



Revision of Pay Rules

1998

**GOVERNMENT OF MEGHALAYA
FINANCE (PAY REVISION) DEPARTMENT**

ORDERS BY THE GOVERNOR OF MEGHALAYA

NOTIFICATION

Dated Shillong, the 1st December, 1997.

No.F(PR)-98/97/5 :- In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Meghalaya is pleased to make the following rules, namely:-

1. **Short title and commencement**:- (1) These rules may be called the Meghalaya Services (Revision of Pay) Rules, 1997.
(2) They shall be deemed to have come into force on the 1st day of January, 1996.
2. **Categories of Government employees to whom the rules apply**:-
 - (1) Save as otherwise provided by or under these rules, these rules shall apply to persons appointed to civil services and posts in connection with the affairs of the State of Meghalaya including persons in work-charged establishment holding posts(s) carrying identical scales of pay as admissible to corresponding categories of employees in regular establishments.”
 - (2) These rules shall not apply to :-
 - (a) persons not in whole - time employment;
 - (b) persons paid out of contingencies;
 - (c) persons paid otherwise than on a monthly basis, including those paid only on a piece-rate basis;
 - (d) persons employed on contract except where the contract provides otherwise.
 - (e) persons re-employed in Government service after retirement;
 - (f) persons belonging to the All India Services; and,
 - (g) Any other class or category of persons whom the Governor of Meghalaya may, by order, specifically exclude from the operation of all or any of the provisions contained in these rules.
3. **Definition** :- In these rules unless the context otherwise requires:-
 - (1) “Basic pay” means pay as defined in Rule 7(17)(i) of the Meghalaya Fundamental Rules and Subsidiary Rules, including stagnation increment(s);
 - (2) ‘existing emoluments’ means the emoluments of a Government employee in relation to the existing scale of pay on the date on which he becomes entitled to draw pay in the revised scale under these rules and shall include :
 - (i) basic pay
 - (ii) personal pay, if any, granted for the loss of substantive pay but does not include any other allowances or other emoluments which count as pay under the Meghalaya Fundamental Rules and Subsidiary Rules, 1984;
 - (iii) dearness allowance appropriate to the basic pay admissible at the index average 306; and,
 - (iv) the amount of first Interim Relief at 10 percent on the basic pay subject to the minimum of Rs.250.00 in the existing scale.
 - (3) ‘Existing scale’ in relation to a Government employee means the present scale of pay applicable to the post held by the Government employee (or, as the case may be, personal scale applicable to him) as on the 1st day of January, 1996, whether in a substantive or in an officiating capacity;

Explanation :- In case of a Government employee who was on the 1st day of January, 1996 on deputation out of India or on leave or on foreign service, and who would have on the aforesaid date officiated in one or more lower posts but for his officiating in a higher post or in the corresponding 'extended scale' applicable thereto, 'existing scale' includes the scale of pay applicable to the post/extended scale which he would have held or entitled to 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 and/or extended scale;

- (4) 'extended scale' means the scale of pay specified as such in the First Schedule or, as the case may be in the Meghalaya Services (Revision of Pay) Rules, 1988;
- (5) 'F.Rs and S.Rs' means the Meghalaya Fundamental Rules and Subsidiary Rules, 1984 as amended and 'F.R' refers to a rule thereof;
- (6) 'personal pay' means the pay as defined in F.R.7(19) and as also intended in F.R.34;
- (7) 'present scale' in relation to any post/grade specified in column 2 of the First Schedule means the scale of pay specified against that post/grade in columns 3 and 4 thereof, as the case may be.
- (8) 'revised emoluments' means the basic pay of a Government employee in the revised scale specified in columns 5 and 6 of the First Schedule and includes the revised special pay, if any, admissible to him, in addition to the personal pay, if any;
- (9) 'revised scale' in relation to any post/grade specified in column 2 of the First Schedule means the standard scale or extended scale of pay, as the case may be, specified against that post/grade in columns 5 and 6 thereof, unless a different revised scale is notified separately for that post/grade.
- (10) 'rules' means the Meghalaya Services (Revision of Pay) Rules, 1997;
- (11) ''Schedule'' means a schedule annexed to these rules;
- (12) ''standard scale'' means the scale of pay specified as such in the First Schedule;
- (13) ''State Government'' means the Government of Meghalaya.

