

RBE / 5/87

Government of India (Bharat Sarkar)
Ministry of Railways (Rail Mantralaya)
(Railway Board)

...

No. E (G) 86 EMI-8

New Delhi, dated 21.1.1987

The General Managers,
All Indian Railways,
As per Standard Lists 'A' & 'B'

Sub: Fixation of pay on re-employment of
pensioners - Consolidation of orders.

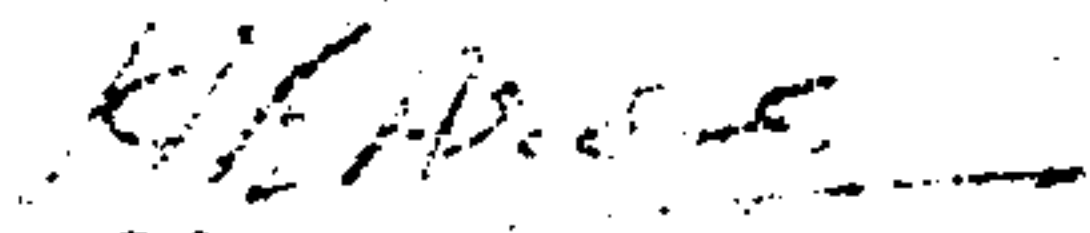
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Reference instructions issued by the Ministry of Railways (Railway Board) from time to time regarding fixation of pay on re-employment of retired railway employees, retired Central/State Government employees, retired Defence personnel etc., both in the case of pensioners as also governed by Contributory Provident Fund benefits. These instructions have been issued in accordance with the instructions issued by the Department of Personnel and Training from time to time, as suitably adopted for fixation of pay on their re-employment on Indian Railways.

The Department of Personnel & Training have now consolidated the existing orders in a single body of orders with a view to rationalise and simplify the procedure governing the initial fixation of pay on re-employment. A copy of their O.M. No. 3/1/85-Estt.(P.II) dated 31st July, 1986, is enclosed for your guidance. The instructions contained in these consolidated orders may be made applicable mutatis mutandis in the case of fixation of pay of re-employed personnel on Indian Railways. The consolidated orders may be brought into force for all the appointments made on or after 1st July, 1986 and the pay of the re-employed persons may be fixed accordingly.

This issues with the concurrence of the Finance Directorate of the Ministry of Railways (Railway Board).

Hindi version is enclosed.


(H.B. Arora)
Deputy Director, Establishment,
Railway Board.

Encl: As above.

.....2/-.

No. E(G)86 EMI-8

New Delhi, 21.1.1987

Copy to ADAI (Railways with 46 spares)

for Financial Commissioner, Railways.

New Delhi, 21.1.1987

No. E(G)86 EMI-8.

Copy to:-

1. The FA&CAOs, All Indian Railways including CLW, DLW & ICF.
2. The Commandant, RSPF, Bn. No. 1, Assam.
3. " " " " " 2, Gorakhpur.
4. " " " " " 3, Lucknow.
5. " " " " " 4, New Jalpauguri.
6. " " " " " 5, Tiruchirapalli.
7. " " " " " 6, Assam.
8. " " " " " 7, Chittaranjan.

(H.B. Arora)

Deputy Director, Establishment
Railway Board.

New Delhi, 21.1.1987

No. E(G)86 EMI-8.

Copy forwarded to:-

1. The General Secretary, NFIR, 3, Chelmsford Road, New Delhi, (with 25 spares).
2. The General Secretary, ARIF, 4, State Entry Road, New Delhi, (with 25 spares).
3. All Members of the National/Departmental Council and Secretary, Staff Side, 13-C Feroze Shah Road, New Delhi.
4. The Railway Board Ministerial Staff Association, Room No. 7-B Rail Bhavan, New Delhi (5 copies).
5. The Railway Board Secretariat Service Class-II Officers' Association, Room No. 521, Rail Bhavan, New Delhi (5 copies).
6. Federation of Railway Officers' Association, Room No. 534-B Rail Bhavan, New Delhi. (5 spares).
7. The Railway Board Class-I Officers' Association, Room No. 256-B, Rail Bhavan, New Delhi (5 copies).
8. The Railway Board Class-IV Staff Association, Room No. 7-C, Rail Bhavan, New Delhi (5 copies).

for Secretary, Railway Board.

