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REGISTERED

Directorate of Pay & Allowances
Integrated Headquarters
Ministry of Defence (Navy)
Annexe Building, Talkatora Stadium
New Delhi 110001

PA/6303/04

28 Feb 22

The Flag Officer Commanding-in-Chief
{for CSO (P&A)}
Headquarters, Western Naval Command
Mumbai 400001

The Commander-in-Chief
{for CSO (LA&P)}
Headquarters, Andaman and Nicobar Command
Port Blair 744102

The Flag Officer Commanding-in-Chief
{for CSO (P&A)}
Headquarters, Eastern Naval Command
Visakhapatnam 530014

The Flag Officer Commanding-in-Chief
{for CSO (P&A)}
Headquarters, Southern Naval Command
Kochi 682004

CPS Sectt.	
Dy. No.	3438
Date	28.2.22
CPS	23/23
SO to CPS	
Action	

So - see para 2
all Dte's

The Logistics Officer-in-Charge
Naval Pay Office
Shahid Bhagat Singh Road, Mumbai 400023

**STEPPING UP OF PAY OF SAILORS IN COMPARISON
WITH DIRECT RECRUIT SAILORS**

1. Refer to GoI MoD letter 1(11)/2018/D(Pay/Services) dated 25 Mar 21 (copy enclosed).

2. **Extension of Provision of Stepping Up of Pay in Comparison with Direct Recruit.** GoI, MoD vide letter ibid has extended mutatis mutandis applicability of the provisions of MoF DoE OM 8-23/2017-EIIIA dated 28 Sep 18 (copy enclosed) to Defence Services in respect of following Trades of Navy:-

- (a) Direct Entry Artificer from Diploma Holders (DEDH) (Artificer).
- (b) Sportsman (Petty Officer).
- (c) All Trades - Sepoy i.e. Sea II and Artificer Apprentice for Navy.

3. **Provisions of Stepping Up - Governing Regulation.** Pay of a sailor who was appointed to a post by recruitment/ promotion, before, on or after 01 Jan 06 shall not be less than entry Pay of a Direct Recruit during 6th CPC. This is clearly promulgated vide MoF letter ibid that a sailor who was appointed to a post by recruitment/ promotion is to be stepped up to entry Pay of a Direct Recruit *wef 01 Jan 06*.

4. **Entry Pay as per 6th CPC.** Entry Pay prescribed, as per 6th CPC having element of Direct Recruitment, are as follows:-

Ser	Grade Pay (Rs.)	Entry Pay in the Pay Band (Rs.)	Rank
(a)	2,000/-	6,460/-	Sea II/ Artificer Apprentice and equivalent.
(b)	2,800/-	8,560/-	Artificer IV and Petty Officer.

5. **Identification of Trades/ Ranks Having Element of Direct Recruit.** A major exercise was carried out in consultation with all stakeholders to identify Trades/ Ranks which has element of Direct Recruit as these provisions are applicable to such Trades/ Ranks only.

6. **Cadres Having Element of Direct Recruitment.** Post detailed analysis and deliberations, following Trades/Ranks have been identified as having an element of Direct recruitment:-

Ser	Rank	Trade		
(a)	Artificer IV	Ser	Branch	Sub Branch
		(i)	Electrical	Electrical Artificer (Power)
				Electrical Artificer (Radio/ Radar)
		(ii)	Engineering	Engine Room Artificer
				Hull Artificer
		(iii)	Aviation	Air Artificer
				Electrical Air Artificer
Electrical Air Artificer (Radio/ Radar)				
(b)	Petty Officer	Physical Trainer (PT)		
(c)	Sea II/ Artificer Apprentice and equivalent	All Trades		

7. **Conditions for Stepping Up.** Following conditions need to be fulfilled for stepping up in adherence with Gol/ MoD letter 1(7)/2010-D(Pay/Services) dated 04 Apr 11:-

(a) Stepping up of the Basic Pay of senior can be claimed only in the case of those cadres which have ***an element of direct recruitment***.

(b) The Basic Pay of the senior will be stepped up with reference to entry Pay of direct recruits provided that the ***senior and junior belong to the same seniority list for all purposes***.