Note:- 1. Words and expressions not defined in these rules shall have same meaning as in the Meghalaya Fundamental Rules and Subsidiary Rules.

2. Where a female Government employee is concerned, the words 'he', 'his', and 'him' used in these rules shall be taken to mean 'she', 'her' and 'her', respectively.

4. Scale of pay of posts:- (1) Except as otherwise provided in Sub-rule (2) below, the scale of pay of every post/grade specified in column 2 of the First Schedule shall be as specified in columns 5 and 6 thereof, with effect from the 1st day of January, 1996 or such subsequent date, as may be decided by the State Government.

(2) The State Government may, by order to be notified in the Gazette of Meghalaya, sanction to any post/grade as mentioned in column 2 of the First Schedule, a revised scale other than that specified in the corresponding entry in columns 5 and 6 of the First Schedule, with effect from the 1st day of January, 1996 or such subsequent date, as may be specified.

5. Drawal of pay in the revised scales :- Save as otherwise provided in these rules, a Government employee shall draw pay in the revised scale applicable to the post/grade to which he is appointed;

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

Note 1:- The option to retain the existing scale under proviso to this rule shall be admissible only in respect of one existing scale.

Note 2 :- The aforesaid option shall not be admissible to any person appointed to a post on or after the 1st day of January, 1996, whether for the first time in Government service, or by transfer or promotion from another post. Person so appointed shall be allowed to draw pay only in the revised scale.

Note 3 :- Reappointment after a break in service to post on or after the 1st day of January, 1996 shall, in all cases, be treated as first appointment in the Government service.

Note 4 :-Where a Government employee exercise the option under the provision to this rule to retain the existing scale in respect of a post/grade held by him in an officiating capacity on a regular basis for the purpose of regulation of pay in that scale under F.R.23..... or F.R. 34 or 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 the Second Schedule so as to reach the authority mentioned in Sub-rule (2) within 60(sixty) days from the date of publication of these rules or where an existing scale has been revised by any order made subsequent to that date, within 60(sixty) days of the date of such order.

Provided that :-

- (i) in the case of a Government employee who is, on the date of the publication of these rules or, date of such order, as the case may be, out of India on deputation or on leave or foreign service, the said option shall be exercised in writing so as to reach the appropriate authority within 60(sixty) days of the date of his taking charge of his post in India; and
 - (ii) where a Government employee is under suspension on the 1st day of January, 1996, the option may be exercised within 60(sixty) days 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 employee to :
- (a) the Accountant General (Accounts & Entitlements), Meghalaya, if he is a gazetted Government employee drawing pay on the basis of the Pay Slip issued by the said Accountant General(A & E); and,
 - (b) the Head of his office if he is a non-gazetted Government employee or a gazetted Government employee whose pay is drawn by the Head of the Office in establishment pay bill form.
- (3) If the intimation regarding option is not received by the authority specified in Sub-rule (2) within the time mentioned in Sub-rule (1), the Government employee shall be deemed to have elected to be governed by the revised scale of pay with effect from the 1st day of January, 1996, under these rules.
- (4) The option once exercised shall be final.
- (5) In the case of persons whose services were terminated on or after the 1st day of January, 1996 on account of discharge on the expiry of the sanctioned posts, resignation, dismissal or discharge on disciplinary grounds or retirement or superannuation, should also exercise option in writing in the prescribed form and submit to the authority mentioned in Sub-rule(2) of this rule within 60(sixty) days from the date of publication of these rules.