Copy to DDF(E) III, F(E) III, F(E) Spl., F(E) I, F(E) II, E(O) I, II, III, E(LR) I, E(P&A), E(LR) III, PC-III, E(RB) I, II, Security Branches of Board's Office.

भारत सरकार
रेल मंत्रालय (रेलवे बोर्ड)

जारी नं० ई/5/87/6

सं० ई(जी)86 ईएम अई-8

नयी दिल्ली, दिनांक 21-1-1987

महाप्रबंधक,
सभी भारतीय रेलें,
मानक सूची 'ए' और
'बी' के अनुसार।

विषय :- पेंशनभोगियों का पुनर्नियोजन पर वेतन का निर्धारण-
आदेशों का समीक्षण।
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यह पत्र पेंशनभोगियों तथा अंशदायी भविष्य निधि लाभों द्वारा शासित दोनों मामलों में सेवानिवृत्त रेल कर्मचारियों, सेवानिवृत्त केंद्रीय/राज्य सरकार के कर्मचारियों, सेवा निवृत्त सुरक्षा कर्मचारियों के पुनर्नियोजन किये जाने पर वेतन निर्धारण के संबंध में रेल मंत्रालय (रेलवे बोर्ड) द्वारा समय-समय पर जारी किये गये आदेशों के संदर्भ में है। भारतीय रेलों पर इनके पुनर्नियोजन पर वेतन के निर्धारण के लिए प्रा-उपयुक्त रूप में अपन किये गये आदेश कर्मिक एवं प्रशिक्षण विभाग द्वारा समय-समय पर जारी किये गये आदेशों के अनुसार जारी किये गये हैं।

कर्मिक एवं प्रशिक्षण विभाग ने अब पुनर्नियोजन पर वेतन के आरम्भिक निर्धारण को शासित करने वाली प्रक्रिया को सुक्रियत और सरल बनाने की दृष्टि से मौजूदा आदेशों को एक आदेश में समेकित कर दिया है। उनके 31 जुलाई, 1986 के संज्ञा सं० 3/1/85-रेस्टेव(पार्ट-II) को एक प्रति आपके मार्ग-निदेश हेतु संलग्न है। इन समेकित आदेशों में अतिरिक्त आदेश भारतीय रेलों पर पुनर्नियोजित कर्मचारियों के वेतन के निर्धारण के मामलों में उचित परिवर्तनों सहित लागू किये जायें। ये समेकित आदेश 1 जुलाई, 1986 से या इसके बाद की गयी सभी नियुक्तियों पर लागू किये जायें और पुनर्नियोजित कर्मचारियों का वेतन तदनुसार निर्धारित किया जाये।

इसे रेल मंत्रालय (रेलवे बोर्ड) के वित्त निदेशालय की सहमति से जारी किया जा रहा है।

संलग्न: यथोक्त

ए. क. शर्मा
(सच) सी० अरोड़ा
उप निदेशक, स्थापना
रेलवे बोर्ड।

..2/..

सं० ई(जी) 86 ई एम आई-8

नयी दिल्ली, दिनांक 21-1-1987

प्रतिलिपि भारत के अग्र उप निरीक्षक एवं महालेखा परीक्षक रेलों के (46 अतिरिक्त प्रतियों सहित) प्रेषित ।

कृते वित्त आयुक्त, रेलें ।

सं० ई(जी) 86 ई एम आई-8

नयी दिल्ली, दिनांक

प्रतिलिपि निम्नलिखित के प्रेषित:-

1. वि०स० एवं मु० ले० अधिकारी, सभी भारतीय रेलें तथा अन्य ।

(एच० जी० अरोड़ा)

