Names of Members, Officers and Staff of the <u>Fitment Committee 1998-1999</u>

Justice Shri S. Sarwar Ali Chairman

Shri Subhakirti Majumdar, I.A.S. Member Secretary

Officers

1. Shri Sunil Prasad Srivastava Under Secretary

2. Shri Nagendra Prasad Section Officer

Staff

1. Shri Sadanand Thakur Assistant

2. Shri Sudhir Kumar Singh Assistant

3. Shri Jagdish Prasad Narayan Singh Assistant

4. Shri Ram Babu Das Assistant

5. Shri Uday Kumar Sinha Assistant

6. Shri Sunil Kumar Assistant

7. Shri Manoj Kumar Mishra Assistant

8. Shri Hare Kant Jha Typist

9. Shri Mitya Nand Singh Typist

10. Shri Madan Lal Mishra Routine Clerk

11. Shri Bhola Prasad Yadav Car Driver

12. Shri Arjun Prasad Singh Peon

13. Shri Baidyanath Prasad Peon

Staff on Daily Wages

1. Shri Shambhu Prasad Secretary

3. Shri Tapeshwar Nath Sahay Secretary

4. Ms. Naznin Abdi Steno Typist

5. Shri Bijendra Singh Car Driver

6. Md. Alamgir Peon

7. Md. Mintu Peon

8. Shri Dahari Ojha Peon

9. Shri Rakesh Kumar Sweeper

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INTRODUCTION

- 1.1.1 In his book 'Human Knowledge' Bertand Russell observes that structure always involves relations and a mere class, as such, has no structure. In his own words "every relation has what is called a "field", which consists of all the terms that have the relation to something or to which something has the relation."
- 1.1.2 In order to delineate a promotion policy for any Department or for any cadre/service this perspective of inter-relation has to be kept in mind. We cannot have posts which do not have any specific functions or responsibilities nor can we have posts which do not fit into the overall structure of the Department. Going back to the definition of structure, a question may arise why there should be higher posts on promotion with more financial remuneration and why should not an exalted designation suffice. On promotion a person naturally expects a higher salary because employees are people with families, desires and needs beyond providing labour inputs to the economy. Moreover, higher wage raise are expected to contribute to the marginal productivity, to borrow a term from standard texts on economics. It is expected that marginal productivity will rise if a person works with more or better capital goods and secondly, better trained or better educated workers will generally have higher marginal productivity than that of workers with less

"human capital". Paul. A. Samuelson in his book 'Economics' observed "wage differentials that serve to compensate for the relative attractiveness or non-monetary differences, among jobs are called compensatory differentials" (Chapter 13). Given the supply and demand position, if promotions are not built into the structure, the more meritorious will not join Government service. Salary as well as promotions do determine the option of a young person willing to join Government.

- 1.1.3 This Committee recommended abolition of time bound promotions and selection grades in Chapter V, Volume I, Part I of the first Report and had committed itself to recommend promotion facilities for State Government employees on lines similar to what stands available to Central Government employees. At that point of time the Fitment Committee had been given a tenure only till 15.9.98. It was then hoped that the Central Government would soon adopt the Assured Career Progression Scheme and notify it as recommended by the 5th Central Pay Commission. In the meanwhile the State Government in the Resolution of the Finance Department dated 8.2.99, published in the Extraordinary Bihar Gazette of 13.2.99, decided to abolish the existing facilities of two time bound promotion and selection grades and these have ceased to be applicable with effect from 1.1.96 onwards. The State Government also decided that promotions given after 31.12.95 will not be taken into consideration and the question of adjustment of such additional emoluments obtained in the process will be decided after the Fitment Committee submits its recommendations on promotion policies. However, if any promotion is due under the Rules before 1.1.96 it will be given and the payment of arrears in the existing scale shall be made only upto 31.12.95, after which the promotion given would be deemed to have been terminated.
- 1.1.4 The Fitment Committee is aware that pay scales of many promotional posts do not stand recommended and the State Government also have not notified the pay scales of such posts. The State Government adopted the procedure of identification of need based posts provided such posts were created with the approval of the Finance Department and the need based posts higher than the basic grade would be required to be

filled on the basis of the seniority list. This has resulted in temporary stoppage of promotions in nearly all departments, employees getting their pay scales fixed with large amounts of reducible personal pay and those who already stand promoted have the option of only the revised scale of the basic grade. In case of Reducible Personal Pay, the employees are only entitled to Dearness Allowance, House Rent Allowance and City Compensatory Allowance at revised rates on their basic pay and not on the reducible personal pay. These obviously have adversely hit the employees financially. We are aware of all these and also the views of a large section of employees who were not signatories to the agreement with the State Government regarding adoption of Central scales of pay and had instead preferred the system that was prevailing earlier, including selection grades and time bound promotions. The Finance Department have also in letters issued from time to time allowed State Government employees to draw pay in pre-revised pay scales. The last letter issued in October, 1999 allows employees this facility upto December, 1999. In the meanwhile a decision has also been taken by the State Government to constitute a Committee under the Chairmanship of a sitting High Court Judge to look into cases/representations where notified Central scales are inappropriate, that is, lower than what should have been recommended within the terms of reference by the Fitment Committee. Therefore, the issue of a section of employees not accepting Central scales has finally been laid to rest.