- (6) In case of persons who have died on or after the 1st day of January, 1996 and could not exercise the option within the prescribed time limit shall be deemed to have opted for the revised scales on and from the 1st day of January, 1996 or such later date as is most beneficial to their dependents, if the revised scales are more favourable and in such cases, necessary action for payment of arrears, if any, shall be taken by the Head of Office/Accountant General (A&E) Meghalaya, as the case may be.
7. Fixation of initial pay in the revised scale:- (1) The initial pay of a Government employee who elects, or is deemed to have elected under Sub-rule (3) of Rule 6 to be governed by the revised scale on and from the 1st day of January, 1996, shall unless the Governor of Meghalaya 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 not been suspended, and in respect of his pay in the officiating post held by him. Similarly, in the case of a Government employee who, on the date immediately before the aforesaid date of 1st January, 1996 has been drawing pay in the 'extended scale' whether in a substantive or officiating capacity, shall be separately fixed in the standard scale corresponding to the extended scale as well as in the extended scale. In all such cases, the fixation of initial pay shall be done in the following manner, namely :-
- (i) an amount representing 15 percent of the basic pay in the existing scale shall be added to the existing emoluments of the Government employee;
 - (ii) after the existing emoluments have been so increased, the pay shall thereafter be fixed in the revised scale at the stage next above the amount thus computed;

Provided that :-

- (a) if the minimum of the revised scale is more than the amount so arrived at, the pay shall be fixed at the minimum of the revised scale;
- (b) if the amount so arrived at is more than the maximum of the revised scale, the pay shall be fixed at the maximum of that scale.

Note 1:- Where the increment of a Government employee falls on the 1st day of January, 1996 he shall have the option to draw the increment either in the existing scale or the revised scale. In case where a Government employee opts to draw the increment in the existing scale on the aforesaid date, the pay so fixed shall be treated as the basic pay for the purpose of fixation of initial pay in the revised scale.

Note 2 :- Where the existing emoluments as calculated in accordance with Sub-Rule(1), exceed the revised emoluments of a Government employee, the difference shall be allowed as personal pay to be merged in future increments in pay.

Note 3 :- After the fixation of pay under Sub-rule(1), weightage for past service shall be allowed to a Government employee by way of advance increments(s) based on the completed years of service in the existing/present scale in the manner indicated below :-

	Completed years of service in existing/present scale of pay.	Number of advance increment(s) admissible on account of weightage for past service.
	1	2
(a)	Government employees in the revised scale the maximum of which is Rs.11,130.00 per month and above. For three completed years of service and/above	1(one)

(b)	Government employee in the revised scale the maximum of which is below Rs.11,130.00 but Rs.8,975.00 per month and above	
	(i) For three completed years of service and above but less than six completed years of service.	1(one)
	(ii) For six completed years of service and above	2 (two)
(c)	Government employee in the revised scale the maximum of which is below Rs.8,975.00 per month.	
	a. For three completed years of service and above but less than six completed years of service.	1 (one)
	b. For six completed years of service and above but less than eight completed years of service.	2 (two)
	c. For eight completed years of service and above.	3 (three)

Explanation 1 :- For the purpose of Note 3 above, service rendered by a Government employee on a fixed pay which has been replaced by the existing scale or the revised scale, shall be counted in computing completed years of service.

Explanation 2:- Irrespective of the actual period of twelve months spent in the existing scale by a Government employee, the “completed years of service” shall be with reference to the date(s) of his increment in the existing scale.

Explanation 3 :- In the case of a Government employee on probation, the period of service rendered by him in a cadre/post in the existing scale including the extra period spent, if any, as a result of delay in his confirmation, shall be taken into account in determining the “completed years of service”.

Explanation 4 :- Where a Government employee has been granted advance increment(s) in the existing scale attached to his post in consideration of higher educational qualification or previous service rendered elsewhere and such advance increment(s) are not to be worked off, the number of such increments shall be counted in computing the completed years of service.

Explanation 5:- Break in service or service vitiated by resignation or disciplinary action entailing removal or dismissal from service, shall not be taken into account in computing the “completed years of service”.

Note 4:- In the case of a Government employee who is on leave on the date of his being entitled to draw pay in the revised scale, his present emoluments shall be taken to be the emoluments which would have been admissible to him but for his proceeding on leave, and he shall be entitled to pay in the revised scale of pay from the date he joins his duty.