उप निदेशक, स्यापना/रेलवे बोर्ड ।

सं० ई(जी) 86 ई एम आई-8

नयी दिल्ली, दिनांक 21-1-1987

प्रतिलिपि निम्नलिखित के प्रेषित:-

1. जनरल सेक्रेटरी, एन एफ आई आर, 3-वेम्सफोर्ड रोड, नयी दिल्ली (25 अतिरिक्त प्रतियों सहित)
2. जनरल सेक्रेटरी, ए आई आर एफ, 4-स्टेट स्ट्रीट रोड, नयी दिल्ली (25 अतिरिक्त प्रतियों सहित)
3. राष्ट्रीय परिषद/विभागीय परिषद के सभी सदस्य तथा सचिव, कर्मचारी पक्ष, 1-3-सी, फिरोजशाह रोड, नयी दिल्ली ।
4. रेलवे बोर्ड लिपि कर्मचारी एसोसिएशन, कमरा नं० 7-बी, रेल भवन, नयी दिल्ली (5 अतिरिक्त प्रतियों सहित)
5. रेलवे बोर्ड सचिवालय सेवा श्रेणी-II अफिसर्स एसोसिएशन, कमरा नं० 521, रेल भवन, नयी दिल्ली (5 अतिरिक्त प्रतियों सहित)
6. रेलवे अफिसर्स एसोसिएशन फेडरेशन, कमरा नं० 534-जी, रेल भवन, नयी दिल्ली (5 अतिरिक्त प्रतियों सहित)
7. रेलवे बोर्ड श्रेणी-I अफिसर्स एसोसिएशन, कमरा नं० 256-जी, रेल भवन, नयी दिल्ली (5 अतिरिक्त प्रतियों सहित)
8. रेलवे बोर्ड श्रेणी-I/ कर्मचारी एसोसिएशन, कमरा नं० 7-सी, रेल भवन, नयी दिल्ली । (5 अतिरिक्त प्रतियों सहित)

कृते सचिव, रेलवे बोर्ड ।

Copy of Department of Personnel & Training's O.M. No. 3/1/85-Estt.(P.II) dated 31st July, 1986 addressed to All Ministries/Departments under the Government of India etc.

....

Sub: Fixation of pay of re-employment pensioners.

....

At present the orders relating to fixation of pay of re-employed pensioners are scattered in a number of office memoranda issued from time to time. The question of consolidation of the existing orders in a simple body of orders and the rationalisation and simplification of the procedure governing the initial fixation of pay has been under consideration of the Government from time to time. The President is now pleased to decide that in supersession of all the previous orders on the subject, the initial fixation of pay and other benefits on re-employment of ex-servicemen pensioners as also civilian pensioners will be governed by the Central Civil Services (Fixation of pay of Re-employed Pensioners) Orders, 1986 as detailed in the Annexure. With reference to all the appointments made on or after the 1st July, 1986 the pay of the re-employed pensioners may be fixed as per the enclosed orders.

2. In their application to the employees serving in the Indian Audit and Accounts Department these orders issue in consultation with the Comptroller and Auditor General of India.

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(S
Director,

CENTRAL CIVIL SERVICES (FIXATION OF PAY OF
RE-EMPLOYED PENSIONERS) ORDERS, 1926.

1. Short title and commencement

(1) These orders may be called the Central Civil Services (Fixation of Pay of reemployed-Pensioners) Orders, 1926.

(2) They shall come into force on

(2) Application

(1) Save as otherwise provided in these orders, these orders shall apply to all persons who are reemployed in Civil Services and posts in connection with the affairs of the Union Government after retirement on pension, gratuity, and/or Contributory Provident Fund benefits from the services of -

(a) Union Government including Railways, Defence and Posts and Telegraphs,

(b) State Governments and Union Territory Administrations and

(c) Public Sector Undertakings, Local Bodies, Autonomous Bodies like Universities or Semi-Government Organisations like Port Trusts.

(2) These orders shall also apply to persons re-employed in regular work charged capacity.

(3) Unless otherwise provided, these orders shall also apply to persons re-employed on contract basis.

(4) These orders shall not, however, apply to
(a) persons reemployed after resignation, removal or dismissal, provided they have not received any retirement terminal benefits for the pre-employed service.

