

RTI REQUEST DETAILS (आरटीआई अनुरोध विवरण)

Registration Number (पंजीकरण संख्या) :	CCUM1/R/E/25/00022	Date of Receipt (प्राप्ति की तारीख) :	22/01/2025
Type of Receipt (रसीद का प्रकार) :	Online Receipt	Language of Request (अनुरोध की भाषा) :	English
Name (नाम) :	Ajay L R	Gender (लिंग) :	Male
Address (पता) :	Ulwe, Navi Mumbai, Pin:403711		
State (राज्य) :	Maharashtra	Country (देश) :	India
Phone Number (फोन नंबर) :	Details not provided	Mobile Number (मोबाईल नंबर) :	Details not provided
Email-ID (ईमेल-आईडी) :	ajaylr456@gmail.com		
Status (स्थिति)(Rural/Urban) :	Urban	Education Status :	Graduate
Is Requester Below Poverty Line ? (क्या आवेदक गरीबी रेखा से नीचे का है?) :	No	Citizenship Status (नागरिकता) :	Indian
Amount Paid (राशि का भुगतान) :	10) (original recipient)	Mode of Payment (भुगतान का प्रकार) :	Payment Gateway
Does it concern the life or Liberty of a Person? (क्या यह किसी व्यक्ति के जीवन अथवा स्वतंत्रता से संबंधित है?) :	No(Normal)	Request Pertains to (अनुरोध निम्नलिखित संबंधित है) :	Shri. A. K. Dutta (General)
Information Sought (जानकारी मांगी):	<p>I am seeking information under the Right to Information Act, 2005, on the following matters related to pay protection:</p> <ol style="list-style-type: none"> Whether a railway employee who is directly recruited at Grade Pay 4600 (as per 7th CPC) and subsequently secures employment in the Customs Department at the same Grade Pay (4600) through direct recruitment is eligible for pay protection. If eligible for pay protection, kindly specify which authority is responsible for granting the pay protection: (A) The cadre-controlling authority (parent commissionerate), or (B) The commissionerate where the employee is currently working. Please provide the rules, regulations, and conditions governing the responsibility for granting pay protection in such cases. Provide copies of office orders, circulars, or government notifications relevant to the matter. 		
<div style="display: flex; justify-content: flex-end; gap: 10px;"> Print Save Close </div>			

	<p>प्रधान आयुक्त सीमा शुल्क (सामान्य) का कार्यालय OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS (GENERAL) सूचना का अधिकार कक्ष, नवीन सीमा शुल्क भवन, बापू जमादार चौक, बेलार्ड इस्टेट, मुंबई 400 001 RIGHT TO INFORMATION CELL, NEW CUSTOM HOUSE, BAPU JAMADAR CHOWK, BALLARD ESTATE, MUMBAI- 400 001 (Tel: 022 - 2275 7766) Email id: rtignch-mumbai@gov.in</p>	 आज़ादी का अमृत महोत्सव
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F.NO.- GEN/RTI/57/2025

Date: 13.02.2025

सेवा में/To,

Shri Ajay L R,
Ulwe, Navi Mumbai,
Maharashtra,
Pin: 403711

विषय: आर टी आई अधिनियम 2005 के अन्तर्गत सूचना ।

Please refer to your online RTI application bearing Reg. No. CCUM1/R/E/25/00022 dated 22.01.2025, which was received in this office on 24.01.2025, seeking information under Right to Information Act, 2005.

2. With regard to the information sought by the above referred RTI application, reply has been received from the concerned Sections/office, Office of the Principal Commissioner of Customs (General) Zone -1, Mumbai which is as under:

Point No.1: Please see the para 2,3 & 4 under the DOPT OM F.No. 12/2/2017-Estt. (Pay-I) dated 05.05.2020. (Copy enclosed)

Point No.2: The authority responsible for granting pay protection is the Commissionerate where the employee is currently working.

Point No.3: Please refer DOPT's OM issued under F.No. 12/2/2017-Estt. (Pay-I) dated 05.05.2020 for granting pay protection.