Limitations in Our Task

1.2.1 Promotion Policies similar to what Central employees avail of is perhaps more difficult to prescribe than recommending Central pay scales. Promotional posts for a cadre or a service or even a work place where more than one person is working depend on a variety of factors like the needs of the organisation, the history of the service/ cadre or institution, the aspirations of the employees given their qualifications, the promotional posts that were available when recruitments were made and the future of the cadre/service. Much also depends on what the organisation's employees intend to achieve or are expected to deliver. We have examined the Reports of the

various Pay Revision Committees of the State Government and we find that departments which existed earlier have lost their primacy and many new departments have been created. This is a dynamic process and perhaps the Central scales with Central conditions of service would also lead to having the same Departments as in the Central Government.

- 1.2.2 In Volume I, Part I of our Report we had in our Chapter on pay scales pointed out that successive Pay Revision Committees had categorically recommended that State Government employees cannot be sanctioned exact Central scales because these involve inter se relativities that have evolved over a period of time and moreover the Governmental structures, objectives of administration as well as the ethos and focus are different. The Pay Revision Committees were not in favour of fitting Government employees in Central scales of pay and even the State Government did not grant exact Central scales. However, in view of the terms of reference of the Fitment Committee, this Committee recommended Central scales for State Government employees. In the concluding portion of Volume II, Part II where we submitted a list of posts with their revised pay scales we dealt with the determinants that the Fitment Committee adopted in revising State scales. Central scales were selected and were recommended based on functions and designations similar to Central Government and Union Territories including Delhi State. Where it was not possible for us to find matching designations in the Centre or matching duties and functions, Central scales were recommended after considering the hierarchy in the State and the need not to disturb it to the extent possible.
- 1.2.3 These facts are being stated because while considering the promotion policy, our task became enormously difficult in recommending Central scales for promotional posts in the State which have responsibilities as well as educational qualifications matching promotional posts in the Centre. We found in the course of our exercise that recruitment rules as well as promotional rules are available in the State for a very small number of cadres, services and posts. In many cases because of time-bound promotions and selection grades, recruitment rules had not at all been prepared,

let alone specifying promotional posts. The situation in Bihar has been trying for this Committee because most departments were unable to devise appropriate promotional posts with higher responsibilities, functions and duties even for senior gazetted posts because the system of granting selection grades led to avoidance of any exercise for meeting the needs of promotional aspirations of State Government personnel. Many a Department requested this Committee to undertake this exercise but this Committee has limitations as each Department has specific needs, specific rules in existence as well as many have structured cadres which over the years have come to be inseparably associated with a particular Department. On the other hand, the cadre of Food Inspectors in the Health Department may be fulfilling an important function but then the personnel in that cadre have no promotional opportunities to posts that stand created for testing of food samples and drugs under the two Central Acts. Similarly, Supply Inspectors under the Food, Civil Supplies & Commerce Department are a large cadre and presumably were created to fulfil specific needs. But now under the Essential Commodities Act Supply Inspectors are no longer so vital and important. There are many such posts/ cadres/services created previously which are no longer relatively important but still no attempt has been made to do away with such posts or re-deploy the existing personnel in other areas where they can be gainfully utilised.

1.2.4 As we see it, our task is not only confined to finding promotional opportunities for the Government personnel. We are of the opinion that we should lay down similar promotional policies as in the Centre, irrespective of the fact whether this entails creation or abolition of a large number of posts in certain departments of the State Government. The State Government Departments were initially hesitant in asking for additional posts even when they were required but to achieve promotional opportunities similar to the Central Government personnel, if a large number of posts need to then there is no alternative. After the Subordinate Services be created, Commission of the State was wound up, the State Government now only have the Bihar Public Service Commission which is required to recruit personnel right from Class I to Class IV. If the Bihar Public Service Commission have failed in achieving their task it would only be stating the obvious. A situation has emerged whereby in many departments posts are vacant for a long time and consequentially promotions of employees suffer.

- 1.2.5 Another point which needs to be highlighted is that even where posts stand sanctioned and created the State Government have not been able to fill up all these posts. It is in this context that we have found it necessary to recommend to the State Government that another body like the previously constituted Subordinate Services Selection Board needs to be constituted in addition to the Bihar Public Service Commission for recruitment. We are aware of Article 320 of the Constitution which provides that the State Public Service Commission has been entrusted with the duty to conduct examinations for appointments to the services of the State and it also requires to be mandatorily consulted on all matters relating to methods of recruitment to civil services and for civil posts, on the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one Service to another and on the suitability of candidates for such appointments, promotions or transfers. Section 320 (3) (e) further provides that the Governor may make regulations specifying the matters in which either generally or in any particular class of case or in any particular circumstances, the Public Service Commission will not be required to be consulted. It is perhaps an opportune moment now to create another body for recruitment. The State Government have empowered the Divisional Commissioners recently on 1.6.99 to make appointments in Class III. But it remains to be seen whether they exhibit the necessary expertise and have the means at their disposal to clear such a large backlog of vacant posts.
- 1.2.6 The report that we have prepared is voluminous. The reasons which have added to the bulk of the report are as follows:
 - 1. Absence of well defined recruitment rules and promotion rules,

