules.

7. Fixation of initial pay in revised pay structure.—

(1) The initial pay of a Government servant who elects, or is deemed to have elected under sub-rule *(3)* of rule 6 to be governed by the revised pay structure on and from the 1st day of January 2006, shall, unless in any case the Governor by special order otherwise directs, be fixed 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 held by him, in the following manner, namely :-

(A) In the case of all employees :—

(i) the pay in the revised pay band or pay scale will be determined by multiplying the existing basic pay as on the 1st day of January 2006 by a factor of 1.86 and rounding off the resultant figure to the next multiple of 10.

(ii) if the minimum of the revised pay band or pay scale is more than the amount arrived at as per *(i)* above, the pay shall be fixed at the minimum of the revised pay band or pay scale;

Provided that,—

Where, in the fixation of pay, the pay of Government servants drawing pay at two or more consecutive stages in an existing scale gets bunched, that is to say, gets fixed in the revised pay structure at the same stage in the pay band, then, for every two stages so bunched, benefit of one increment shall be given so as to avoid bunching of more than two stages in the revised running pay bands. For this purpose, the increment will be calculated on the pay in the pay band. Grade pay would not be taken into account for the purpose of granting increments to alleviate bunching.

In the case of pay scales in higher administrative grade (HAG) in the pay band PB-4, benefit of increments due to bunching shall be given taking into account all the stages in different pay scales in this grade. In the case of higher administrative grade+(HAG+) scale, benefit of one increment for every two stages in the pre-revised scale will be granted in the revised pay scale.

If by stepping up of the pay as above, the pay of a Government servant gets fixed at a stage in the revised pay band or pay scale (where applicable) which is higher than the stage in the revised pay band at which the pay of a Government servant who was drawing pay at the next higher stage or stages in the same existing scale is fixed, the pay of the later shall also be stepped up only to the extent by which it falls short of that of the former.

(iii) the pay in the pay band will be determined in the above manner. In addition to the pay in the pay band, grade pay corresponding to the existing scale will be payable.

(B) In the case of employees who are in receipt of special pay or allowance in addition to pay in the existing scale which has been recommended for replacement by a pay band and grade pay without any special pay or allowance, pay shall be fixed in the revised pay structure in accordance with the provisions of clause *(A)* above.

(C) In the case of employees who are in receipt of special pay component with any other nomenclature in addition to pay in the existing scales and in whose case the same has been replaced in the revised pay structure with corresponding allowance or pay at the same rate or at a different rate, the pay in the revised pay structure shall be fixed in accordance with the provisions of clause *(A)* above.

Note 1.– A Government servant who is on leave on the 1st day of January 2006 and is entitled to leave salary shall become entitled to pay in the revised pay structure from the 1st day of January 2006 or the date of option for the revised pay structure. Similarly, where a Government servant is on study leave on the 1st day of January 2006 he will be entitled to the benefits under these Rules from the 1st day of January 2006 or the date of option.

Note 2. – A Government servant under suspension shall continue to draw subsistence allowance based on existing scale of pay and his pay in the revised pay structure will be subject to the final order on the pending disciplinary proceedings.

Note 3. – Where a Government servant is holding a permanent post and is officiating in a higher post on a regular basis and the scales applicable to these two posts are merged into one scale, the pay shall be fixed under this sub-rule with reference to the officiating post only, and the pay so fixed shall be treated as substantive pay.

The provisions of this Note shall apply *mutatis mutandis*, to Government servants holding in an officiating capacity, posts on different existing scales which have been replaced by the revised pay structure.

Note 4.– Where the existing emoluments exceeds the revised emoluments in the case of any Government servant, the difference shall be allowed as personal pay to be absorbed in future increases in pay.

Note 5.– Where in the fixation of pay under sub-rule *(1)*, the pay of a Government servant, who, in the existing scale was drawing immediately before the 1st day of January 2006 more pay than another Government servant junior to him in the same cadre, gets fixed in the revised pay band at a stage lower than that of such junior, his pay shall be stepped upto the same stage in the revised pay band as that of the junior.

Note 6.– Where a Government servant is in receipt of personal pay on the 1st day of January 2006, which together with his existing emoluments exceeds the revised emoluments, then, the difference representing such excess shall be allowed to such Government servant as personal pay to be absorbed in future increases in pay.

Note 7.– In the cases where a senior Government servant promoted to a higher post before the 1st day of January 2006 draws less pay in the revised pay structure 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 servant 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 servant subject to the fulfillment of the following conditions, namely:—

(a) both the junior and the senior Government servants should belong to the same cadre and the posts in which they have been promoted should be identical in the same cadre.