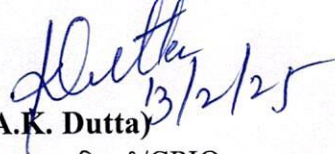
Point No.4: Relevant copy of OM is enclosed herewith.

3. If you are not satisfied with the information provided, you can prefer an appeal before the Appellate Authority as provided in Section 19 of the Right to Information Act, 2005 within 30 days from the date of receipt of this letter. The details of the Appellate Authority are as under:

नाम /Name	: अरविन्द घुगे / Arvind Ghuge
पदनाम /Designation	: अपर आयुक्त /Additional Commissioner of Customs अपीलीय प्राधिकारी (सामान्य) /Appellate Authority (General)

डाककापता /Postal Address : तिसरी मंजिल, नवीन सीमाशुल्क भवन/3rd Floor, New Custom House,
बैलार्ड एस्टेट, मुंबई/ Ballard Estate, Mumbai - 400 001

भवदीय/ Yours faithfully,


(A.K. Dutta)

केंद्रीय जन सूचना अधिकारी/CPIO,
सहायक आयुक्त सीमा शुल्क/Assistant Commissioner of Customs
सू. का अधि. कक्ष (सामान्य)/RTI Cell (General)
Customs Commissionerate (General), Zone-1, Mumbai

F. No. 12/2/2017-Estt(Pay-I)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi
Dated: 5th August, 2020

OFFICE MEMORANDUM

Subject: Protection of pay to the Central Government Servant consequent to appointment to a new post in different service or cadre in Central Government, through direct recruitment where either higher duties and responsibilities are involved or not, as the case may be, under FR 22-B(1), in the 7th CPC Scenario-regarding.

The undersigned is directed to say that consequent to various references received from Ministries/Departments on protection of pay under FR 22-B(1), a need has been felt to issue guidelines on the manner of fixation of pay in respect of the Central Government Servant who after technical resignation, is appointed to new post in the different service or cadre in Central Government through direct recruitment where either higher responsibilities are involved or not, as the case may be, in 7th Central Pay Commission scenario.

2. Provisions of FR 22-B(1) *inter-alia* provide as under :-

"F.R. 22-B.(1) Notwithstanding anything contained in these Rules, the following provisions shall govern the pay of a Government servant who is appointed as a probationer in another service or cadre, and subsequently confirmed in that service or cadre-

(a) during the period of probation, he shall draw pay at the minimum of the time scale or at the probationary stages of the time scale of the service or post, as the case may be:

Provided that if the presumptive pay of the permanent post on which he holds a lien or would hold a lien had his lien not been suspended, should at any time be greater than the pay fixed under the clause, he shall draw the presumptive pay of the permanent post;

(b) on confirmation in the service or post after the expiry of the period of probation, the pay of the Government servant shall be fixed in the time-scale of the service or post in accordance with the provisions of Rule 22 or Rule 22-C, as the case may be:....."

3. Consequent upon the implementation of 7th CPC Report and CCS (RP) Rules, 2016, the President is pleased to allow protection of pay in the light of the provisions laid down under FR 22-B(1) to Central Government employee who is appointed as probationer in another service or cadre either carrying higher responsibilities or not, as the case may be and subsequently confirmed in that service or cadre, in the manner as illustrated below:

(Signature)
05/08/2020
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(A) MANNER OF FIXATION OF PAY OF GOVERNMENT SERVANT UNDER FR 22-B(1) CONSEQUENT TO HIS APPOINTMENT IN LOWER POST THROUGH DIRECT RECRUITMENT, WHERE HIGHER DUTIES AND RESPONSIBILITIES ARE NOT INVOLVED

A Central Government Employee on his appointment to a post in lower Level in different service or cadre in Central Government which does not carry duties and responsibilities of greater importance than those attached to the post held earlier by him on regular basis before such appointment and having a provision of probation period in new post, may during probation draw the presumptive pay of the post held earlier by him on regular basis, if it is higher than the minimum of the Time Scale of the new post. He would also draw annual increments on such presumptive pay. However, it is to be ensured that during probation, presumptive pay should always be greater than the pay of the new post after drawl of increment(s). Subsequently, on successful completion of his probation, his pay will be fixed under FR 22(I)(a)(2).