- 2. As the Central conditions are being made applicable for the first time the need for clearly specifying what the Central recruitment rules and promotion policies are,
- 3. The apparent difficulties in matching Central posts with the existing state infrastructure, and
- 4. As Departments of the State have not been studied by any work study team or staff inspection units have not undertaken any review, justification for posts have not been examined before.
- 1.2.7 After scrutiny, verification, comparison and toil the work of the Fitment Committee with respect to promotion policies has finally been completed. What was a meagre two month work got finally extended to one year and ten months. Even now it cannot be said with any definiteness that what was perceived to be the terms of the Fitment Committee have finally been taken care of in our Report. In all such tasks, certain questions and issues tend to remain unresolved. This Committee has tried to super impose the Central Government pay scales already notified for State employees on the existing framework including existing promotional avenues and selection grades and tried its best to ensure that the employees are not put to any great financial loss in adoption of Central conditions of service. The difficulties that we have faced are worth highlighting. These are as follows:
 - (a) Most of the State Government departments wanted to continue with the existing system of time bound promotion and selection grades without carrying out a cadre review on their own.
 - (b) Most departments do not have recruitment rules for an overwhelming preponderance of posts and information regarding essential recruitment qualification for the posts were hard to come by.

- (c) Given the state of affairs regarding recruitment rules, the position with respect to promotion rules can easily be imagined. The Committee had to re-work these with help from the respective departments.
- (d) Mode of recruitment and the percentage specified for direct recruitment and promotion were not available barring a few cases. This led to a lot of confusion and has led to numerous and untold difficulties in matching state promotion policies with promotional avenue available for employees working in the Central Government.
- (e) As the last 18 years have been marked by availability of time bound promotion and selection grades, departments of the State Government did not feel the need to undertake review of posts in the cadres and services and assess the actual needs. As a result, the Departments were mostly unable to specify which posts were necessary and which required to be abolished. So far only one Department responded to our request and informed us which posts are required and which require to be abolished (Information and Public Relations).
- (f) The inability of certain departments like Health, Medical Education and Family Welfare, Animal Husbandry and Fisheries and Welfare to specify correctly the number of posts against each designation in the respective cadre/service. Many Departments were able to furnish precise figures and some were almost up to the mark. But this was achieved over a period of nearly eight to nine months and that too after repeated reminders and telephone calls.

- (g) As the respective departments also did not have information on the Central pattern they were unable to respond according to what the Fitment Committee wanted or expected from them.
- (h) In the Central Government the Staff Inspection Units have laid down the norms and yardsticks for creation of posts but in the absence of any norms, departments of the State Government were unable to work out how many posts were actually needed or the number of posts required in a cadre given the tasks of that particular organisation.

What has been mentioned above will also be a very conclusive factor for the State Government to justify or negate proposals of some departments who may approach the State Government for creation of posts.

- (i) The inability of the departments to assess the number of posts depending on the functions earmarked for the departments according to the Rules of Executive Business. Had this been the determining factor and had the Rules of Executive Business kept pace with the existing functions of the departments, things would have been easy. However, there are many departments who no longer look after the same functions that have been laid down in the Rules of Executive Business.
- (j) Posts can be created in departments but allotments made for work are extremely inadequate. Hence existing personnel are not having enough work and to justify additional posts would be difficult. Many Departments

ought to have suggested abolition of posts but did not do so.

- (k) The Finance Department would have to look at this aspect mentioned at (j) above with respect to continuance of posts or creation of additional posts. The policy of the State Government should ideally be to provide adequate fund allocation so that the personnel are able to justify their existence in the department.
- (l) The Departments have not undertaken the task of justifying the posts depending upon what the citizens/tax payers expect from them. Promotional opportunities with higher responsibilities and duties should be linked not only to the needs of the organisation but what the citizens desire from the State Government. Sooner or later this question would have to be addressed to and taken into consideration for justifying such a large outgo from the Treasuries on establishment.

Administrative Structure

1.3.1 Before venturing to discuss the promotional opportunities of various posts in each Department, it would be necessary to understand the history of the administrative organisation of the State, the changes that have been carried out from time to time and the reasons for introducing such changes, what the focus of each Department is and what are the duties allocated to that Department, whether the Department is able to achieve its tasks and objectives within the administrative structure and the existing qualifications of the personnel and whether the pay scales of the posts are sufficient to fulfil the normal expectations of the employees from the job in their hands. A dissatisfied bureaucracy will rarely be able to deliver. However, at the same time the aspirations of the State have to be attained by a

bureaucracy which strives its utmost. The State Government should avoid a situation where it is left high and dry by ill motivated State Government employees for whom the fulfilment of objectives of administration mean little and who are rarely enthused by any ambition to exceed targets.

- 1.3.2 In the Central Government there have been periodic administrative Reports regarding re-organisation/re-structuring but even these, barring one or two isolated ones, have remained cosmetic in nature. With the gradual shift in view of the Central Government's attitude towards the private sector the fact is that not a single State/Public Sector Institution has been closed or merged with others and the personnel reallocated. But there has been no serious attempt at any work study which would inter alia:-
 - (a) inform the Government about the number of posts required given the objectives of the Government;
 - (b) duties and responsibilities assigned to each post and the need to change them in the light of policy changes; and

what should the existing personnel look forward to achieving in their careers depending on the role that the Government has earmarked for itself in a specific sector.