(b) the pre-revised scale of pay and the pay band and grade pay in the revised pay structure of the lower and higher posts in which they are entitled to draw pay should be identical.

(c) the senior Government servant at the time of promotion should have been drawing equal or more pay than the junior.

(d) the anomaly should be directly as a result of the application of the provisions of rule 11 of the Maharashtra Civil Services (Pay) Rules,1981 or any other rule or order regulating pay fixation on such promotion in the revised pay structure. If even in the lower post, the junior Government servant was drawing more pay in the pre-revised scale than the senior by virtue of any advance increments granted to him, provision of this Note need not be invoked to step up the pay of the senior Government servant.

(2) Subject to the provisions of rule 5, if the pay as fixed in the officiating post under sub-rule *(1)* is lower than the pay fixed in the substantive post, the former shall be fixed at the same stage as the substantive pay.

8. <u>Fixation of pay in revised pay structure of employees appointed as fresh recruits on or after 1st day of January 2006.</u>—

Annexure III of these Rules indicates the entry level pay in the pay band at which the pay of direct recruits to a particular post carrying a specific grade pay will be fixed on or after the 1st day of January 2006.

This will also be applied in the case of those recruited between the 1st day of January 2006 and the date of issue of this Notification. In such cases, where the emoluments in the pre-revised pay scales exceeds the sum of the pay fixed in the revised pay structure and the applicable dearness allowance thereon, the difference shall be allowed as personal pay to be absorbed in future increments in pay.

9. Rate of increment in revised pay structure.—The rate of increment in the revised pay structure will be 3% of the sum of the pay in the pay band and grade pay applicable, which will be rounded off to the next multiple of 10. The amount of increment will be added to the existing pay in the pay band.

10. Date of next increment in the revised pay structure.—There will be a uniform date of annual increment, viz. 1st July of every year. Employees completing 6 months and above in the revised pay structure as on the 1st day of July will be eligible to be granted the increment. The first increment after fixation of pay on the 1st day of January 2006 in the revised pay structure will be granted on the 1st day of July 2006. Accordingly, all Government servants who earned their last increment between the 2nd day of January 2005 and the 1st day January 2006 would get their next increment on the 1st day of July 2006.

Provided that, in the case of Government servants whose date of increment falls on the 1st day of January 2006, the increment will be drawn in the pre-revised scale and pay fixed in accordance with these rules after including this increment. The next increment in the revised pay structure in such cases will be drawn on the 1st day of July 2006:

Provided further that, in the case of employee who had been drawing maximum of the existing scale for more than a year as on the 1st day of January 2006, the next increment in the revised pay structure shall be allowed on the 1st day of January 2006. Thereafter, the provision of Rule 10 would apply:

Provided also that, in cases where an employee reaches the maximum of his pay band, shall be placed in the next higher pay band after one year of reaching such a maximum. At the time of placement in the higher pay band, benefit of one increment will be provided. Thereafter, he will continue to move in the higher pay band till his pay in the pay band reaches the maximum of PB-4, after which no further increments will be granted.

Note.– In cases where two existing scales, one being a promotional scale for the other, are merged, and the junior Government servant, now drawing his pay at equal or lower stage in the lower scale of pay, happens to draw more pay in the pay band in the revised pay structure than the pay of the senior Government servant in the existing higher scale, the pay in the pay band of the senior government servant shall be stepped up to that of his junior from the same date and he shall draw next increment in accordance with Rule 10.

11. Fixation of pay in revised pay structure subsequent to 1st day of January 2006.— In respect of the Government servant who draws his increment annually and who opts to switchover to the revised pay structure from the date of his next increment following after the 1st day of January 2006 in respect of the post held by him on the 1st day of January 2006, his pay from the later date in the revised pay structure shall be fixed in the following manner:—

Pay in the pay band will 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 the 1st day of January 2006. This figure will be rounded off to the next multiple of 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. Where the Government servant is in receipt of special pay, the methodology followed will be as prescribed in rule 7 *(1) (B)* or *(C)* as applicable, except that the basic pay and dearness pay to be taken into account will be the basic pay and dearness pay applicable as on that date but dearness allowance will be calculated as per rates applicable on the 1st day of January 2006.

12. <u>Fixation of pay on reappointment after 1st day of January 2006 to a post held prior to that date</u>.—

A Government servant who had officiated in a post prior to the 1st day of January 2006 but was not holding that post on that date and who on subsequent appointment to that post draws pay in the revised pay structure shall be allowed the benefit of the proviso to rule 11 of the Maharashtra Civil Services (Pay) Rules,1981, to the extent it would have been admissible had he been holding that post on the 1st day of January 2006, and had elected the revised pay structure on and from that date.

