

F.No.26014/1/2019-ADMINISTRATION
Government of India
Ministry of Jal Shakti
Department of Water Resources, RD & GR

Shram Shakti Bhawan, Rafi Marg
New Delhi, dated 08th September, 2021

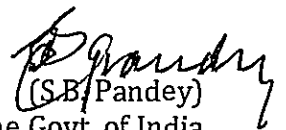
OFFICE MEMORANDUM

Subject: Rectification of pay in r/o Officers who have availed stepping up of pay vis-à-vis their juniors on their promotion in the Section Officers' Grade – interim order on Writ Petitions filed in the matter – Submission of 'Affidavit of Undertaking' – regarding.

The undersigned is directed to refer to D/o Personnel & Training's O.M. No.18/2/2014-CS-I (S) dated 01.07.2019 and 01.06.2020 wherein instructions for dealing with stepping up of pay cases consequent to the directions of Hon'ble High Court of Delhi vide their interim orders in various Writ Petitions filed in the manner, were issued, which is self explanatory. The O.M. under reference clearly stipulates that the benefit of the interim orders of the hon'ble High Court would be available to only those who have been granted such a benefit in the matter by the High Court or those who have submitted the 'Affidavit of Undertaking' in the prescribed format (copy enclosed).

2. In view of above, all Deputy Secretaries and Under Secretaries of Central Secretariat Services in the D/o Water Resources RD & GR, who have availed stepping up of pay on their promotion to Section Officer Grade are requested to submit the 'Affidavit of Undertaking' in the prescribed format.

Encl: As above


(S.B. Pandey)
Under Secretary to the Govt. of India
Tel. No.23738126
Email: usadmn-mowr@nic.in

To

1. All Deputy Secretaries & Under Secretaries in the Department of Water Resources, RD & GR.
2. CWC/CSMRS for taking similar action in r/o similarly placed CSS Officers.
3. For uploading on the circular page of Administration Section in the intranet (mowr.nic.in).

सं-18/2/2014-CS-I (S)
भारत सरकार/ Government of India
कार्मिक, लोक शिकायत और पेंशन मंत्रालय /
Ministry of Personnel, P.G. and Pensions
कार्मिक एवं प्रशिक्षण विभाग /
(Department of Personnel & Training)

2nd Floor, A Wing, Lok Nayak Bhawan,
New Delhi -110003, the 01st June, 2020

OFFICE MEMORANDUM

Subject: Stepping up of pay of senior Assistants of CSS drawing less pay on promotion in the Section Officers' Grade than their juniors – OM No. 18/2/2007-CS-I dated 20.05.2014 – Writ Petitions filed in the matter-regarding.

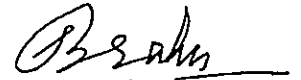
The undersigned is directed to refer to this Department's OM of even number dated 01.07.2019 wherein instructions, for dealing with stepping up of pay cases consequent to directions of Hon'ble High Court of Delhi vide their interim orders in various Writ Petitions filed in the matter, were issued.

2. In this connection it is reiterated that the pay of the petitioners and similarly placed non-petitioners is to be restored only if they submit the 'Affidavit of Undertaking' as directed by the Hon'ble High Court of Delhi in the format attached with this Department's OM under reference.

3. As regards the manner in which the pay is to be restored, it is clarified that the pay of the petitioners and non-petitioners, who submit the affidavit of undertaking in the prescribed format, may be restored notionally from the date with effect from which the stepping up of pay was granted earlier and regularly from the date of submission of the affidavit of undertaking as directed by Hon'ble High Court of Delhi subject to the outcome of the Writ Petitions or orders of any competent court in related matters.


4. If an officer, whose pay has been restored in accordance with the above instructions, superannuates or retires voluntarily, his/ her case may be dealt as per the provisions of CCS (Pension) Rules 1972 relating to provisional pension, payment of gratuity etc.

5. This issues in consultation with Ministry of Finance (Department of Expenditure) vide their ID No. 1(5)E-III(A)/96 dated 27.05.2020 (eFTS 1377323).


(P Bairagi Sahu)
Under Secretary to the Govt. of India
☎: 24624046

To

All the Ministries/ Departments of Government of India
Ministry/ Department of
(Director/ Deputy Secretary (Admn./Estt.)
New Delhi


P.I. discuss
3/8
US(A)/S(FNP)

F.No.18/2/2014-CS-I(S)
Government of India
Ministry of Personnel, PG & Pensions
Department of Personnel & Training

2nd Floor, A Wing, Lok Nayak Bhawan, Khan Market
New Delhi, the 1st July, 2019

OFFICE MEMORANDUM

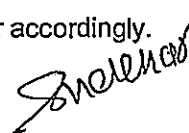
Subject: Stepping up of pay of senior Assistants of CSS drawing less pay on promotion in the Section Officers' Grade than their juniors – OM No.18/2/2007-CS-I dated 20.05.2014 – Writ Petitions filed in the matter - regarding.