1.3.3 During the course of our deliberations we found that only the Department of Institutional Finance and Programme Implementation have got an evaluation of the Department's work done by an outside agency, namely the Xavier Labour Relations Institute, Jamshedpur. This step is appreciated by this Committee and we recommend similar evaluations to be done by other departments of the State Government. In no other Department has any exercise been undertaken to re-orient the focus of the Department or even analyse whether the objectives of the Department could be fulfilled by the administrative personnel belonging to that Department. A common refrain heard in several quarters is that the State Government is unable to get seven hours daily work out of its employees and in turn the employees

that the Government of the day are not interested in getting work from them. Have the employees of a Department ever organised themselves and asked questions like why they do not have enough work, what are they expected to do and what amount of work they should do given the salary that they are being paid by the State. On the other hand, Ministers/ Secretaries of Department have rarely sat with their employees and put their heads down and thought of their respective goals and roles and whether they are performing according to their own goals or expectations of others. Government Department of the State in general asked the citizen of the State whether the services that are being offered to them are adequate or not. One hears talks of re-organisation of Public Sector Enterprises but no Government Department has ever been thoroughly overhauled. We only have examples of departments having been bifurcated or additional responsibilities entrusted to some. For example, the Department of Minority Welfare has recently been created but without any staff recruited specifically for the Department. The entire department is filled from deputationists from other Departments. Departments like Animal Husbandry, Transport, Tourism, Information and Public Relations were all created after 1970. No Department, to our knowledge, has ever devoted any time to seeking the response of the citizens and reorienting the focus to achieve greater/higher public satisfaction. A zero budget Performance Budgetting has never been attempted by any exercise or Department of the State. We have seen that the Departments which realize the taxes and contribute to the revenue resources of the State are understaffed and the policing functions or the intelligence work that are required to be done have only a secondary place in the scheme of things of those departments.

In the Seventh Schedule of the Constitution of India the State List is List II and this contains 66 items. Though almost all the subjects listed under the State List appear to have been covered under one Department or the other in the Rules of Executive Business by and large, over the years, the State has created departments based on what is available in the Central Government barring some departments in which the State has no role, for example, Defence, Foreign Affairs, Railways, Posts & Telegraphs, Communication, etc. Now if one were to compare the budgetary allocation of

the departments which are entrusted with the tasks of providing facilities to the citizens of the State and the tasks entrusted to these departments under the Rules of Executive Business one would find that there is no proportionate budgetary allocation. In most cases there are only personnel but no allotment to do any meaningful work. We have made a careful study of this and find that the picture is not only alarming but also dismal. Where money is required to be spent, money has not been allotted and where money is not that crucial, budgetary provisions have been made.

- 1.3.5 The situation as prevailing now specially regarding decisions on the deployment of personnel, means that the departments are not optimally manned and because of the lack of delegation of powers, there is little accountability at lower levels. We are mentioning this because a promotional post not only means a higher pay scale but also requires the incumbent to exercise higher decision making abilities and responsibility. Unless there is delegation of powers in the Departments, there cannot be enhanced exercise of responsibility by officers below the level of Secretary. In the Central Government a branch is headed by an Under Secretary and a Division by a Deputy Secretary or a Director and the Joint Secretary remains in overall control of the Division under him. Given the pattern of administration that is likely to emerge now that the Central pattern is to be adopted, delegation of powers will be a must and greater accountability and responsibility will have to follow. The Under Secretary will have to be responsible for the work under his Branch and routine matters would have to be disposed of at his level without being seen by the Secretary, unless the Secretary so wants.
- 1.3.6 If one were to carry out an exercise regarding the number of departments, their functions and allocation of business among them from the 1950s to what exists at present, the changes that have been made will appear to be only cosmetic without any significant attempt to reorganize departments according to the changed situation.

- 1.3.7 Under the List of duties of State the Government's Personnel & Administrative Reforms Department, there is mention of man power planning and training for all personnel (State Services) as well as deployment of personnel for higher posts and also research work relating to personnel administration. But this is a totally ignored area and the need of the hour is to strengthen this sector, specially man power planning and training. Organisation and Methods as well as Administrative Reforms are under this Department but we are not aware of a single work study having been done in any Department so as to find out the number of excess posts as well as where personnel are needed in larger numbers. Rarely is any emphasis placed on the latest organizational methods for the disposal of business in a Department.
- 1.3.8 If one were to go by the list of duties allotted to each Department in the Rules of Executive Business and the administrative structure and hierarchy available with the departments to fulfil the allotted duties, then there would be startling revelations. For example, Inland Waterways (including National Waterways), their maintenance and conservancy are shown as the responsibility of the Water Resource Department but the Department has no administrative unit to fulfil such tasks. Survey of India, Botanical and Zoological Surveys, Gazetteers and statistical information relating to state subjects, ecclesiastical affairs including European Countries are all shown under the Revenue & Land Reforms Department but probably no officer has been assigned these tasks in the Revenue Department to deal with these three duties mentioned in the Rules of Executive Business.
- 1.3.9 Many of the items in the departmental schedule of business are no longer relevant and need to be deleted after consideration. For example, the transfer and postings of Deputy Development Commissioners cum Chief Project Executive Officers and District Development Officers have been shown under the Rural Development Department but to our knowledge and information, this is being done by the Department of Personnel and Administrative Reforms. Marketing of Meat, Eggs, Fish, etc. is the responsibility of the Animal Husbandry & Fisheries Department but this is left