Protection of Pay in the above manner should not, at any of these stages, exceed the maximum of the Level of the new post in Pay Matrix.

Illustration

An officer was drawing pay of Rs.78,500 in Cell 6 in Level 11 (with DNI 01.07.2018) before his appointment to a post in Level 10 on 01.04.2018 which does not carry duties and responsibilities of greater importance than those attached to the post held earlier by him before such appointment. There is a provision of 2 years probation period in new post.

Since the first Cell Value in Level 10 (Rs.56,100) is less than the Last Basic Pay i.e. Rs. 78,500/- in Level 11. Hence during probation, he will draw the presumptive pay i.e. Rs.78,500/- in Level 11 and would also draw annual increments according to the pay drawn in his previous post in Level 11.

On 01.04.2018-	Rs. 78,500 (Level 11)
On 01.07.2018-	Rs. 80,900 (Level 11)
On 01.07.2019-	Rs. 83,300 (Level 11)

On successful completion of his probation period and on confirmation w.e.f. 01.04.2020, the pay of the officer would be fixed under FR 22(I)(a)(2). Since no such Cell of Rs. 83,300/- is available in Level 10, his pay would be fixed at next higher cell i.e. Cell 15 in Level 10 at Rs. 84,900 with next date of increment 01.01.2021.

(B) MANNER OF FIXATION OF PAY OF CENTRAL GOVERNMENT EMPLOYEE UNDER FR 22-B(1) CONSEQUENT TO HIS APPOINTMENT TO A POST IN HIGHER LEVEL THROUGH DIRECT RECRUITMENT, WHERE HIGHER DUTIES AND RESPONSIBILITIES ARE INVOLVED

A Central Government Employee on his appointment to a post in higher level in different service or cadre in Central Government carrying duties and responsibilities of greater importance than those attached to the post held earlier by him on regular basis before such appointment and having a provision of

P Bahar
05/08/2020 2/5

probation period in new post, may during probation draw the presumptive pay of the post held earlier by him on regular basis if it is higher than the minimum of the Time Scale of the new post. He would also draw annual increments on such presumptive pay. However, it is to be ensured that during probation presumptive pay should always be greater than the pay of the new post after drawl of increment(s). Subsequently, on successful completion of his probation, his pay will be fixed under FR 22(l)(a)(1).

Protection of Pay in the above manner should not, at any of these stages, exceed the maximum of the Level of the new post in Pay Matrix.

Illustration

An officer was drawing pay of Rs.58,600 in Cell 10 of Level 7 before his appointment on 01.04.2018 in Level 10 (with DNI 01.07.2018) which carries duties and responsibilities of greater importance than those attached to the post held earlier by him on regular basis before such appointment. There is a provision of 2 years probation period in new post.

Since the first Cell Value of Level 10 (Rs. 56,100) is less than the Last Basic Pay drawn in Cell 10 of Level 7 i.e. Rs. 58,600/-, hence during probation, he will draw the presumptive pay of the post held earlier by him on regular basis and would also draw annual increments in the Level 7 of his previous post as shown below:-

On 01.04.2018-	Rs. 58,600 (Level 7)
On 01.07.2018-	Rs. 60,400 (Level 7)
On 01.07.2019-	Rs. 62,200 (Level 7)

On successful completion of his probation period and on confirmation w.e.f. 01.04.2020, the pay of the officer would be fixed under FR 22(l)(a)(1) read with Rule 13 of CCS (RP) Rules, 2016. Accordingly, an increment will be added in his pay in Level 7 and his pay will reach at Rs. 64,100/-. Since, there is no cell value equal to Rs. 64,100 available in Level 10, his pay will be fixed in Level 10 in Cell 6 at Rs. 65,000/- with next date of increment 01.01.2021.