(c) Stepping up of Basic Pay of the seniors shall not be applicable in cases where direct recruits have been **granted advance increments at the time of recruitment.**

8. **Implication.** Accordingly, minimum Pay in Pay Band of a sailor promoted during 6th CPC or transited from 5th CPC to 6th CPC in following ranks, is as follows:-

Ser	Rank	Trade			Minimum Pay in the Pay Band (Rs.)
(a)	Artificer IV	Ser	Branch	Sub Branch	8,560/-
		(i)	Electrical	Electrical Artificer (Power)	
				Electrical Artificer (Radio/ Radar)	
		(ii)	Engineering	Engine Room Artificer	
				Hull Artificer	
		(iii)	Aviation	Air Artificer	
				Electrical Air Artificer	
Electrical Air Artificer (Radio/ Radar)					
(b)	Petty Officer	Physical Trainer (PT)			8,560/-
(c)	Sea II/ Artificer Apprentice and Equivalent	All Trades			6,460/-

9. **Quantum of Sailors Who will be Financially Benefitted.** A total of **10,258 sailors**, including those who have been released, have been initially identified, to benefit from these provisions.

10. **Action by NPO wrt Pay.** In view of the above, NPO is requested to examine and undertake following actions in respect of entitled sailors as follows:-

(a) **Sailors in Service.** Stepping Up of Pay and crediting of Arrears.

(b) **Sailors Released.** Fixation of pay, Payment of arrears, issuance of revised LPC and payment of difference of entitled Leave Encashed.

11. **Action by NAVPEN.** NAVPEN is to take necessary action in coordination with PCDA(N) for issue of Corrigendum PPO for enhanced Pension, Gratuity and commuted value of pension.

12. It is requested that contents of the letter may be given wide publicity.


(Neeraj Malhotra)
Commodore
Cmde (Pay & Allowances)

Encls:- As above

Copy to:-

The Chief of Integrated Staff Committee
HQIDS, South Block, New Delhi 110011

Contd....4/-

The Project Director, ATV Project
Rao Tula Ram Marg, New Delhi 110010

The Director General, Project Sea Bird
West Block V, RK Puram, New Delhi 110066

The Chief Hydrographer
National Hydrographic Office, Dehradun 248001

The Commandant, NDC
Tees January Marg, New Delhi 110011

The Commandant, Indian Naval Academy
Ezhimala, Kerala 670310

The Director General, WESEE
RK Puram, New Delhi 110066

The Flag Officer Commanding
Western Fleet, Mumbai 400001

The Flag Officer Commanding
Eastern Fleet, Visakhapatnam 530014

The Flag Officer Commanding
Goa Naval Area & Naval Aviation, Goa 403802

The Principal Controller of Defence Accounts
No 1 Cooperage Road
Mumbai 400039

The Naval Component Commander (NAVCC)
C/o Navy Office, Haddo, Port Blair 744102

The Logistics Officer-in-Charge
NAVPEN
c/o INS Tanaji
Sion-Trombay Road
Mankhurd, Mumbai 400088

The Commodore
Bureau of Sailors, Sion-Trombay Road
Mankhurd, Mumbai 400088

The Commanding Officer
INS India
Dara Shukoh Road, New Delhi 110011

The Commanding Officer
INS Hamla, Marve Malad, Mumbai 400095

No. 1(11)/2018/D(Pay/Services)
Ministry of Defence
Department of Military Affairs
D (Pay/Services)

Sena Bhawan, New Delhi
Dated 25th March, 2018

OFFICE MEMORANDUM

Subject: Entry pay of Direct Recruits in Defence Services appointed on or after 1.1.2008 and pay fixation in the case of persons other than such direct recruits.

The undersigned is directed to invite attention to Special Army Instructions 2008, Special Navy Instructions 2008 and Special Air Force Instructions 2008.

2. Enclosed herewith is the Ministry of Finance, Department of Expenditure OM No. 8-23/2017-E.III.A dated 28.09.2018 and to say that the provisions contained therein of the said letter, will mutatis-mutandis be applicable to the Defence Services in respect of the following trades and ranks where an element of direct recruitment exists, provided all the conditions and stipulations laid down therein are strictly fulfilled:

S No.	Service	Trade *	Rank
1.	Indian Army	a. Education Instructors, Sportsman & Surveyor, Automated Cartographer.	Hav
		b. Religious Teacher & Catering JCO.	Nb Sub
2.	Indian Navy	a. Direct Entry Artificers from Diploma Holders (DEDH).	Artificers
		b. Sportsman	Acting Petty Officer (Ag. PO)
3.	Indian Air Force	a. Education Instructor	Sgt
4.	All Services	a. All Trades	Sepoy

* An illustration has been given in succeeding para.