unattended because the Department does not generate any revenue on this account. Inland Water Transport, shipping & navigation on inland waterways are the responsibilities of the Transport Department but the Department is so hopelessly ill - equipped in terms of personnel and technology in this vital sector that nothing can be expected from this wing of the Transport Department. These are only examples to illustrate that the provisions of even the Rules of Executive Business of the State are not perfectly in tune with the requirements of the State. These have only been highlighted to focus attention on the gradually eroding interest in administration and the departments allowed to lose their relevance. Most of the Codes of the State Government are outdated and though attempts have been made to get these revised, the results have yet to bear any fruit. While dealing with Pension matters, we had recommended to the State Government that a time has come now when the State Government should rewrite the Pension Act as most of the Rules have become irrelevant. This is also true of the Treasury Rules, the Bihar Finance Rules and other Acts and Codes.

Statistics regarding Bihar

Bihar has the seventh largest area among all the States in the Country and the second highest population after Uttar Pradesh. But the percentage of urban population, according to the 1991 Census, is only 13.1 % Against 67513 inhibited villages there were only 172 statutory towns in Bihar and 99 Census towns that are actually rural areas but for a minimum population of 5,000. The density of population is at least 400 per square kilometre and 75 % of the male working population are engaged in non-agricultural activities. Only about 30% of the population of the State are male workers and of these 63 % are illiterate. Only 11.2 % of the male workers are matriculates or above. As a result, 43.6 % of the population are engaged in cultivation and 37.1 % are agricultural labourers. However, backwardness of the State is not reflected in the percentage of male workers engaged in livestock, forestry, fishing, hunting and plantation, orchards and allied activities because only 0.4 % of the male workers are engaged in these professions. In spite of

the immense mining wealth of the State only 1.3 % of male workers are engaged in mining and quarrying while 4 % are in the manufacturing sector and 3.6 % are in wholesale and retail trade and restaurants and hotels. We also have gathered from the 1991 Census figures that 2.9 % of the male workers are professionally and technically related workers, 0.3 % are service workers and 7.5% are production related workers, in transport ,equipment and porters and labourers. Only 0.4 % of the population are administrative, executive and managerial workers and 2 % are clerical and related workers. The more progressive States have less non- workers as dependants but in Bihar 51 % are dependants among non-workers, while the figure is only 33 % in the case of Punjab, 24.7 % in case of Kerala and 37.3% in the case of Gujarat. The number of persons who migrate from Bihar to other States is 31 lakhs and the second highest in all India as 59 lakhs of the population of Uttar Pradesh migrate.

- 1.4.2 From the lowest pay of Rs. 17.50 in the year 1947 the pay of this category of Government servant has risen to Rs. 2550 and at current dearness allowance the total works out to Rs. 3494, an increase by nearly 200 times. However, those in the late 1940s in the pay scale of Rs. 17.50 were also getting Cost of Living Allowance and the maximum admissible pay for them was Rs. 25. Even then the lowest pay has increased by 140 times. The highest admissible scale under the State Government employment in 1947 was Rs. 2000 which now after pay revision has climbed to Rs. 30698 including the present rate of dearness allowance of 37% on the basic pay. Therefore, now the highest pay including dearness allowance has increased by 15 times over a period of fifty years.
- 1.4.3 As against 1,79,318 State Government employees in the year 1959, the number has now gone up to about 6 Lakhs. In the first Five-Year Plan 1951-52 the non-plan expenditure incurred by the State Government was Rs. 40.15 crores while the plan expenditure was Rs. 45.55 crores adding up to Rs. 85.70 crores. Even 10 years later in 1960-61, the last year of the Second Five Year Plan, non-plan expenditure was of the order of Rs. 47.69 crores. According to present available figures non-plan expenditure has touched the figure of Rs. 15000 crores though the interest being paid has largely

been responsible for this immense increase. But nobody can deny that increases in salary of State Government employees from time to time has been a major contributing factor in the growth in non-plan expenditure.

- 1.4.4 Regarding availability of electricity, safe drinking water and household toilet facility, we find that 36.8% of all the households in Bihar do not have any of the three facilities. This percentage is only lower at the all India level than Meghalaya and Orissa. The figures in respect of rural Bihar virtually condemn the State and if one were to look only at the percentage of availability of electricity one wonders whether electricity at all gets produced and distributed in the State. According to the 1991 Census Report 5.6 % of the rural households have electricity, 5 % of the rural population have toilet facilities and 3.3 % of the rural households have both electric and safe drinking water. It is not surprising that 40.5% of the rural households do not have any one of the three facilities of electricity, safe drinking water and toilets. But in the matter of safe drinking water Bihar is ahead of many States, including Andhra Pradesh, Kerala, Madhya Pradesh, Maharashtra, Rajasthan and Uttar Pradesh. In the population scenario that will emerge, Bihar is likely to have by 2011, a population of 12 crores with the urban population increasing to 17.41 %.
- 1.4.5 Given these indices one would expect that the Rural Development Department, the Energy Department and the Public Health Engineering Department would pool in all their resources for increasing the availability of energy, toilet facilities and drinking water supply as well as the overall content of rural life. Though safe drinking water remains the responsibility of the Public Health Engineering Department , provision of toilet facilities has not been mentioned under the list of business of any of the departments. Electrification in rural areas has not been mentioned specifically under the allotted duties of the Department of Energy. If man power planning of a Department does not take into account the duties allotted to them under the Rules of Executive Business, one can very well imagine the extent of attention that would be paid to such tasks.