(2) Subject to the provisions of Rule 5, if the pay of a Government employee as fixed in the officiating post or the corresponding “extended scale” under Sub-rule(1) is lower than the pay fixed in the substantive post or the standard scale corresponding to the “extended scale” of the post, the former shall be fixed at the stage next above the substantive pay or the standard scale, as the case may be.

(3) The fixation of Initial pay in the revised scale shall be made in the form appended to the Third Schedule.

8. Fixation of pay of senior vis-à-vis junior Government employee.

(1) Where the pay of a Government employee, who in the existing scale was drawing immediately before the 1st day of January, 1996 equal or more pay than another

Government employee junior to him in the same cadre, gets fixed in the revised scale at a stage lower than that of such junior, his pay shall be stepped up to the same stage in the revised scale as that of the junior.

(2) Where the pay of a senior Government employee promoted to a higher post before the 1st day of January, 1996 gets fixed at a stage lower than that of his junior who is promoted to the higher post on or after the 1st day of January, 1996, the pay of the senior Government employee shall with effect from the date of promotion of the junior employee be stepped up to the same stage as fixed for his junior in the said higher post provided the following conditions are satisfied, namely:

- (a) both the junior and the senior Government employee 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 and the revised scales of pay of the lower and the higher posts, respectively in which they are entitled to draw pay should be identical;
- (c) the senior Government employees at the time of promotion have been drawing equal or more pay than the junior; and
- (d) the anomaly should be directly as a result of the application of the provisions of F.R.23 or any other rule or order regulating pay fixation on such promotion in the revised scale. If even in the lower post, the junior Government employee was drawing more pay in the pre-revised scale than the senior by virtue of any advance increments granted to him, the provision of this Note shall not be invoked to step up the pay of the senior Government employee.

Note 1:- The order relating to re-fixation of the pay of the Senior Government employee in accordance with the above provisions should be issued under F.R.29 and the senior Government employee shall be entitled to the next increment on completion of his required qualifying service with effect from the date of re-fixation of pay in the revised scale.

9. Cases of Government employees under suspension:- A Government employee who is under suspension on the 1st day of January, 1996, shall continue to draw his subsistence allowance in the existing scale and if he is later reinstated in service, fixation of his pay in the revised scale shall be regulated as follows :-

- (a) if he is fully exonerated and the period of suspension is treated as period spent on duty, the existing emoluments shall be those which he would have been entitled to on the relevant date but for his being under suspension;
- (b) if the period of suspension is treated as period spent on leave, existing emoluments shall be those which would have been admissible to him on the relevant date if he were on leave;
- (c) if the period of suspension is treated as 'dies non' the existing emoluments shall be those which, were admissible to him immediately before the date he was placed under suspension;

Provided that where the period treated as 'dies non' is allowed to be counted for the purpose of notional increments such increments shall be taken into account while computing the existing emoluments as on the relevant date.

10. Date of next increment in the revised scale :- The next increment of a Government employee whose pay has been fixed in the revised scale in accordance with Rule 7 shall be granted on the date he would have drawn his increment had he continued in the existing scale;

Provided that in cases where the pay of a Government employee is stepped up in terms of Note 3 to Sub-rule (1) of Rule 7, the next increment shall be granted on the completion of the qualifying service of twelve months from the date of the stepping up of the pay in the revised scale.

Provided further that in cases other than those covered by the preceding proviso, the next increment of a Government employee, whose pay is fixed on the 1st day of January, 1996 at the same stage as the one fixed for another Government employee junior to him in the same cadre and drawing pay at a lower or same stage than his in the existing scale, shall be granted on the same date as admissible to his junior, if the date of increment of the junior Government employee happens to be earlier.

Provided also that in the case of a Government employee who had been drawing maximum of the existing scale for more than one year as on the 1st day of January, 1996, the next increment in the revised scale shall be allowed on the 1st day of January, 1996.

Note 1 :- Wherever the pay has been fixed in terms of the above provision, the efficiency bar will become operative only with reference to such bars in the revised scales, irrespective of whether a Government employee has crossed or not had been held up at the efficiency bar in the existing scale.