(b) Persons reemployed in posts, the expenditure of which is not debitable to the Civil estimates of the Union Government.

- (c) Persons paid from contingencies;
- (d) persons on casual or daily rated or part time employment;
- (e) Persons appointed as Consultants on payment of consolidated fees; and
- (f) Retired judges of Supreme Court/High Courts appointed on Commissions/Committees who are governed by separate orders on the subject issued from time to time.

3. Definitions

In these orders, unless, the context otherwise require-

- (1) Pension Means the gross monthly pension and/or pension equivalent of death-cum-retirement gratuity and/or pension equivalent of gratuity or Government's contribution to Contributory Provident Fund and/or other retirement benefits, if any, payable under the Central Civil Services (Pension) Rules, 1972, or the relevant rules of the Government or body under which the the re-employed pensioner was serving prior to his retirement. Where pension has been commuted partly or fully, pension means the gross pension payable prior to commutation.
- (2) Pre-retirement pay means the substantive pay last drawn before retirement. However,
 - (i) pay drawn in an officiating appointment may be taken into account if the officer had officiated **continuously** for at least ten months in the appointment on the date of retirement or he had been appointed to that post on a regular basis in accordance with the prescribed recruitment rules.

- (ii) Special pay granted in terms of FR 9 (25) shall also be taken into account for determining pre-retirement pay. Such special pay, like officiating pay shall, however, be taken into account towards the pre-retirement pay only if it has been drawn for at least ten months before retirement. Pay drawn for holding more than one charge under FR 49 will Not be taken into account in determining pre-retirement pay.
- (iii) Such portion of deputation allowance, if any, drawn continuously for all last ten months before retirement, as has been taken into account for pension purposes, shall also be taken into account for determining the last pay drawn before retirement.
- (iv) The pay drawn in a tenure post may also be treated as pay last drawn before retirement provided that it was drawn continuously for ten months immediately before retirement.
- (v) Personal pay granted for loss of substantive pay or allowed as a special increment for promoting small family norms shall be taken into account in fixing pre-retirement pay irrespective of whether it is drawn for ten months or not as it stands on the same footing as substantive pay. Other types of personal pay shall, however, be accorded the same treatment as officiating pay and taken into account only if the same had been drawn for ten months or more.

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(vi) The periods of leave preparatory to retirement and foreign service during the last ten months before retirement may be included in the ten months
..... for the purpose of computing pre-retirement pay, if it is certified by the competent authority that the officer would have officiated in the post but for his being on such or foreign service.

(vii) An increment accruing in the substantive appointment during earned leave upto 120 days or the first four months of leave on average pay taken as leave preparatory to retirement shall be taken into account for determining the pre-retirement pay. If the officer was holding at the time of retirement a post in an officiating capacity, the increment in respect of that post may be taken into account only if the competent authority certifies that the officer would have held the officiating appointment but for proceeding on leave preparatory to retirement. Promotion to any higher post which the officer would have got but going on leave will not be taken into account.

(viii) In the case of an officer who retires while on foreign service, the pay that he would have drawn in his parent cadre but for going on foreign service shall be taken as pre-retirement pay. Regard will also be given to the promotions which the officer would have received in his parent service or cadre as provided for in SR 113, provided that he would have officiated for ten months or more.

(ix) In the case of retired Defence Services Personnel of the rank of JCO, NCO or OR in

the Army and corresponding ranks in the Navy or Air Force, the items of emoluments mentioned below shall constitute pre-retirement pay.

ARMY (JCO, NCO or OR)

OLD PAY CODE

NEW PAY CODE

Basic pay.

Pay (including deferred pay) and rank pay.

Grade/trade/technical/ and rank corps pay.

Increments of pay for length of service.

Good service/Good conduct pay

Good service pay.

Proficiency pay

Special proficiency pay

War Service increments

Classification pay.

Deferred pay.

Personal Allowance. (Ris/Sub Major).

Extra Duty pay.

NAVY

Basic pay

Pay (including deferred pay)

Non-substantive pay

Good conduct pay.

