

अति आवश्यक

राजस्थान सरकार
समेकित बाल विकास सेवाएं

क्रमांक : एफ.1(3)(अ)स्था / मंत्रा / मबावि / 2009 / 48389-420

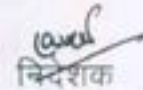
जयपुर, दिनांक :
16.7.09समस्त उप निदेशक (बाल विकास)
समेकित बाल विकास सेवाएंविषय— वित्त (नियम) विभाग के आदेश क्रमांक एफ16(2)एफडी / (रूल्स)98 दिनांक
29-6-2009 की अनुपालना बाबत।

उपरोक्त विषयान्तर्गत वित्त (नियम) विभाग के उपर्युक्त आदेश दिनांक 29-6-2009 की प्रति संलग्न कर लेख है कि उक्त आदेश के क्रम में ऐसे कार्मिक, जिन्हें उनकी प्रथम नियुक्ति तिथि के आधार पर चयनित वेतनमान स्वीकृत कर वेतन भुगतान किया जा रहा है, उसे संशोधित कर नियमित नियुक्ति तिथि से ही चयनित वेतनमान का लाभ दिया जाना अपेक्षित / वांछित है।

इसी क्रम में आपको निर्देश प्रदान किये जाते हैं कि आपके कार्यालय एवं अधीनस्थ परियोजना कार्यालयों में कार्यरत चतुर्थ श्रेणी कर्मचारी / मंत्रालयिक / अधीनस्थ सेवा संवर्ग के, ऐसे कार्मिक जिन्हें नियुक्ति तिथि से चयनित वेतनमान स्वीकृत किया जाकर वेतन का भुगतान किया जा रहा है, उनका उक्त आदेश के अनुसरण में नियमित नियुक्ति तिथि से चयनित वेतनमान संशोधित करने के पश्चात ही माह जुलाई, 2009 का वेतन भुगतान किया जाना सुनिश्चित किया जावे अन्यथा स्थिति में आपकी स्वयं की जिम्मेदारी होगी।

उल्लेखनीय है कि वित्त विभाग द्वारा इस प्रकार के समस्त प्रकरणों को संशोधित कर दिनांक 10 अगस्त, 2009 तक अनुपालना चाही जा रही है। अतः इस प्रकार के प्रकरणों से सम्बन्धित सूचना / की गई कार्यवाही (शून्य हो तो वह भी) से निदेशालय को भी अविलम्ब अवगत करावें। उपर्युक्त विषयांकित आदेश क्रमांक एफ16(2)एफडी / (रूल्स)98 दिनांक 29-6-2009 वित्त (नियम) विभाग की वेबसाईट पर उपलब्ध है।

संलग्न : उपरोक्तानुसार


निदेशक

समेकित बाल विकास सेवाएं


राजस्थान जपुर

जयपुर, दिनांक : 16.7.09

क्रमांक : एफ.1(3)(3)स्था / मंत्रा / मबावि / 2000 / 48421-700

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है:-

1. शासन उप सचिव, वित्त (नियम) विभाग, शासन सचिवालय, जयपुर।
2. समस्त बाल विकास परियोजना अधिकारी को आवश्यक कार्यवाही हेतु प्रेषित है।
3. उक्त पत्र व आदेश दि. 29-6-09 की प्रति विभाग की वेबसाईट पर उपलब्ध करवाने हेतु।


निदेशक

समेकित बाल विकास सेवाएं

राजस्थान जपुर

GOVERNMENT OF RAJASTHAN
FINANCE DEPARTMENT
(RULES DIVISION)

ORDER

No. F.16(2)FD(Rules)/98

Jaipur, dated: 29 JUN 2009

Sub. : Prescription of Selection Grades for employees in Class-IV, Ministerial and Subordinate Services and those holding isolated posts and fixation of pay in Selection Grades.

The State Government servants in Class-IV, Ministerial and Subordinate Services and holders of isolated posts were allowed one selection grade on completion of 15 years of service after regular appointment on that post subject to fulfillment of other conditions laid down under Finance Department Order No. F.17(5)FD(Gr.2)/84 dated 23.01.1985 w.e.f. 01.01.1985.

Subsequently, in supersession of all orders issued in the past, the State Government servants in Class-IV, Ministerial and Subordinate Services and those holding isolated posts and drawing pay in R.C.S. (R.P.S.) Rules, 1989 the maximum of which does not exceed Rs.3200/- were allowed three selection grades on completion of service of 9, 18 and 27 years respectively w.e.f. 25.01.1992 under Order No. F.20(1)FD(Gr.2)/92 dated 25.01.1992. The service of nine, eighteen and twenty seven years was to be counted from the date of first appointment in the existing cadre / service in accordance with the provisions contained in the Recruitment Rules, subject to fulfillment of other conditions laid down under Finance Department Order No. F.20(1)FD(Gr.2)/92 dated 25.01.1992. Under Finance Department Order No. F.20(1)FD(Gr.2)/92 dated 03.04.1993, it was clarified that for the purpose of grant of selection grades, service is to be counted from the date the employee has regularly been recruited in the existing cadre / service as per provisions contained in the relevant recruitment rules. It was further clarified that the period of service rendered before regular appointment in accordance with relevant recruitment rules to the post shall not be counted for grant of selection grade.

