

Government of West Bengal
Finance Department
Audit Branch

No-6471-F[P₂]

Date: 02.12.2019

MEMORANDUM

Consequent upon promulgation of the West Bengal Services (Revision of Pay and Allowance) Rules,2019 and Finance Department's Memo. No-5563-F dt. 25.09.2019, certain points have been raised from different corners regarding various aspects of fixation of pay in the revised pay structure as well as exercising of option to come under the revised pay structure.

After careful consideration of the matter the undersigned is directed by order of the Governor to provide the following clarifications on the points raised for information and guidance of all concerned.

Sl. No	Points raised	Clarification
1.	In terms of 2nd proviso to Rule 5 of the WBS(ROPS) Rules,2019, a government employee is eligible to exercise option to come under the said Rules from the date of promotion. The pay of the employees who, after getting promotion during the 2nd January to 30th June in any of the years from 2016 to 2019 got their pay fixed w.e.f. the date of next increment on 1st July as per their option in terms of the then existing provision (ROPA-2009), cannot be fixed under revised pay structure from the date of promotion because of the fact that on that date such employees did not get pay fixation benefit of promotion except the Grade Pay of the promotion post in the case of functional promotion and got nothing in respect of non-functional promotion.	In respect of the employees who, after getting promotion during 2nd January to 30th June in any of the years from 2016 to 2019, got their pay fixed w.e.f. the date of next increment on 1st July, the date of final fixation of pay on promotion, whether functional/ non-functional, in the pre-revised pay structure shall be treated as the date of promotion for the purpose of the 2nd proviso to Rule 5 of the said rules.
2.	In terms of 2nd proviso to Rule 5 of the WBS(ROPS) Rules,2019, a government employee is eligible to exercise option to come under the said Rules from the date of promotion that took place between 1st day of January 2016	As the 2nd proviso to the said Rules does not categorically indicate the same, the employee is eligible to exercise option for the revised pay structure from the date of any promotion whether functional/ non-functional that took place during that period.

	and the date of notification of the said Rules and it is observed that a few employees got more than one promotion during that period. A question has been raised whether such an employee is eligible to exercise option to come under the revised pay structure from the date of 2nd or subsequent promotion.	
3.	It is observed that few employees got more than one promotion within one year during the period from 1st January 2016 to the date of notification of the Rules. In terms of Memo. No- 919-F dt. 02.02.2006 such employees are eligible to get pay fixation benefit for subsequent promotion only after completion of one year probation period in the immediate lower promotion post. A question has been raised whether such an employee who, after getting promotion has not got final pay fixation benefit due to non-completion of one year probation period in the lower promotion post in terms of Memo. No-919-F dt. 02.02.2006, is eligible to exercise option to come under the revised pay structure from the date of such subsequent promotion.	Option to come under the revised pay structure in respect of such an employee shall be regulated in terms of the provisions of Rule 5 of the WBS(ROPA) Rules,2019 except from the date of subsequent promotion in which he has not got final pay fixation benefit due to non-completion of one year probation period in the lower promotion post in terms of memo. No-919-F dt. 02.02.2006. In respect of such an employee, the revised pay so arrived at immediately before such promotion as per the option in the above manner or due to increment or promotion shall initially be fitted w.e.f. the date of promotion in the appropriate Level attached to the promotion post at the same Cell as that of the said pay and in absence of such Cell, it shall be fitted at the next higher Cell and such pay shall finally be refixed under the provisions of Rule 11 of the WBS (ROPA) Rules,2019 on completion of one year probation period in the earlier promotion post in terms of Memo. No-919-F dt. 02.02.2006. In that case he may have option to get his pay fixed in the promotion post either from the date of completion of probation period in the lower promotion post or from the date of next increment which falls after that date. <u>Illustration I</u> An employee while drawing pay of Rs.7220/- (Rs.5520+Rs.1700) in the lower post in PB-1 with Gr. Pay Rs.1700/- was promoted to the post of LDA on 21.10.2018 in PB-2 with Gr. Pay Rs.2600/- and was again promoted to the post of UDA w.e.f. 19.11.2018 in PB-3 with Gr. Pay Rs.3600/- before completion of one year probation period in the post of LDA. After granting one promotional increment, his pay w.e.f. 21.10.2018 in the post of LDA in PB-2 with Gr. Pay Rs.2600/- was fixed at Rs.8840/- (Rs.6240 +Rs.2600) i.e at the minimum. On promotion to the post of UDA, his pay was provisionally fixed at Rs. 9840/- (Rs. 6240 + Rs.3600) w.e.f. 19.11.2018 which shall be refixed w.e.f

21.10.2019 at Rs.11040/- (Rs.7440 + Rs.3600) in PB-3 with Gr. Pay Rs.3600/- in terms of Memo. No-919-F dt. 02.02.2006 after allowing normal increment on 01.07.2019 and one notional promotional increment.