3. In IAF, Educator Instructor is the only trade where Recruitment Rules provides for Direct Recruitment in the rank of Sgt. Hence, Direct Entry Pay would be admissible only to Sgts of Education Instructor trades. As an illustration, if a Cpl acquires sufficient qualification and re-musters to Education Instructor and thereafter, he is promoted to the rank of Sgt on or after 1.1.2006 and on promotion if the pay is fixed at a rate less than the pay of the Direct Entry of an Education Instructor Sgt, his pay would be stepped up to the Direct Entry Pay from the date of promotion on or after 1.1.2006.

4. These instructions will be applicable with effect from 01.01.2006.

5. This issues with the concurrence of Finance Division of this Ministry vide their Dy. No. 58/AG/PD/2021 dated 25.3.2021 of R.F. No: 2(2)/2020-AG/PD.

(T. Johnson)

Gp Capt

Director (Pay/Services)

Copy to for information:

As per standard distribution List.

CGDA, New Delhi

Defence Finance (AG/PA)

Defence Finance (AG/PD)

PCDA (HQ), New Delhi

PCDA (O), Pune

PCDA (P), Allahabad

PCDA (Navy) Mumbai

PCDA (Northern Command), Jammu

PCDA (Eastern Command), Eastern

PCDA (Central Command), Lucknow

PCDA (Western Command), Chandigarh

PCDA (Southern Command), Pune

CDA (AF), West Block V, R K Puram

Dy CDA (AF), Subroto Park, New Delhi

AFCOA, Subroto Park, New Delhi

CDA (Army), Meerut Cantt.

CDA, Jabalpur

CDA, Secunderabad

CDA, Guwahati

CDA, Patna

CDA, Bangalore

CDA, Chennai

Reference Folder

No. 8-23/2017-E.IIIA
Government of India
Ministry of Finance
Department of Expenditure

North Block, New Delhi
28th September, 2018


Office Memorandum

Subject: Central Civil Services (Revised Pay) Rules, 2008 - Section II of the Part 'A' of the First Schedule thereto- entry pay for direct recruits appointed on or after 1.1.2006 and pay fixation in the case of persons other than such direct recruits.

The undersigned is directed to invite the attention to the provisions contained in Section-2 of Part 'A' of the First Schedule of the Central Civil Services (Revised Pay) Rules, 2008 which provides for entry pay in the revised pay structure (pay structure effective from 1.1.2006 up to 31.12.2015) for direct recruits appointed on or after 1.1.2006 on a post and to say that pay in respect of persons appointed to the same posts before 1.1.2006 is required to be fixed as on 1.1.2006 under Rule 7 (1)(A)(i) and pay in respect persons appointed on the same post on promotion on or after 1.1.2006 is required to be fixed under Rule 13 thereof.

2. A number of references were received in Ministry of Finance, Department of Expenditure, stating that the pay of seniors of a post was fixed at a stage lower than the entry pay applicable to the persons appointed on direct recruitment basis on that post on or after 1.1.2006. In such cases, stepping of pay was allowed to the senior employee at par with the entry pay of direct recruits of those posts, subject to the conditions, inter-alia, that stepping up of pay of seniors is applicable only in those cases which have an element of direct recruitment and where a directly recruited junior is actually drawing more basic pay than the seniors. Thus, the stepping up of pay of senior employees was admissible from the date a junior direct recruit joined on or after 1.1.2006.

3. The matter was also considered in the meeting of the National Anomaly Committee (NAC) held on 17.7.2012 based on a demand raised by the Staff Side under the JCM. NAC had recommended that in cases where Recruitment Rules provide for direct recruitment, then the stepping up of pay of senior may be considered, even if no actual direct recruitment takes place or no direct recruit has actually joined. However, it was decided that stepping up of the pay of seniors can be claimed only in the case of those cadres which have an element of direct recruitment and in cases where a directly recruited junior is actually drawing more basic pay than the seniors. Thus, stepping up of pay was dependent upon actual joining of a direct recruit.



4. Trained Graduate Teachers (TGTs) of the Government of National Capital Territories of Delhi (GNCTD) filed an OA No. 3217/2014 before the Hon'ble Principal Bench of CAT. The 13 petitioners of the post of Trained Graduate Teachers (TGT) comprised those who were appointed as TGT before 1.1.2006 as also those who were promoted to the post of TGT on or after 1.1.2006. The pay of these 13 employees had been fixed as per the relevant provisions of the CCS(RP) Rules, 2008 and the same happened to be lower than the entry pay as applicable to direct recruits of the post of TGT appointed on or after 1.1.2006. These petitioners prayed for re-fixing their pay as applicable to direct recruits appointed on or after 1.1.2006.