War service increments

Higher St. II-qualification

Good conduct pay

Pay.

Deferred pay

Classification pay.

AIR FORCE

Basic Pay.

Pay (including deferred pay)

Good Service/Good conduct pay

Air Proficiency pay badge pay.

War Service increments

Deferred pay

Classification pay.

(x) (c) In case of persons who retired before 1.1.73 and were reemployed after 1.1.1973, the pre-retirement pay will be taken to be the basic pay plus dearness pay plus dearness allowance and interim relief drawn at the time of retirement.

- (b) In the case of persons who retired after 1.1.1973 on the pre-revised scale of pay, the pre-retirement pay will be taken to be the basic pay plus dearness allowance and interim relief drawn at the rates in force on 31.12.1972.

(xi) MEDICAL OFFICERS

In the case of those Medical Officers who were in receipt of Non-Practising Allowance in their last employment, the allowance so drawn will be taken into account for determining the last pay drawn for purposes of fixation of pay in the reemployed post, if such an allowance is admissible in the reemployed posts also. The allowance shall not be taken into account for such purposes where it is not admissible in the reemployed post. Where, however, no Non-Practising Allowance was admissible in the last employment but it is attached to the civil post in which the pensioner is reemployed, such an allowance shall be drawn separately after fixation of pay on reemployment.

4. Fixation of pay of reemployed pensioners.

- (a) Reemployed pensioners shall be allowed to draw pay only in the prescribed scales of pay for the posts in which they are reemployed. No protection of the scales of pay of the posts held by them prior to retirement shall be given.
- (b) (i) In all cases where the pension is fully ignored, the initial pay on reemployment shall be fixed at the minimum of the scale of pay of the reemployed post.

- (ii) In cases where the entire pension and pensionary benefits are not ignored for pay fixation, the initial pay on reemployment shall be fixed at the same stage as the last pay drawn before retirement. If there is no such stage in the re-employed post, the pay shall be fixed at the stage below that pay. If the maximum of the pay scale in which a pensioner is reemployed is less than the last pay drawn by him before retirement, his initial pay shall be fixed at the maximum of the scale of pay of the reemployed post. Similarly, if the minimum of the scale of pay in which a pensioner is reemployed, is more than the last pay drawn by him before retirement his initial pay shall be fixed at the minimum of the scale of pay of the reemployed posts. However, in all these cases, in non-ignorable part of the pension and pension equivalent of retirement benefits shall be reduced from the pay so fixed.
- (c) The reemployed pensioner will in addition to pay as fixed under para (b) above shall be permitted to draw separately any pension sanctioned to him and to retain any other form of retirement benefits.
- (d) In the case of persons retiring before attaining the age of 55 years and who are reemployed, pension (including pension equivalent of gratuity and other forms of retirement benefits) shall be ignored for initial pay fixation to the following extent:
- (i) in the case of ex-servicemen who held posts below commissioned officer rank in the Defence Forces and in the case of civilians who held posts below Group 'A' posts at the time of their retirement, the entire pension and pension equivalent of retirement benefits shall be ignored.

(ii) In the case of service officers belonging to the Defence Forces and Civilian Pensioners who held Group A posts at the time of their retirement, the first Rs.500/- of the pension and pension equivalent of retirement benefits shall be ignored.

5. Drawal of increments:

Once the initial pay of a re-employed pensioner has been fixed in the manner indicated above, he may be allowed to draw normal increments in the time-scale of the post to which he is appointed as if the pay had been fixed at the minimum or the higher stage, as the case may be (i.e. before an adjustment on account of pension and pension equivalent of other forms of retirement benefits is made) provided that the pay and gross pension/pension equivalent of other retirement benefits taken together do not at any time exceed Rs 3,500/- per month.

6. Personnel retiring on Invalid or Compensation Pension:

Persons who are reemployed after obtaining compensation or invalid pension will also be governed by these orders subject to the condition that if the reemployment is in qualifying service, they may either retain their pension, in which cases their former service will not count for future pension, or cases to draw any part of their pension and count their previous service. Pension intermediately drawn need not be refunded. In case the pensioners elect to count their previous service for pension by forgoing their entire pension including death-cum-retirement gratuity, their pay would be fixed by treating them as if they are not in receipt of any pension.