The undersigned is directed to refer to the interim orders of Hon'ble High Court of Delhi in WP No.1225/2019 and similar other Writ Petitions filed in the matter vide which the court has stayed downgrading of pay of the petitioners or recovery from their pay in accordance with OM dated 20.05.2014.

2. In the light of the directions of the Hon'ble High Court in the above Writ Petitions, the following directions are issued for compliance by all Ministries/Departments:

- i) The WP No.1225/2019 is being defended by this Department. As regards the remaining Writ Petitions, which have already been filed or likely to be filed in the matter, the Ministry/Department concerned which defended the corresponding OA, may defend the WP. This Department would provide necessary inputs
- ii) The pay of the petitioners or non-petitioners to be restored and recovery stopped only if they submit the affidavit of undertaking as directed by Hon'ble High Court of Delhi. A format of the 'Affidavit of Undertaking' duly vetted by the Central Government Standing Counsel representing this Department in WP No.1225/2019, is attached. It is clarified that those who wish to take the benefit of the interim order dated 05.02.2019 of Hon'ble HC may file their respective affidavit of undertaking with the concerned Ministry/ Department.
- iii) The benefit of the interim orders would be available to only those who have been granted such a benefit in the matter by the High Court or those who have submitted the 'Affidavit of Undertaking' in the prescribed format.

3. Ministries/Departments may take further action in the matter accordingly.


(Chandra Shekhar)

Under Secretary to the Govt. of India
Ph:24624046

To

All Ministries/Departments of Government of India
Ministry/Department of.....
(Director/Deputy Secretary (Admn./Estt.))

New Delhi

AFFIDAVIT

I, _____, s/o _____,

Aged about _____ years, do hereby solemnly swear and affirm as under :

1. That I am a CSS Officer, presently posted as _____
in the Ministry/Department _____.
2. I am a Petitioner/Non-Petitioner in the CWP No. _____
filed in the Hon'ble High Court against the order of CAT dated
11.01.2019 in the O.A.NO. _____.
3. In the event of the above named petition being dismissed the Government
of India may recover the excess payment made to me from my pay/ retrial
dues and that I will not claim any equity in my favour.

DEPONENT

TIME BOUND

F.NO.9/1/2015-CS-I(S)
Government of India
Ministry of Personnel, PG & Pensions
Department of Personnel & Training
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2nd Floor, A Wing, Lok Nayak Bhawan, Khan Market
New Delhi, the 31st January, 2019

OFFICE MEMORANDUM

Subject: OAs filed in the CAT, Principal Bench, New Delhi in the matter of stepping up of pay of senior Assistants on promotion as Section Officer of CSS – regarding

The undersigned is directed to say that a number of OAs were filed in the CAT Principal Bench, New Delhi in the above matter consequent to the re-fixation orders issued by Ministries/Departments in compliance with the instructions contained in this Department's OMs No.18/2/2007-CS-I dated 20.05.2014 and 08.07.2014.

2. Now the Learned CAT has dismissed 18 OAs out of the total OAs filed in the matter vide its order dated 11.01.2019 (copy enclosed). While upholding this Department's OM dated 20.05.2014, the Learned CAT has directed that in case the recovery becomes necessary from the applicants, it shall be in easy installments and without any interest. However, liberty has been given to the applicants to represent individually duly supplying the relevant particulars, indicating how they are entitled to such benefits, if they are of the view that their cases fit into OMs dated 13.04.1988, 23.02.1994 and 08.10.1996, and are not hit by OM dated 04.11.1993. CAT has further ordered that if such representations are made, the concerned authority shall pass appropriate orders thereon within two months from the date of such representation.

3. In view of the above, the Ministries/Departments are requested to take immediate action to:

- i) review all cases of stepping up of pay, if not already done and re-fix the pay and recover excess payments, where the individuals are not covered by the OMs dated 13.04.1988, 23.02.1994 and 08.10.1996 and where general conditions are also not fulfilled. However, while effecting recovery, observation of CAT in para 24 of its order dated 11.01.2019 may be kept in mind.
- ii) In cases where re-fixation orders have already been issued but put on hold due to stay order or pending litigation, the same may be implemented and excess payments made to the officer, recovered as per rules. However, in case representation as directed by the Learned CAT in its order dated 11.01.2019, if any, is received from the


Contn. 2



applicants in the OAs mentioned in the order, the same may be disposed off in consultation with this Department, before re-fixing pay and effecting recoveries as directed by CAT.

- iii) As regards the pending OAs in the matter, the Ministries/Department concerned may supply a copy of the CAT order dated 11.01.2019 to the Government Counsel concerned for taking further action accordingly in the next date of hearing. Further action in respect of the applicants in these pending OAs may be taken only after stay orders, if any is vacated.

4. The Ministries/Departments are requested to act in a time bound manner in this regard and complete the process immediately. The compliance reports in the prescribed format, complete in all respects may be forwarded to this Department by 28.02.2019 positively.


(Chandra Shekhar)
Under Secretary to the Govt. of India
Ph:24624046

To

Ministries/Departments of Govt. of India
(Director/Deputy Secretary (Admn./Estt.)
Ministry/Department of.....

New Delhi