For Fixation of pay in the revised pay structure he may opt w.e.f. 01.01.2016 or 01.07.2016 or 01.07.2017 or 01.07.2018 (as he did not get any promotion during that time) or from 21.10.2018, the date of promotion to the post of LDA.

If he opts for the revised pay structure from 21.10.2018, his pay in the post of LDA w.e.f. 21.10.2018 shall be fixed at Rs. 23400/- in Level 6 (Rs. 8840 x 2.57 = Rs. 22718.80 = Rs. 22719)

On promotion to the post of UDA his pay shall initially be fitted w.e.f. 19.11.2018 at Rs. 28900/- i.e at the minimum of Level 9, which shall finally be refixed w.e.f. 21.10.2019 at Rs. 28900/- in terms of Memo. No-919-F dt. 02.02.2006 after allowing normal increment w.e.f. 01.07.2019 in the post of LDA and one notional increment for promotion. His next increment will be on 01.07.2020.

Illustration II

An employee while drawing pay of Rs.9990/- (Rs.8090 +Rs. 1900) in PB-2 with Gr. Pay Rs.1900/- was promoted to the post of LDA w.e.f. 07.03.2019 in PB-2 with Gr. Pay Rs.2600/- and was again promoted to the post of UDA w.e.f. 20.04.2019 in PB-3 with Gr. Pay Rs.3600/-.

His pay on promotion to the post of LDA may either be fixed at Rs.10990/- (Rs.8390+ Rs.2600) straightway w.e.f. 07.03.2019 or at Rs.11300/- (Rs.8700+ Rs.2600) w.e.f. 01.07.2019 according as he opted w.e.f. 07.03.2019 or 01.07.2019.

In case, he opted for such fixation w.e.f. 07.03.2019, on promotion to the post of UDA, his pay was initially fixed w.e.f. 20.04.2019 at Rs.11990/- (Rs.8390+ Rs.3600) which shall be refixed w.e.f. 07.03.2020 in terms of memo. No-919-F dt. 02.02.2006. In case, he opted for such fixation w.e.f. 01.07.2019, his pay on promotion to UDA was initially fixed w.e.f. 20.04.2019 at Rs.11690/- (Rs.8090+Rs.3600) and w.e.f. 01.07.2019 at Rs.12300/- (Rs.8700+ Rs.3600) which shall be refixed w.e.f. 07.03.2020 in terms of Memo. No-919-F dt. 02.02.2006.

If he opted for fixation of pay in the pre-revised pay structure in the post of LDA w.e.f. 01.07.2019, he may opt for revised pay structure w.e.f. 01.07.2019 and in that case his pay in the revised pay structure in Level 6 may be fixed at Rs. 29600/- w.e.f. 01.07.2019. On promotion to the post of UDA, his pay may initially be fitted in Level 9 at Rs. 29800/- w.e.f. 01.07.2019 which shall be refixed w.e.f. 07.03.2020 in Level 9 at Rs. 30700/- in terms of Memo No. 919 – F dtd. 02.02.2006

		with next increment on 01.07.2021. Such refixation may also be done w.e.f. 01.07.2020, if he so opted, raising his pay to Rs. 31600/- in Level 9 with next increment on 01.07.2021. However, in case he opted for fixation of pay in the revised pay structure w.e.f. 07.03.2019, his pay on promotion to the post of UDA may be fixed in the same manner as detailed herein.
4.	A Government employee after coming under the revised pay-structure first gets non-functional movement to higher Level within the period from 2nd January to 30th June of a particular year and thereafter gets promotion to higher Level within the same period. How his pay will be fixed if he opts to get his pay fixed in the promotion post on the date of his annual increment on the 1st July of the year?	Following the analogy as provided under Note 1 (b) below rule 11 of the WBS (ROPA) Rules, 2019, in cases where non-functional movement to higher Level and functional promotion fall within the period from 2nd January to 30th June of a particular year and a government employee opts to fix his pay in the non-functional higher Level or promotion post on the date of his annual increment, no interim benefit of pay fixation will be allowed for non-functional movement to higher Level. However, on the date of functional promotion, his pay will be placed in the applicable Level of the promotion post at the same Cell as that of his existing pay and in absence of such Cell, it shall be fitted at the next higher Cell of that Level. On the 1st July, his pay for such non-functional movement to higher Level will first be fixed after allowing normal increment in the manner as laid down under Rule 11 (i) of the WBS (ROPA) Rules, 2019 and thereafter on the basis of such pay so arrived at he will be allowed promotional pay fixation in the same manner.
5.	Certain question has been raised as regards exercising option to come under revised pay structure under WBS(ROPA) rules, 2019 in respect of the employees appointed on transfer from another post on or after 1 st day of January, 2016 (Explanation 2 below rule 5)	The employees mentioned under Explanation 2 below Rule 5 do not include the employees who joined in a post by transfer from another post in the interest of public service as per the specific provisions of the relevant Recruitment Rules. For example, Typists of the Secretariat and LDAs of the Directorate appointed on transfer to the post of LDA of the Secretariat, LDCs of the Regional Offices appointed on transfer to the post of LDA of the Directorates etc. as per relevant Recruitment Rules are such categories.
6.	It has been provided under Rule 48 (f) of the W.B.S.R. Pt-I that unless the Government directs to do so in certain circumstances, extraordinary leave availed by a State Government employee does not count towards his increments for which periodical increments of such an employee is to be deferred after excluding the period not qualifying for	WBS(ROPA) Rules, 2019 has prescribed a uniform date of annual increment in respect of all State Government employees which is 1st July of every year. It is therefore decided that when the extraordinary leave availed by an employee has not been counted towards his increment under Rule 48(f) of the W.B.S.R. Pt-I, the same may be regulated in the following manner : (i) When the period of extraordinary leave ranges from more than one month to eleven months before 1st July of the next year, the Government employee may be allowed the next annual increment notionally on the 1st July of the next year with actual benefit from the month