Promotional Policies – background and brief history

There is a need to summarize here the various 1.5.1 promotional policies that were adopted in the past by the State Government of Bihar. Various administrative measures were tried and attempted but all of them have remained only half-baked measures, without meeting the desired goals and which only frustrated the promotional aspirations of Government employees. A systematic attempt was made by the Saran Singh Committee in 1976 to alleviate stagnation in the State Services. But no systematic effort has been made to re-organize the structures in Group C and Group D, called Class III and Class IV in Bihar. Now that Central scales have been sanctioned the promotion policies that we have worked out in respect of services, cadres and posts will not only have to ensure that promotions are given on time but would require constant vigilance to ensure that Annual Confidential Rolls are submitted timely, departmental enquiries, departmental proceedings and enquiries by the Vigilance wing of the Government are disposed of within a specific time-frame as in the Central Government. The drill for grant of promotions are generally well laid down but due to stagnations, procedural delays and lack of promotions in certain cadres, the situation has now come to such a level that employees tend to get frustrated. In Bihar excepting a few selected and specific cases, promotions are not being given timely and in due course. If the same state of affairs continue now with selection grades having been discontinued, one may very well imagine what will happen to the promotional aspirations of the State Government employees. In the Central Government there is a well laid down procedure and by and large no recruitments can be made without framing of specific recruitment rules and promotions are also given based on specific notified rules. But in Bihar the Bihar Public Service Commission have also come to accept a situation whereby recruitments have been made without specific recruitment rules having been notified in the Bihar Gazette. Admittedly, Bihar is one of the soft States. But then the apathy towards the legitimate promotional aspirations of Government employees is quite shocking and matters need to improve.

1.5.2 The circumstances that now prevail are rather dismal and unique because there cannot be a system where promotions are not being given but the employees also feel gratified by getting time bound promotions and selection grades. More often than not employees are satisfied even if they are moved to a higher scale without getting any specific promotion against a particular post though eligible to wield greater responsibilities and duties, if promoted to a higher post, the pay scale of which he is getting in any case by dint of time bound promotion/selection grade. On recommendations of the 4th Pay Revision Committee, the State Government introduced two time bound promotions and selection grades of 20% and 10% for all cadres with effect from 1.4.1981. The Fitment cum Pay Revision Committee recommended in 1989 the forthwith discontinuance of all time bound promotions and recommended stoppage of selection grades after three years, by which time it was expected that cadre review would be done in each and every case. However, the employees could never envisage that time bound promotions and selection grades were albeit, in lieu of regular promotions which the departments were unable to ensure timely.

1.5.3 In his Book on Parliamentary Government in England Harold Laski, the noted political scientist, had observed way back in 1938 that:

"Of some half million persons who are, in one way or another, civil servants, 330,000 are absorbed by industrial establishments, such as the Arsenal and the Dockyards, and the Post Office. Of the remainder there are some 70,000 clerical, some 16,000 executive officials; and the administrative class comprises some thirteen hundred members. To these must be added, of significant officials, some 2,500 inspectors in different departments, and nearly 7,000 professional, technical, and scientific workers, who range from architects, barristers, physicists and doctors, to experts in old furniture at the Office of Works.

"From this pattern, especially in the post-war period, certain things immediately emerge. The effective power in the Civil Service is in the administrative class. That is the brain of the whole; it is there that the decisions which count are made. Effectively, also, that class is composed of men with a university training; and most of its members come from Oxford and Cambridge. An analysis of the social composition of the administrative class will show, further, that its members come mostly from parents whose range of income permits them to send their sons to the great public schools. This is especially true of the Foreign Office. While, moreover, there is some degree of movement between the clerical class and the executive, there is very little between the executive class and the administrative; perhaps an average of fifty cases in a year. There are, this is to say, gaps between the different grades of the hierarchy which are rarely bridged. For all but an infinitesimal minority of the service, the grade of entrance determines a man's official career. But since his entrance grade is, in its turn, almost wholly determined by his educational opportunities, which are, in their turn, largely determined by his parental circumstances, the official career is mainly settled by the class into which a man is born.

"All this, it may be urged, very largely explains the character of the British Civil Service. Those who govern it belong, effectively, to the same class that rules the House of Commons. Largely, they go to the same schools and universities; after admission to the service, they belong to the same clubs. Their ideas, that is, or, rather, the assumptions upon which their ideas rest, are the same as those of the men who own the instruments of production in our society. Their success, as a Civil Service, has been mainly built upon that fact. Their ideas of the margins of possible action are much the same as those of the ministers who have been responsible for their decisions. The kind of society they have naturally envisaged to themselves as attainable is the kind of society similarly envisaged, in more or less degree, by the ministers with whom they have collaborated. There is little or nothing in the experience they bring to the interpretation of their environment

which would lead them to question the assumptions upon which our system rests.

"This explains, I think, both why the Civil Service has been able, in these sixty odd years, to maintain its neutrality, and why the measures they have recommended have proved equally acceptable to Cabinets of either party. They have been neutral because their ultimate principles of action have been those upon which the policy of both political parties in this country were based."