5. The Hon'ble Principal Bench of CAT in their order dated 4.4.2016 in OA No.3217/2014 allowed the application and directed the Government to ensure that none of the applicant's pay is fixed at a stage lower than the pay which could be drawn by a direct recruit appointed on or after 1.1.2006. The order of Hon'ble CAT dated 4.4.2016 was upheld by the Hon'ble Delhi High Court in terms of their order dated 23.3.2017 in WP(C) No.2634/2017. The Hon'ble Delhi High Court in its order dated 23.3.2017 observed, inter-alia, that the plea of stepping up of pay, as mentioned in para 2 above, means that the direct recruits should have actually joined before any stepping up of pay can be granted and the date of joining would be different as filling up of direct recruit vacancies in the cadre would depend upon vacancy position, selection etc. The Hon'ble Delhi High Court held that this was unacceptable.

6. The matter arising out of the aforesaid order of Hon'ble Delhi High Court dated 23.3.2017 was heard by the Hon'ble Supreme Court as part of the SLP and in its order dated 01.09.2017 (Dy. No. 23663/2017), the Hon'ble Supreme Court has observed that once the question, in principle, has been settled, it is only appropriate on the part of the Government to issue a Circular. The Hon'ble Supreme Court further observed that the present situation is that the stepping up is available only to those who have approached the Court, but since the issue otherwise became final, the Hon'ble Supreme Court directed Government to immediately look into the matter and issue appropriate orders.

7. Accordingly, the matter has been considered in the light of the above background and in the context of the specific orders of Hon'ble Supreme Court dated 01.09.2017 as arising out of the original issue raised by the Trained Graduated Teachers of GNCTD in terms of their OA No. 3217/2014. As mentioned above, the petitioners in that case were those who were appointed as TGT before 1.1.2006 and also promoted as TGT on or after 1.1.2006, and had occasion for grievance because their pay in the pay structure in vogue from 1.1.2006 had been fixed lower than the entry pay as prescribed for direct recruits appointed as TGT on or after 1.1.2006. Therefore, the principle of the benefit of pay fixation, as flowing from the aforesaid orders of Hon'ble CAT, Hon'ble Delhi

High Court and the Hon'ble Supreme Court, is that the pay of those who were appointed to the post prior to 1.1.2006 and those who were appointed to the post on promotion in the pay structure effective from 1.1.2006 onwards, and where in respect of such posts entry pay for direct recruits appointed on or after 1.1.2006 has been prescribed giving rise to differential pay, may not be lower than the said entry pay. It is the case of differential pay in respect of employees of a post, as caused by the existence of entry pay applicable for direct recruits on that post appointed on or after 1.1.2006, that has been addressed in the aforesaid case of the post of TGTs. In case entry pay as per Section II of Part A of the First Schedule of the CCS(RP) Rules, 2008 is not applicable in case of a post, the same will not give rise to differential pay for holders of the post and, hence, not covered under the ratio of the case of TGT.

8. Accordingly, the President is pleased to decide that in respect of those posts where entry pay for direct recruits appointed on or after 1.1.2006, as per Section II of Part A of the First Schedule of CCS(RP) Rules, 2008, becomes applicable by virtue of the provision of the element of direct recruitment in the relevant recruitment rules, the pay of Central government employees who were appointed to such posts prior to 1.1.2006 and whose pay, as fixed in the revised pay structure under Rule 7 thereof as on 1.1.2006 turns out to be lower than the prescribed entry pay for direct recruits of that post, shall not be less than such entry pay w.e.f. 1.1.2006. Likewise, the pay of Central Government employees who were appointed to such posts by way of promotion on or after 1.1.2006 and whose pay, as fixed under Rule 13 of CCS(RP) Rules, 2008, happens to be lower than the said entry pay, shall also not be less than such entry pay from the date of their promotion taking place on or after 1.1.2006.

9. In their application to the employees of office of Indian Audits and Accounts Department, these orders issue after consultation with the Comptroller and Auditor General of India.

10. Hindi version of these orders is attached.


(Amar Nath Singh)
Director

To

- 1) All Ministries / Departments of the Government of India (As per Standard List).
- 2) C&AG
- 3) UPSC
- 4) Lok Sabha Secretariat
- 5) Rajya Sabha Secretariat