	increment and to be fixed on the first day of the particular month in terms of Rule 48A of WBSR Pt-I. Now the question arises how such deferment of increment will be regulated under the WBS(ROPA) Rules,2019?	after deducting the non-qualifying month(s) of service spent on such leave from the 1st July of notional incremental benefit. <u>To illustrate</u>, a Government employee after getting periodical increment on 1st July 2017, went on extraordinary leave for 5 (five) months 8 days within 30th June 2018. He would get increment notionally on 01.07.2018 with actual effect from 01.12.2018. (ii) Similarly, when extraordinary leave for one month to eleven months covers the date of increment of 1st July of the year, he will be allowed notional periodical increment for that year and actual benefit would be allowed after the end of the extraordinary leave and also counting the period of non-qualifying service spent on such leave taken together. <u>To illustrate</u>, a government employee remained on extraordinary leave on and from 20.03.2018 to 26.09.2018 i.e. for 6 months 11 days. He would be allowed notional annual increment on 01.07.2018 but the actual benefit would be admissible to him from 01.04.2019. (iii) In case the extraordinary leave stretches over one year or more, no annual increment will be admissible for the year(s) spent on such leave. He will get annual increment w.e.f. the next 1st July of the year when he joins after spending such leave. <u>To illustrate</u>, a Government employee remained on extraordinary leave for 1 year 5 months on and from 30.12.2017 after coming under the revised pay-structure. He would not get annual increment on 01.07.2018. He would get usual increment on 01.07.2019.
7.	How the annual increment of a Government employee will be regulated under the revised pay-structure after revocation of his suspension?	If the period of suspension in respect of a Government employee has not been treated as the period spent on duty, the incremental benefit in respect of such employee shall be regulated following the procedure as shown under clarification No-6 as if he were on extraordinary leave.

Sd/- H.K.Dwivedi

Additional Chief Secretary to the
Government of West Bengal

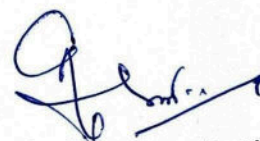
Copy forwarded for information and necessary action to :-

01. The Principal Accountant General (A&E), West Bengal,
Treasury Buildings, 2, Govt. Place [West] Kolkata – 700 001.
02. The Additional Chief Secretary to the Governor of West Bengal, Raj Bhaban,
Kolkata.
03. The Additional Chief Secretary / Principal Secretary / Secretary, _____

04. The Pay & Accounts Officer, Kolkata Pay & Accounts Office-I,
81/2/2, Phears Lane, Kolkata – 700 012.
05. The Pay & Accounts Officer, Kolkata Pay & Accounts Office-II,
P-1, Hyde Lane, Jawahar Buildings, Kolkata – 700 073.
06. Pay & Accounts Officer, Kolkata Pay & Accounts Office-III, SUVANNA, SGO Complex,
5th & 6th Floor, Plot No.9, Block-DF, Kolkata-700064.
07. The Assistant Secretary & D.D.O., Finance Department.
08. The District Magistrate/Judge _____.
09. The Commissioner, _____ Division
10. The Treasury Officer, _____

11. The Sub-Divisional Officer, _____

12. The Superintendent of Police, _____
13. The Principal, Industrial Training Institute, _____
14. The Ex. Engineer/Superintending Engineer, _____
15. The _____ Department/Directorate.
It is requested that this Memo, may be circulated to all offices under their control.
16. Shri Sumit Mitra, Network Administrator, Finance Department for uploading this
Resolution in the website of Finance Department



Deputy Secretary to the
Government of West Bengal