11. Fixation of pay in the revised scale subsequent to the 1st day of January, 1996 :- (1) Where a Government employee continue to draw his pay in the existing scale and is brought over to the revised scale from a date later than the 1st day of January, 1996, his pay from the later date in the revised scale shall be fixed in accordance with the provisions of Sub-rule (1) of Rule 7 read with the provisions contained in Sub-rule (3) of Rule 3, as the case may be, except that the basic pay to be taken into account for calculation of those emoluments shall be the basic pay on the later date aforesaid.

(2) A Government employee exercising option to retain the existing scale of pay under Rule 5 shall continue to draw, until the expiry of the period for which the option remains operative or until he vacates the post held by him or ceases to draw pay in the existing scale whichever is earlier, the pay in the existing scale, special pay/personal pay, if any, dearness allowance appropriate to the pay of the existing scale and at the rates last drawn by him in the existing scale. He will also continue to draw the Hill Compensatory nature at the existing rates or any enhanced rate or rates if at the time of option to retain the existing scale of pay, any or all of these allowances are admissible to him.

12. Fixation of pay on reappointment after the 1st day of January, 1996 to a post held prior to that date :- A Government employee who had officiated in a post prior to the 1st January, 1996 but was not holding that post on that date and who on subsequent appointment to that post draws pay in the revised scale of pay shall be allowed the benefit of the proviso to F.R.23 to the extent it would have been admissible had he been holding that post on the 1st day of January, 1996 and had elected the revised scale of pay on and from that date.

13. Mode of payment of arrears of pay :- Notwithstanding anything contained in these rules, the arrears of pay and allowances to which a Government employee may be entitled in respect of the relevant period under these rules shall be paid to him in equal proportion of fifty percent in cash and the balance thereof to the credit of the General Provident Fund accounts for such period as the State Government may decide.

Explanation 1 – For the purpose of this rule :-

(a) “arrear of pay and allowances” in relation to a Government employee, means the difference between (A) and (B) below, and these are :

(A) the aggregate of the pay and allowances to which he is entitled on account of the revision of pay and allowances under these rules, for the relevant period; and,

(B) the aggregate of the pay and allowances to which he would have been entitled (whether such pay and allowances had been received or not) for that period had his pay and allowances not been so revised;

(a) (b) For the purpose of computation/calculation of the “equal proportion” of fifty percent, the basic pay, special pay and dearness allowance as admissible for relevant period shall be taken into account; and,

(c) “relevant period” means the period commencing on and from 1st day of January, 1996 and ending with the 31st day of July, 1997.

Explanation 2:- In the cases of the persons who have since retired from service or died or who are due to attain the age of superannuation on or before the 28th February, 1998, the arrears of pay and allowances shall be paid in cash. This shall also apply to persons appointed purely on temporary basis for a limited period as well as persons appointed on adhoc basis.

14. Overriding effect of Rules :- To the extent they are inconsistent with these rules, the provisions of the FRs and SRs, the Meghalaya Services (Revision of Pay) Rules, 1996, the Meghalaya Services (Revision of Pay) Rules, 1980 and the Meghalaya Services (Revision of Pay) Rules, 1988 shall not, save as otherwise provided in these rules, apply to cases where fixation of pay is regulated under these rules.

15. Supercession and savings :- (1) The Government Office Memorandum vide No.F(PR)-93/97/1, dated the 24th September, 1997 is hereby superceded.

(2) Notwithstanding such supercession anything done or any action taken or deemed to have been done or taken under the said Office Memorandum shall so far as it is not inconsistent with these rules be deemed to have been done or taken under the corresponding provisions of these rules.

16. Power to relax :- Where the Governor of Meghalaya is satisfied that the operation of all or any of the provisions of these rules causes hardship in any particular case, he may, be order dispense with or relax the 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.

17. Interpretation :- It nay question arises relating to the interpretation of any of the provisions of these rules, it shall be referred to the Government of Meghalaya in Finance Department for decision.

Sd/
11/12/97
(RANGAN DUTTA)
Principal Secretary to the Govt. of Meghalaya,
Finance Department.