The special provision contained in this order regarding grant of Contributory Provident Fund benefits during the period of reemployment and the grant, on termination of the period of reemployment, of the unutilised portion of the refused leave in respect of previous service shall not be extended to them.

7. Military Reservists:

Military reservists who continue to serve in the same civil post in which they were employed during reserve period, shall continue to draw the same rate of pay which they were drawing on the date of transfer to military pension establishment in addition to pension provided the pension is not more than Rs.50/- per month.

8. Emergency Commissioned Officer and Short Service Commissioned officers:

Emergency Commissioned officers and short Service commissioner officers who joined pre-commissioned training or were commissioned after 10.1.1968 may, on their appointment in Government service to unreserved vacancies, may be granted advance increments equal to the completed years of service rendered by them in Armed Forces on a basic pay (inclusive of deferred pay but excluding other emoluments) equal to or higher than the minimum of the scale attached to the civil post in which they are employed. The pay so arrived at should not, however, exceed the basic pay (including the deferred pay but excluding other emoluments) last drawn by them in the Armed Forces.

9. Promotion/Transfer:

On regular promotion/transfer to another post, pay of the reemployed pensioner shall be fixed under the provisions of Fundamental Rules with reference to the pay in the previous re

employment post (before adjustment). Adjustment from the pay so fixed, on account of pension and pension equivalent of retirement benefits shall be continued to be made to the same extent as was being made earlier. This will, however, remain subject to the condition that the pay plus pension and pension equivalent of gratuity/other forms of retirement benefits shall not exceed Rs.3,500/- per month at any time.

10. Provisional pay:

(i) Where delays are likely to occur in determining the pension and other pensionary benefits, the reemployed officers, pending final fixation of pay, might be paid their pay on provisional basis for a maximum period of six months after taking into account the maximum pension and gratuity that might be admissible to them on the basis of last pay drawn by them. The sanctioning authorities shall be responsible for ensuring that the provisional pay authorized is not likely to exceed the correct pay that may become admissible. For the purposes of calculating the pension equivalent of the gratuity, the Table as prescribed in the Central Civil Services (Communication of Pension Rules, 1981) from time to time, shall be followed. An undertaking for refunding any amount that might be overpaid as a result of provisional fixation of pay shall be obtained from the reemployed pensioners.

(ii) (a) In cases where considered desirable, a reemployed person may be paid the full pay of the post on provisional basis which would be inclusive of his pension but would exclude an approximate amount of pension equivalent of gratuity/pension equivalent of employer's portion of Contributory Provident Fund, as the case may be, provided he executes an agreement in the

appropriate form (vide Annexure I). He shall also be required to furnish acquittance in the prescribed form (vide Annexure II) indicating receipt of his pay including pension. The acquittance shall be obtained from the reemployed person concerned along with the pay bill every month he is paid provisionally.

(b) When the pension and other retirement benefits are ultimately sanctioned to the reemployed person by the competent authority, the pay shall be fixed after taking into account the pension and pension equivalent of other forms of retirement benefits in accordance with the provisions contained in these orders and he shall have no fresh claims for pensionary benefits in respect of the past periods during which he drew the same along with the provisional pay. The actual amount of pension equivalent of gratuity/employer's portion of CPF will be adjusted against the gratuity/CPF to the extent it is different from the approximate amount deducted from the pay of the post provisionally paid.

(iii) The orders contained in (ii) above shall apply to cases of civil retired Central Govt. employees reemployed in Central Civil Department and shall not apply to cases of any other categories of retired persons (such as retired persons of Defence Deptt., Railway Deptt. and State Governments) on their reemployment under Central Government.

11. Allowances:

The drawal of various allowances and other benefits based on pay shall be regulated with reference to the pay that is fixed on reemployment. Pay for these allowances and benefits will be the pay fixed before deducting the non-ignorable part of the pension and the pension equivalent of the other retirement benefits.