1.5.4 Realisation has already dawned at various levels that men who were appointed 20-25 years back with specific qualifications may not now be suitable for present assignments and the only solution lies in lateral recruitment of personnel with specific qualifications suited to the present needs and objectives of the Organisation. An administrative structure needs to respond to changes, in the needs of the hour be expected to be trusted by its citizens and also used as a tool by the Government of the day for effecting changes. At present there is no system by which the party in power is associated with the Government, in fact, the hiatus between the bureaucracy and the party has widened over the years. Party workers are unable to convince the bureaucracy about the role that they should play in view of the expectations of the citizens that require a specific course of action or a policy. In turn the bureaucracy never take into confidence the party workers to ensure greater success of a scheme or generate increased public participation. One thought that with the passage of time subsequent to the independence of the Country this gap between the bureaucracy and the party would gradually get reduced to generate better involvement of the people in the governance of the Country . A few selected party workers who have a say in the administrative matters of the State or in the districts or even lower down have gradually become the masters of the people and joined hands with the administration instead of acting as a bridge between the bureaucracy and the people. Even within the bureaucracy, there are so many layers and classes that in spite of the need for all to join hands together to achieve common goals and objectives, the bureaucracy remains fractured. It is clearly seen that the bureaucracy is not homogenous, the goals and objectives of the lower formation and the higher levels are totally disparate and almost a feudal form of bureaucracy has replaced the British rule when the governed and the governors belonged to two separate countries. In this context we have quoted in the foregoing paragraphs the views of Harold Laski to illustrate how different it was in England 60 years ago and the situation to this day would not be much different in the country that ruled us not long ago. We emphasize these points because they have contributed to the present state of the administration wherein promotions are not given regularly, posts are not filled timely and all employees are not governed by specific recruitment and promotion rules.

Labour Ratio – economy in cost of administration

Recently, in the Economic Times of 7th July, 1999, 1.6.1 (Calcutta Edition) there was a column which mentioned that the labour ratio for Sector Banks ranges from a low of 11.7% for Oriental Bank of Commerce to 22.7 % for the United Commercial Bank in the year 1997-98. Labour ratio is the ratio of personnel cost to total income. Among the foreign banks the City Bank had the lowest ratio of 4.9% while the A.N.Z. had a ratio of 10.2%. For banks, the labour ratio is a very useful method of judging efficiency and profitability. Admittedly, as we examined earlier not even 1% of the total population of this State are in Government jobs. In fact, only about 1/10th of 1% of the total population of the State are working in the Governmental sector. But the State's internal resources have proved to be insufficient to meet the cost of salaries and other allowances of State Government employees. In the coming years, this commitment on salaries are likely to rise and hence the State Government would need to sit down and work out a labour ratio which would enable commitments to be met, salaries to be paid on time and enough left for expenditure on development. We realise that this exercise would call for a thorough overhaul of the existing machinery. Based on its commitments on the basis of available resources that are generated and the expectations of the citizens from the State, the State Government requires to spell out and prioritize its policies and action plan.

1.6.2 We have made an analysis from the budget as well as from the figures of Public Accounts submitted by the Accountant General which gives a picture of expenditure on Plan Schemes and expenditure on pay & allowances and other committed liabilities concerning staff. We find from our analysis that the Departments of Registration, Commercial Taxes, Mines & Geology, Transport, National Savings and Excise contribute nearly the whole of States' internal resources but they do so with a comparatively smaller staff size. In these Departments there is no forum for discussions with the concerned clientele. On the other hand, the Departments of Agriculture, Animal Husbandry and Fisheries, Rural Development and Revenue & Land Reforms are meant for the overwhelming percentage of the population who live in rural areas but neither these Departments generate any resource of their own nor barring the Rural Development Department have specific schemes intended for the benefit of the various categories of personnel living in the villages and on the fringes of the towns. For example, the Revenue & Land Reforms Department do not have any Scheme intended to benefit the poor and the landless. Similarly, the Department of Animal Husbandry or the Department of Agriculture have hardly been doing any research work or indulging in extension work to benefit the rural population. Though the Rural Development Department have offices in Blocks and though the elected Panchayats now stand abolished, it would be interesting to find out how many offices of the Agriculture and Animal Husbandry Department are located exclusively in rural areas.

1.6.3 The Second Pay Revision Committee of this State mentioned in Chapter 32 that efficiency of the Government machinery can be judged by the minimum use of man and materials to produce the result and secondly, the result produced should be prompt and effective. Regarding the first indicator of efficiency, that Committee noted in 1964 that there are various sectors where the personnel are not fully employed. The Report mentions that amongst Class IV employees there are a large number of such men in the

Works Departments and the administrative personnel have not for the past several years achieved the target of physical performance laid down for them. We have tried to see this aspect now after a gap of nearly 40 years by looking at the salary provisions in the budget of the State Government and the amount that is provided for works for which they are being paid their salaries is not always adequate. This comparison has resulted in the following findings:

