

Government of West Bengal
Finance Department
Audit Branch

No. : 2728 - F

Kolkata, the 7th April, 2009.

MEMORANDUM

Consequent upon promulgation of the West Bengal Services (Revision of Pay and Allowance) Rules, 2009 and Finance Department's Memorandum No. 1691-F, dated 23.02.2009, some doubts have been expressed from different quarters regarding various aspects of fixation of pay in the revised pay structure.

After careful consideration of the matter the undersigned is directed by order of the Governor to offer the following clarifications on the points of doubt for information and guidance of all concerned :

Sl.No.	Points of Doubt	Clarifications
1.	<p>As per provisions of Rule 11 of the WBS (ROPA) Rules, 2009, in case of fixation of pay on promotion or non-functional movement to higher scale on or after 1st January, 2006, a Government employee is entitled to get one increment equal to 3% of the pay in the pay band and the existing grade pay.</p> <p>Under the existing norms when a Government employee is entitled to get the benefit of MCA in terms of Finance Department's Memo No. 3015-F, dated 13.03.2001, in the same scale of pay, he is entitled to get two increments in that scale of pay on the date of entitlement of such benefit. Whether such employee may be allowed the existing benefit of two increments when they have opted to come under the revised pay structure of the WBS (ROPA) Rules, 2009.</p>	<p>When a Government employee has opted to come under the revised pay structure on or after 1st January, 2006, his promotion to higher scale/post, non-functional movement to higher scale or any non-functional benefit under Finance Department's Memo No. 3015-F, dated 13.03.2001, on any date on or after 1st January, 2006, will be regulated as per Rule 11 and 'Notes' laid down below the said Rule of the WBS (ROPA) Rules, 2009. No further benefit will be available.</p>
2.	<p>A Government employee after coming under the revised pay-structure gets non-functional movement to higher scale first within the period 2nd January to 30th June of a particular year and thereafter gets promotion to higher scale within the same period.</p> <p>How his pay will be fixed giving incremental benefits on the 1st July of that year, if he opts to fix his pay in the promotional post on the date of his annual increment on the 1st July of the year ?</p>	<p>As per Note 2 below Rule 11 of the WBS (ROPA) Rules, 2009, a State Government employee may get benefit of one increment for getting non-functional movement or promotional movement to higher scale between the periods 2nd July to 1st January and hence, he will get his usual annual increment on the next 1st July. On the same analogy, benefit of one increment each will be admissible to a Government employee for non-functional movement to higher scale first and thereafter for promotional movement to higher scale, if he opts for such</p>

		<p>benefits straightway on the dates of entitlement, provided such non-functional elevation and promotion fall between the periods from the 2nd January to the 30th June. In such cases, annual increment will be admissible on the 1st July of the next year.</p> <p>In cases where non-functional movement and functional promotion fall within the period 2nd January to 30th June and a Government employee opts to fix his pay in the non-functional higher scale or promotional post on the date of his annual increment, no incremental benefit in his basic pay will be allowed for non-functional movement to higher scale or for movement to higher promotional post. However, on the date of promotion, he will be entitled to get the higher 'Grade Pay' of the promotional post.</p> <p>On the 1st July, he will get first one annual increment and thereafter one increment for the non-functional movement to higher scale as per 'Note-1' below Rule 11 of the WBS (ROPA) Rules, 2009. Taking 'Grade Pay' of the non-functional higher scale, if any, he will be allowed another increment for promotion to higher scale on that date and finally, he will be allowed the grade pay of the higher promotional post.</p>
3.	<p>A Government employee is drawing pay in the revised pay structure with higher 'Grade Pay' than the 'Grade Pay' of the substantive post held by him for non-functional movement to higher scale(s). He is subsequently promoted to a higher post having a lower 'Grade Pay' in relation to the 'Grade Pay' already admissible to him for non-functional movement to higher scale(s).</p> <p>How fixation of pay of such an employee in the promotion post will be regulated in the revised pay structure ?</p>	<p>If promotion to higher post involves assumption of duties and responsibilities of greater importance, a Government employee for such promotion will get the benefit of 3% increment in terms of Rule 11 of the WBS (ROPA) Rules, 2009, even though 'Grade Pay' of the officiating promotion post is lower than the 'Grade Pay' drawn by him for holding higher non-functional scale(s).</p> <p>In such cases, the Government employee will be allowed to continue with the 'Grade Pay' of the non-functional higher scale. The same analogy may be followed in case of 'Grade-I functional or non-functional movement.</p>
4.	<p>As per Rule 48(f) of the W.B.S.R., Part-I, extraordinary leave does not count for increments, if such leave was not granted by the Government on account of illness etc. as laid down therein.</p> <p>When extraordinary leave does not count towards increment, a Government employee's date of periodical increments become deferred after omitting the period not qualifying for increment and thereafter, the date of increment is fixed on the first-day of the</p>	<p>As per Rule 10 of the WBS (ROPA) Rules, 2009, in respect of all Government employees, there shall be uniform date of annual increment and such date of annual increment shall be the 1st day of July every year.</p> <p>It is, therefore, decided that when a Government employee's period of extraordinary leave has not been counted towards increment under Rule 48(f) of the W.B.S.R., Part-I, his date of increment after</p>

