

TRIPURA



GAZETTE

Published by Authority
EXTRAORDINARY ISSUE

Agartala, Friday, January 14, 2000 A. D. Pausa 24, 1921 S. E.

PART—I Orders and Notifications by the Government of Tripura,
the High Court, Government Treasury etc.

GOVERNMENT OF TRIPURA
DEPARTMENT OF FINANCE

No. F. 19(1)-FIN(G)/83.

Agartala, October 3rd, 1999.

NOTIFICATION

FUNDAMENTAL (TRIPURA AMENDMENT) RULES 1999

In exercise of the powers conferred by the provision to Article 309 of the Constitution of India, the Governor is pleased to make the following rules to amend the Fundamental Rules (Central Rules of 1922) as in force in Tripura (adopted with modification by the Government of Tripura vide Finance Department Order No. F. 1(1)-FIN(G)/72 dated 21st January, 1972) namely:—

Short title &
commencement

(1) These Rules may be called Fundamental (Tripura Amendment) Rules, 1999.

(2) They shall be deemed to have come into force on and from 01-01-1996.

Amendment of
rule 22.

In the Fundamental Rules (Central Rules of 1922), as in force in Tripura (adopted by the State Govt. with necessary modification with effect from 21st January, 1972), for the existing rule 22 the following rule shall be substituted, namely:—

"F. R. 22(1) The initial pay of a Government servant who is appointed to a post on a time-scale of pay is regulated as follows:—

(a)(1) Where a Government servant holding a post other than a tenure post, in a substantive, on-temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity, as the case may be, subject to the fulfilment of the eligibility conditions as prescribed in the relevant Recruitment Rules, to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him, his initial pay in the time-scale of the higher post shall be fixed at the stage next above the notional pay arrived at by increasing his pay in respect of the lower post held by him regularly by an increment at the stage at which such pay has accrued or rupees twenty-five only, whichever is more.

Save in cases of appointment on deputation to an ex-cadre post, or to a post on ad-hoc basis, the Government servant shall have the option, to be exercised within one month from the date of promotion or appointment, as the case may be, to have the pay fixed under this rule from the date of such promotion or appointment or to have the pay fixed initially at the stage of the time-scale of the new post above the pay in the lower grade or post from which he is promoted on regular basis, which may be refixed in accordance with this rule on the date of accrual of next increment in the scale of the pay of the lower grade or post. In cases where an ad-hoc promotion is followed by regular appointment without break, the option is admissible as from the date of initial appointment/promotion, to be exercised within one month from the date of such regular appointment:

Provided that where a Government servant is immediately before his promotion or appointment on regular basis to a higher post, drawing pay at the maximum of the time-scale of the lower post, 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 held by him on regular basis by an amount equal to the last increment in the time-scale of the lower post or rupees twenty five, whichever is more.

(2) When the appointment to the new post does not involve such assumption of duties and responsibilities of greater importance, he shall draw as initial pay, the stage of the time-scale which is equal to his in respect of the old post held by him on regular basis, or if there is no such stage, the stage next above his pay in respect of the old post held by him on regular basis;

Provided that where the minimum pay of the time-scale of the new post is higher than his pay in respect of the post held by him regularly, he shall draw the minimum as the initial pay:

Provided further that in a case where pay is fixed at the same stage, he shall continue to draw that pay until such time as he would have received an increment in the time-scale of the old post, in cases where pay is fixed at the higher stage, he shall get his next increment on completion of the period when an increment is earned in the time-scale of the new post.

On appointment on regular basis to such a new post, other than to an ex-cadre post on deputation, the Government servant shall have the option, to be exercised within one month from the date of such appointment, for fixation of his pay in the new post with effect from the date of appointment to the new post or with effect from the date of increment in the old post.

(3) When appointment to the new post is made on his own request under sub-rule (a) of Rule 15 of the said rules, and the maximum pay in the time-scale of that post is lower than his pay in respect of the old post held regularly, he shall draw that minimum as his initial pay.

(b) If the conditions prescribed in Clause (a) are not fulfilled, he shall draw as initial pay on the minimum of the time scale :

Provided that, both in cases covered by Clause (a) and in cases, other than the cases of re-employment after resignation or removal or dismissal from the public service, covered by Clause (b), if he—

(1) has previously held substantively or officiated in

(i) the same post, or

(ii) a permanent or temporary post on the same time-scale, or

(iii) a permanent post or a temporary post (including a post in a body, incorporated or not, which is wholly or substantially owned or controlled by the Government) on an identical time-scale ; or

(2) is appointed subject to the fulfilment of the eligibility conditions as prescribed in the relevant Recruitment Rules to a tenure post on a time-scale identical with that of another tenure post which he has previously held on regular basis ;

then the initial pay shall not, except in cases of reversion to parent cadre governed by the proviso (1)(iii), be less than the pay, other than special pay, personal pay or any other emoluments which may be classed as per by the President under Rule 9(21)(a)(iii) which he drew on the last occasion, and he shall count the period during which he drew that pay on a regular basis on such last and any previous occasions for increment in the stage of the time-scale equivalent to that pay. If, however, the pay last drawn by the Government servant in a temporary post

had been inflated by the grant of premature increments, the pay which he would have drawn but for the grant of these increments shall, unless otherwise ordered by the authority competent to create the new post, be taken for the purposes of this proviso to be the pay which he last drew in the temporary post which he had held on a regular basis. The service rendered in a post referred to in proviso (1)(iii) shall, on reversion to the parent cadre count towards initial fixation of pay, to the extent and subject to the conditions indicated below:—

- (a) the Government servant should have been approved for appointment to the particular grade or post in which the previous service is to be counted;
- (b) All his seniors, except those regarded as unfit for such appointment, were serving in posts carrying the scale of pay in which benefit is to be allowed or in higher posts, whether in the Department itself or else-where and at least one junior was holding a post in that Department carrying the scale of pay in which the benefit is to be allowed; and
- (c) the service will count from the date his junior is promoted on a regular basis and the benefit will be limited to the period the Government servant would have held the post in his parent cadre had he not been appointed to the ex-cadre post.

(II) The President may specify posts outside the ordinary line of service the holder of which may, notwithstanding the provisions of this rule and subject to such conditions as the President may prescribe, be given officiating promotion in the cadre of the service which the authority competent to order promotion may decide and may thereupon be granted the same pay whether with or without any special pay attached to such posts as they would have received if still in the ordinary line.

(III) For the purpose of this rule, the appointment shall not be deemed to involve the assumption of duties and responsibilities of greater importance if the post to which it is made is on the same scale of pay as the post, other than a tenure post, which the Government servant holds on a regular basis at the time of his promotion or appointment or on a scale of pay indetical therewith.

(IV) Notwithstanding anything contained in this rule, where a Government servant holding an ex-cadre post is promoted or appointed regularly to a post in his cadre, his pay in the cadre post will be fixed only with reference to his presumptive pay in the cadre post which he would have held but for his holding any ex-cadre post outside the ordinary line of service by virtue of which he becomes eligible for such promotion or appointment".

NOTE : A table of provision of old and new rules are given below for reference :—

OLD RULE	SUBSTITUTED RULES
F. R.—22-C & 31	Clause 1(a)(i)
F. R.—22(a)(ii)	Clause 1(a)(2)
F. R.—22(a)(iii)	Clause 1(a)(3)
F. R.—30	Clause II & III

By order of the Governor,
N. C. SEN
Joint Secretary,
Government of Tripura.

All Departments/Heads of Department/Heads of Offices.