(C) MANNER OF FIXATION OF PAY OF CENTRAL GOVERNMENT EMPLOYEE UNDER FR 22-B(1) CONSEQUENT TO HIS APPOINTMENT TO A POST IN EQUIVALENT LEVEL POST THROUGH DIRECT RECRUITMENT, WHERE HIGHER DUTIES AND RESPONSIBILITIES ARE NOT INVOLVED

A Central Government Employee on his appointment to a post in Equivalent Level in different service or cadre in Central Government through direct recruitment where higher duties and responsibilities are not involved and having a provision of probation period in new post, may during probation draw the presumptive pay of the post held earlier by him on regular basis. He would also get his increments on such presumptive pay. On successful completion of his probation, his pay will be fixed under FR 22(l)(a)(2). However, Protection of Pay in the above manner should not, at any of these stages, exceed the maximum of the Level of the new post in Pay Matrix.

DB Ahluwalia
05/08/2020

Illustration

An officer was drawing pay of Rs. 58,600 in Cell 10 of Level 7 before his appointment on 01.04.2018 in the same Level 7 (with DNI 01.07.2018). There is a provision of 2 years probation period in new post.

Since the first Cell Value of Level 7 (Rs. 44,900) is less than the Last Basic Pay i.e. Rs. 58,600/- in Level 7 drawn by Government Servant, hence during probation, he will draw the presumptive pay and also get his increments in the same Level of his previous post as shown below:-

On 01.04.2018-	Rs. 58,600 (Level 7)
On 01.07.2018-	Rs. 60,400 (Level 7)
On 01.07.2019-	Rs. 62,200 (Level 7)

On successful completion of his probation period and on confirmation w.e.f. 01.04.2020, the pay of the officer would be fixed under FR 22(I)(a)(2). Since no increment would be admissible under FR 22(I)(a)(2), there will be no change in his pay on the date of confirmation i.e. 01.04.2020. Accordingly, his pay in Level 7 on 01.04.2020 would be Rs. 62,200 (Level 7) with next date of increment on 01.07.2020, as Level remains same.

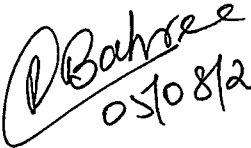
4. The above mentioned pay protection under FR 22-B(1) will be available to the Government servant if he holds a lien on his previous permanent post.

5. No stepping up of pay of senior Government servant shall be allowed on the basis of the pay protection granted under FR 22-B(1) to junior Government servants of that particular service/cadre.

6. This order takes effect from 01.01.2016.

7. In their application to the employees of Indian Audit and Accounts Department, these orders are issued after consultation with the Comptroller & Auditor General of India, as mandated under Article 148(5) of the Constitution.

8. Hindi version will follow.


05/08/2020
(Rajeev Bahree)

Under Secretary to the Government of India

To

All Ministries / Departments of Government of India.

Copy also forwarded to:

1. The Comptroller & Auditor General of India.
2. Secretary General, Supreme Court of India.
3. Controller General of Accounts / Controller of Accounts, Ministry of Finance.

4. Union Public Service Commission / Lok Sabha Sectt. / Rajya Sabha Sectt. / Cabinet Sectt. / Central Vigilance Commission / President's Sectt./ Vice-President's Sectt. / Prime Minister's Office / Niti Aayog.
5. Governments of all States and Union Territories.
6. Department of Personnel and Training (AIS Division) / JCA / Admn. Section.
7. Secretary, National Council of JCM (Staff Side), 13-C, Feroz Shah Road, New Delhi.
8. All Members of Staff Side of the National Council of JCM / Departmental Council.
9. All Officers / Sections of Department of Personnel and Training / Department of Administrative Reforms & Public Grievances / Department of Pensions & Pensioners' Welfare / PESB.
10. Joint Secretary (Pers), Department of Expenditure, Ministry of Finance.
11. Additional Secretary (Union Territories), Ministry of Home Affairs.
12. JD (OL), DoPT, North Block, New Delhi- for Hindi version of this OM.


05/08/2020
(Rajeev Bahree)

Under Secretary to the Government of India