particular month as per provisions laid down in Rule 48A of the W.B.S.R., Part-I.

A question has been raised how deferment of increment will be regulated when a Government employee does not fulfill the conditions of counting the period of extraordinary leave towards increment as per Rule 48(f) of the W.B.S.R., Part-I, and his pay is fixed in the revised pay structure under the WBS (ROPA) Rules, 2009.

omitting the period not qualifying for increment in the revised pay structure will be regulated in the following manner :-

(i) When the period of extraordinary leave exceeds one month, but does not exceed eleven months after 1st July of usual annual increment, the Government employee may be allowed the next annual increment notionally on the 1st July of the next year. However, the actual benefit of increment will be admissible from the month after deducting the non-qualifying month(s) of service spent on extraordinary leave from the 1st July of notional incremental benefit.

To illustrate, a Government employee after getting incremental benefit on the 1st July, 2007, went on extraordinary leave for 5 (Five) months 8 days within 30th June, 2008. He would get increment on 1st July, 2008, notionally. However, actual benefit of increment would be admissible to him with effect from 1st December, 2008.

(ii) Similarly, when extraordinary leave for one month to eleven months spreads covering the date of increment of 1st July of the year he will be allowed notional annual increment for that year and the actual benefit of increment will be allowed after the end of the extraordinary leave and also counting the period of non-qualifying service spent on such leave taken together.

To illustrate, a Government employee was on extraordinary leave on and from 20.03.2008 to 26.09.2008 i.e. for 6 months 11 days.

He would be allowed notional annual increment on 1st July, 2008. But the benefit of actual increment would be admissible to him from 1st April, 2009.

(iii) In case the period of extraordinary leave extends over one year or more, no annual increment will be admissible for the year(s) spent on extra-ordinary leave. He will get the benefit of annual increment with effect from the next 1st July of the year when he joins after spending the period on extraordinary leave.

To illustrate, a Government employee was on extraordinary leave for 1 year 5 months on and from 30.12.2007 after coming under the revised pay-structure. He would not get the benefit of annual increment on 01.07.2008. He would get usual increment on 01.07.2009.