12. Contributory Provident Fund:

Reemployed officers might be permitted to contribute to the contributory provident fund, provided that where the term of reemployment is initially for a year or less but is later extended so as to exceed one year, the Government's contribution with interest shall be credited only after the completion of one year's reemployment service. The Government contribution with interest shall be payable for the entire period for which the reemployed officer is allowed to contribute to C.P.F. if such period exceeds one year.

13. Leave and leave salary:

In the case of persons reemployed after retirement, the provisions contained in the Central Civil Service leave rules, 1972 shall apply.

14. Gratuity/Death-cum-retirement gratuity:

Reemployed officers shall not be eligible for any gratuity/death-cum-retirement gratuity for the period of reemployment except in those cases covered on Rules 18 & 19 of the Central Civil Services (Pension) Rules, 1972, and corresponding Rules of the Defence Services regulations.

15. Retrenched employees:

In the case of ex-servicemen as well as civilians who are retrenched from service and are not granted pension and/or service gratuity, on their appointment to Government service they may be granted advance increments equal to the completed years of service rendered by them on a basic pay equal to or higher than the minimum of the scale attached to the civil post in which they are employed. The pay so arrived at, should not, however, exceed the basic pay drawn by them in the armed Forces.

16. Fixation of pay of Ex-Combatant Clerks/storemen;

(1) In partial modification of the provisions contained in orders 4 and 5 above, ex-combatant Clerks on their reemployment as Lower Division Clerks or Junior Clerks in the Civil posts and Ex-Storemen in the Armed Forces on their re-employment as Storemen in Civil posts shall have the option to get their pay fixed under orders 4 and 5 above in accordance with the procedure indicated in sub para (2) below.

Explanation:

(i) The option once exercised is final. The reemployed pensioner should be asked to exercise the option within the period of three months from the date of his reemployment.

(ii) Ex-combatant Clerks and Storemen referred to in this order will include reservists released at their own request or on compassionate or medical grounds.

(2) Service rendered as Combatant Clerks and Storemen in Armed Forces shall be treated as equivalent to service as lower division Clerks/Junior Clerks and Storemen respectively in Civil posts, irrespective of the pay drawn in those posts in the Armed Forces. The initial pay in such cases shall be fixed in the time scale of the reemployed posts at a stage equivalent to the stage that would have been reached by putting in the civil posts the number of completed years of service rendered in the posts in the Armed Forces. The pay so fixed will not be restricted to the 'pre-retirement pay'. The fixation of pay in these cases shall be done by invoking the provisions of Fundamental Rules 27.

Explanation:

(i) For the purpose of calculation of completed

years of service rendered in the Armed Forces the non-qualifying service in the Armed Forces will not be taken into account.

(ii) Pension as defined in Order 3(1) above shall be deducted from the pay fixed under this rule after ignoring Rs.15/- thereof and only the net pay is payable.

(iii) If the resultant amount does not correspond to a stage in the scale applicable to the reemployed post, pay may be fixed at the next lower stage and the difference allowed as personal pay to be absorbed in future increases of pay.

(iv) Where the pay in such cases is fixed below the minimum of the pay scale of the reemployed post, as a result of adjustment of amount of pension drawn by him from the Army in excess of Rs.15/- per month, increases in pay may be allowed after each year of service at the rate of increment admissible as if the pay has been fixed at the minimum till the minimum of the scale is reached. Thereafter, subsequent increments may be granted in the scale of the reemployed post in the usual manner.

(3) In the case of appointment of persons during released leave/terminal leave, their pay may be fixed at the minimum of the scale of pay of the civil post of Lower Division Clerk/Junior Clerk/Storemen and they will draw leave salaries separately from the military authorities. Their pay in accordance with the formula mentioned at (2) above will be fixed from the date of their final discharge from the Army.

(4) The power to fix the pay under this order is delegated to the Administrative Ministries/Departments of the Government of India. For this purpose the Comptroller and Auditor General of India will have the same powers as the Ministries of the Government of India. Orders fixing the pay in such