13. <u>Fixation of pay on promotion on or after the 1st day of January 2006</u>.—

(A) In the case of promotion from one grade pay to another in the revised pay structure, the fixation will be done as follows:—

(i) One increment equal to 3% of the sum of the pay in the pay band and the existing grade pay will be computed and rounded off to the next multiple of 10. This will be added to the existing pay in the pay band. The grade pay corresponding to the promotional post will 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 will be followed. However, if the pay in the pay band after adding the increment is less than the minimum of the higher pay band to which promotion is taking place, pay in the pay band will be stepped to such minimum.

(ii) In the case of promotion from PB-4 to higher administrative grade+ (HAG+), after adding one increment in the manner prescribed in the rule 9, the pay in the pay band and existing grade pay will be added and the resultant figure will become the basic pay in higher administrative grade+ (HAG+). This shall not exceed Rs. 80,000, the maximum of the scale.

(B) On promotion from one grade to another, a Government servant has an option under rule 11 of the Maharashtra Civil Services (Pay) Rules,1981 to get his pay fixed in the higher post either from the date of his promotion, or from the date of his next increment, viz. 1st July of the year. The pay will be fixed in the following manner in the revised pay structure:—

(i) In case the Government servant 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 unchanged, but the grade pay of the higher post will be granted. Further re-fixation will be done on the date of his next increment i.e. 1st July. On that day, he will be granted two increments; one annual increment and second on account of promotion. While computing these two increments, basic pay prior to the date of promotion shall be taken into account.

(ii) In case of Government servant 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 day of July if he was promoted between 2nd day of July and 1st day of January. However, if he was promoted between 2nd day of January and 30th day of June of a particular year, he shall get his increment on 1st day of July of next year.

14. <u>Fixation of pay of employees who received benefit of Time Bound Promotion or Assured Career Progression Scheme before 1st day of January 2006.</u>—

(1) If an employee who got the benefits of Time Bound Promotion or Assured Career Progression Scheme prior to 1st day of January 2006 got a promotion after that but before the 1st day of January 2006, his pay in the revised pay structure shall be fixed in manner prescribed in the rule 7 or 11, as the case may be.

(2) If an employee who got the benefits of Time Bound Promotion or Assured Career Progression Scheme prior to the 1st day of January 2006 did not get any promotion after that, but has further promotion opportunities, his pay band will be the one corresponding to his promotional post and his pay in the revised pay structure shall be fixed in manner prescribed in the rule 7 or 11, as the case may be. However, his grade pay will be equal to the grade pay corresponding to his scale of pay just prior to getting him the benefits of Time Bound Promotion or Assured Career Progression Scheme plus 50% (subject to a minimum of Rs. 100) of the difference between that grade pay and the grade pay corresponding to the promotional post.

(3) If an employee who got the benefits of Time Bound Promotion or Assured Career Progression Scheme prior to the 1day of January 2006 has no further promotion opportunities, his pay band and grade pay will be the one corresponding to the existing pay scale prior to getting the benefits of Time Bound Promotion or Assured Career Progression Scheme and his pay in the revised pay structure shall be fixed in the manner prescribed in the rule 7 or 11, as the case may be. In addition, he will be entitled to the additional grade pay as mentioned below:-

(a) Rs. 200 - if the grade pay corresponding to the pay scale entitled to him prior to getting the benefits of the above scheme is upto Rs. 2000;

(b) Rs. 300 - if the grade pay corresponding to the pay scale entitled to him prior to getting the benefits of the above scheme is above Rs. 2000, but not more than Rs.4000;

(c) Rs. 400 - if the grade pay corresponding to the pay scale entitled to him prior to getting the benefits of the above scheme is above Rs. 4000, but not more than Rs. 5000; and

(d) Rs. 500 - if the grade pay corresponding to the pay scale entitled to him prior to getting the benefits of the above scheme is above Rs. 5000.

15. <u>Mode of payment of arrears of pay.</u>— The arrears of pay to which any Government servant may be entitled in respect of the period from the 1st day of January 2006 to 31st day of March 2009 (both day inclusive) under these rules shall be credited to the Provident Fund Account of the Government servant in five equal installments over the next five years after adjusting the amount of advance sanctioned *vide* Government Resolution, Finance Department No. RPS 1208/CR-72/SER-9, dated the 6th day of October 2008 in the first installment.

16. <u>Overriding effect of Rules.</u>— The provisions of the Maharashtra Civil Services (Pay) Rules, 1981 shall not, save as otherwise provided in these rules, apply to cases where pay is regulated under these rules, to the extent they are inconsistent with these rules.

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

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

By order and in the name of Governor of Maharashtra,

(VIDYADHAR KANADE)
Principal Secretary to Government