		The fact of such notional benefit of increment and/or non-admissibility of the benefit, if any, should be recorded in the Service Book of the concerned Government employee.
5.	A question has been raised whether a State Government employee may remain in the existing scale of pay upto any date before issue of Notification of the WBS (ROPA) Rules, 2009, as per his option.	<p>Subject to fulfillment of the provisions of Rule 5 of the WBS (ROPA) Rules, 2009, a State Government employee may opt to continue to draw pay in the existing scale of pay after 1st January, 2006 only in the following cases :-</p> <p>(i) He may take chance of drawing next increment or any subsequent increment in the existing scale after 1st January, 2006 and thereafter may opt for the revised pay structure from the date of such increment;</p> <p>(ii) Where he has been placed in a higher pay scale between 01.01.2006 to 23.02.2009 on account of promotion or upgradation of pay scale etc., he may opt to come under the revised pay structure with effect from the date of such promotion or upgradation, as the case may be.</p> <p>Save the two cases detailed above, no Government employee may be allowed to draw pay in the existing scale after 1st January, 2006, under Rule 5 of the WBS (ROPA) Rules, 2009.</p>
6.	How pay and allowances will be computed for the purpose of calculation of 'arrear of pay' in respect of a Government employee for the period from 01.04.2008 to 31.03.2009 ?	<p>For computation of 'arrear of pay' in respect of a Government employee under Rule 12 of the WBS (ROPA) Rules, 2009, the following procedures may be followed :-</p> <p>(A) <u>Pay and allowances actually drawn during the period from 01.04.2008 to 31.03.2009 under the existing scale and orders of drawal of allowances :</u></p> <p>For calculating the aggregate of pay and allowances drawn during the period, Basic Pay plus 50% of 'Basic Pay' to be treated as dearness pay and NPA, where admissible, will have to be taken into account first.</p> <p>For calculation of dearness allowance for the period under reference, the instalments of dearness allowance drawn by the State Government employees with effect from 01.04.2008, 01.06.2008, 01.11.2008 and 01.03.2009 vide Order Nos. 13-F dated 01.01.2008, No. 4236-F, dated 12.06.2008, No. 8195-F, dated 04.11.2008 and No. 1370-F, dated 12.02.2009 respectively will have to be calculated.</p> <p>(B) <u>Pay and allowances to which a Government employee is entitled on account of revision of pay and allowances under the WBS (ROPA) Rules, 2009 during the period</u></p>

		<p>from 01.04.2008 to 31.03.2009 :</p> <p>For calculating the aggregate of pay and allowances which were admissible to a State Government employee during the period under reference, basic pay in the revised pay structure and NPA, where admissible, will have to be calculated first. For calculation of dearness allowance on the revised 'Basic Pay' during the period under reference, the rates of dearness allowance specified under Finance Department's Memo No. 1692-F, dated 23.02.2009 will have to be followed.</p> <p><u>Arrear of pay in respect of a State Government employee will be difference between the aggregate of (B) and (A) above.</u></p>
7.	<p>How a State Government employee will draw special allowance for excess duty, Sundarban allowance, Hill Compensatory allowance, Winter allowance etc. when he will draw pay and allowances under the revised pay structure with effect from 1st April, 2009 ?</p>	<p>A State Government employee will draw dearness allowance, house rent allowance, medical allowance and NPA, where admissible, as per revised rates and scale in terms of Finance Department's Memo No. 1691-F, dated 23.02.2009 with effect from 01.04.2009 when he is going to draw pay and allowances under the revised pay structure of the WBS (ROPA) Rules 2009, as per his option.</p> <p>As rates of other allowances have not yet been revised, such a Government employee will continue to draw the same amount of Hill Compensatory allowance/Winter allowance etc. at the same rate and scale, which he drew on his unrevised basic pay till 31st March, 2009 after he has opted to come under the revised pay structure.</p> <p>In other words, the amount of other allowances viz. Winter allowance, Hill Compensatory allowance, Sundarban allowance etc. will be the same amount drawn by a State Government employee as on 31.03.2009, when he will draw pay and allowances with effect from 01.04.2009 under the WBS (ROPA) Rules, 2009 until further orders.</p>

2. This order shall be deemed to have been taken effect from the date of publication of the WBS (ROPA) Rules, 2009.

Sd/- B. Lahiri

Deputy Secretary to the
Government of West Bengal
Finance Department

Copy forwarded for information and necessary action to :-

01. The Accountant General (A&E), West Bengal, Treasury Buildings, Kolkata – 700 001.
02. The Principal Accountant General (Audit), West Bengal, Treasury Buildings, Kolkata – 700 001.
03. The Pay & Accounts Officer, Kolkata Pay & Accounts Office-I, 81/2/2, Phears Lane, Kolkata – 7000 012.
04. The Pay & Accounts Officer, Kolkata Pay & Accounts Office-II, P-1, New CIT Road, Kolkata – 700 073.
05. The Accounts Officer, West Bengal Secretariat, Writers' Buildings, Kolkata – 700 001.
06. The Accounts Officer, West Bengal Secretariat, Bikash Bhawan, Salt Lake, Kolkata – 700 091
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**Deputy Secretary to the
Government of West Bengal
Finance Department**