Further in supersession of all orders issued in the past, the State Government servants in Class-IV, Ministerial and Subordinate Services and those holding isolated posts were allowed three selection grades on completion of service of nine, eighteen and twenty seven years respectively under Finance Department Order No. F.16(2)FD(Rules)/98 dated 17.02.1998 effective from 01.09.1996. The service of nine, eighteen and twenty seven years was to be counted from the date of first regular appointment in the existing cadre / service in accordance with the provisions contained in the relevant recruitment rules.

Some employees who were appointed on ad-hoc basis and subsequently appointed on regular basis i.e. in accordance with the provisions contained in relevant recruitment rules filed Appeals in R.C.S. Appellate Tribunal for allowing them selection grades by counting their services from the date of their appointment on the ad-hoc basis. The R.C.S. Appellate Tribunal decided such Appeals in favour of the Appellants and allowed them selection grades by counting their services from the date of their initial appointment to the post on ad-hoc basis.

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The State Government filed writ petitions in the Hon'ble High Court, Jaipur / Jodhpur against the orders passed by the R.C.S. Appellate Tribunal. The writ petitions filed by the State Government against the orders of R.C.S. Appellate Tribunal were dismissed.

The State Government filed SLP (C) No. 2848/2006 and other SLPs in the Hon'ble Supreme Court against the Judgement passed by the larger bench of the Hon'ble Rajasthan High Court. The SLPs filed by the State Government have been allowed by the Hon'ble Supreme Court. All the SLPs filed by the State Government were decided by the Hon'ble Supreme Court by a common order on 08.05.2009 in favour of the State Government. The operative part of the judgement reads as under: -

21. *The High Court failed to appreciate that the recruitment rules made a distinction between appointments made to the cadre / service in accordance with the relevant recruitment rules which are regular and appointments made de hors the regular Recruitment Rules which are ad hoc.*
23. *Apart from Haryana Veterinary case (supra) the position in law as stated in State of Punjab V. Ishar Singh (2002 (10) SCC 674) and State of Punjab V. Gurdeep Kumar (2003 (11) SCC 732) clearly lay down that while reckoning the required length of service the period of ad hoc service has to be excluded. It is relevant to note that the first selection scale of pay was excluded several years back on completion of 9 years of service subsequent to regularization. After long lapse of time i.e. after nearly 8 years it was not open to be canvassed that the second selection scale of pay ought to be granted after the concerned employees having put in 18 years of service from the date of ad hoc appointment.*
24. *Above being the position the appeals and transfers petitions deserves to be allowed which we direct."*

It is, therefore, enjoined upon all the authorities competent to sanction selection grades that in cases where selection grades have been granted to the State employees by counting the service rendered before regular appointment in the cadre / service in accordance with the provisions contained in the relevant recruitment rules i.e. ad-hoc service / work-charged service / daily wages etc. may be reviewed. Such employees may be granted selection grades by counting the service rendered by them only after regular appointment in the cadre / service in accordance with the provisions contained in the relevant recruitment rules. **A copy of the judgement dated 08.05.2009 of the Hon'ble Supreme Court is enclosed.**

All such cases may be reviewed and decided by 31st of July, 2009 positively and compliance report should be conveyed to the Administrative Department latest by 10th of August, 2009. The Administrative Department shall ensure that compliance of the aforesaid orders is made in time by all the appointing authorities under them. In case of non compliance of these orders, Administrative Department may take action against the defaulting authorities.

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(3)

The excess payment drawn by the concerned employees due to grant of selection grades to them by counting the service rendered before regular appointment in the cadre / service in accordance with the provisions contained in the relevant recruitment rules shall, however, not be recovered for the period upto 30.06.2009 only. From 01.07.2009, the payment of pay and allowances shall be made on the basis of revised rates of pay as per this order.

Encl.: - As above.

By order of the Governor,


(Beepak Upreti)

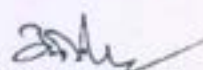
Secretary to the Government

Copy forwarded to -

1. All Additional Chief Secretaries / Principal Secretaries/Secretaries/Special Secretaries to the Government.
2. All Special Assistants / Private Secretaries to Ministers / State Ministers.
3. P.S. to Chief Secretary.
4. Accountant General Rajasthan, Jaipur (200 copies).
5. All Heads of the Departments.
6. Director, Treasuries & Accounts, Rajasthan, Jaipur with 100 spare copies for sending to all Sub-Treasury Officers.
7. Director, Pension & Pensioners' Welfare Department, Rajasthan, Jaipur.
8. Deputy Director (Statistics), Chief Ministers' Office.
9. All Treasury Officers.
10. All Sections of the Secretariat.
11. Administrative Reforms (Gr.7) with 7 copies.
12. Vidhi Rachana Sanghathan, for Hindi translation.
13. Analyst-cum-programmer, Finance Department.

Copy also to the -

1. Secretary, Rajasthan Legislative Assembly, Jaipur with 20 extra copies for Subordinate Legislative Committees.
2. Registrar General, Rajasthan High Court, Jodhpur / Jaipur.
3. Secretary, Rajasthan Public Service Commission, Ajmer.
4. Secretary, Lokayukta Sachivalaya, Rajasthan, Jaipur.


(Aditya Pareek)

Deputy Secretary to the Government

(RPS' 98 - 1 / 2009)