- (a) In Forestry and Wild Life actual expenditure in 1997-98 was Rs. 62.34 crores, in 1998-99 revised estimated expenditure was Rs. 101.66 crores and in 1999-2000 it is anticipated at Rs. 168.08 crores but this includes a component of Rs. 62.25 crores earmarked as Centrally Sponsored Schemes. Against this the receipts from forestry and wild life has been estimated in the year 1999-2000 to be only Rs. 31.77 crores. Obviously based on these figures we should presume that there has been an increase in forest cover because of the higher allocation on account of salaries and other items.
- (b) Whether there has been higher achievement on account of greater expenditure will require to be looked into in major and medium irrigation as disbursement in 1997-98 was Rs. 32.43 crores and the estimates for 1998-1999 is Rs. 197.96 crores. If Minor Irrigation, Command Area Development as well as flood control are included, the total estimated expenditure for the year 1999-2000 is Rs. 453.15 crores but receipts from major, medium and minor irrigation is estimated at only Rs. 56.62 crores for the year 1999-2000.
- (c) On Land Reforms the total expenditure in 1997-98 was Rs. 261.45 crores and for the year 1999-2000 the non-plan expenditure in this sector is estimated at Rs. 368.89 crores. However, in Land Revenue the total receipts are estimated at only Rs. 50 crores.

- (d) In the Roads and Bridges sector the total receipts are estimated at Rs. 19.55 crores while the total actual disbursements in 1997-98 was Rs. 104.02 crores. The estimated non-plan expenditure in 1999-2000 is Rs. 272 crores.
- (e) In the broad sector of Education, Sports and Culture the total non-plan expenditure for Rs. 1999-2000 is estimated at Rs. 3825 crores but the receipts in this sector is only Rs. 4 crores. Obviously, nothing is being financially recouped from the enormous investments being made in the sector of Education, Sports, Arts and Culture.
- (f) There are virtually no receipts from sectors like Administrative Services, Science and Technology, Environment, Command Area Development, Fisheries, Dairy Development, Animal Husbandry, Soil and Water Conservation, Nutrition, Housing and several other sectors where funds are flowing only for establishment and schemes.
- Even in the development front, the performance of Bihar is not at all encouraging in spite of the high salaries that are being paid based on the decisions of the Government to go in for Central scales for State Government employees. During all these years, irrespective of whichever Government have been in power, the administrative structure has remained the same. A question that comes to mind is what is the philosophy of the ruling party over the years that have allowed them to continue with the same type of administration in spite of their policies and goals being different and emphasis regarding development having changed over the years. Shri Ashok Rudra, a noted economist has observed in his Book 'Indian Plan Models' that " the way planning or any other instrument of social action work depends entirely on the classes that wield these instruments. The instruments can no more transform the wielder than the tail can wag the dog". Now after almost half a century of freedom, the standards of administrative probity have declined by all accounts.

No government in Bihar has had the boldness to undertake this task of studying why such a state has come about. This Committee is taking the liberty of raising these questions because laying down of promotion policies naturally mean higher salaries, higher posts, greater responsibilities and greater accessibility to the perks of office because in the given hierarchical structure these perks tend to be more as one goes up higher in the ladder.

Determinants of Promotion Policy

- 1.7.1 This Committee had in the Postscript to the Chart containing revised pay scales laid down the determining principles which the Committee adopted for purposes of fitment in revised Central scales. This was necessary because in the preceding Chapters in Volume II, the Fitment Committee discussed certain posts and pay scales and these discussions did not cover a majority of the posts under the State Government. Hence it was felt necessary to have a transparant system whereby the State Government employees could be made aware of the reasons for which they have got a particular pay scale. For laying down the various policies on promotions, certain principles have been followed which we consider necessary to specify. These are as follows:-
 - (I) Where the hierarchy of a State Government cadre/ service is exactly similar to a Central Government cadre/service, the latter hierarchy including scales has been recommended for adoption in the State. Examples of these are the proposed Bihar Secretariat Clerical Service, the existing Joint Cadre of Assistants who will henceforth be called the Bihar Secretariat Service as well as the cadre of the Personal Assistants but then there is a slight modification because the Central Secretariat Stenographers' Service starts with Stenographer Grade D in the scale of Rs. 4000-6000 while the cadre of Personal Assistants in the State has an entry scale of Rs. 5500-9000 at present.

- (II)A large number of State Government employees spread over in various departments in various posts, services and cadres perform the same functions as their Central Government counterparts. But the structure and hierarchy of the particular cadre in the State including the pay scales and the designations are not similar to those that are available in the Central Government. An example which comes to mind readily is the Cadre/Service of the Auditors in the Finance and Co-operative Departments. For that matter even Laboratory Technicians, Physiotherapists, Occupational Therapists, Draftsmen may be cited. In such cases we have left intact the designations of the have recommended educational Government but qualification and promotional opportunities as well as scales similar to what Central Government employees have been granted though subject to what we have been able to collect. Certain modifications are, off course, required which we have recommended. For example, in the Indian Audit & Accounts Department of the Central Government, there is an Indian Audit & Accounts Service to which the lower functionaries get promoted up to 33.3 percent. Though in this State we do not have such a Service, we have recommended higher posts but have recommended that an examination like the Section Officers' Grade Examination should be introduced as is existing in the Centre to pick the best of the Auditors for future promotions beyond the pay scale of Rs. 5000-8000.
- (III) In case of certain Services some similarities in the structure and in pay scales have been observed while looking at the State Government and Central Government services/ cadres. An example is the cadre of Mining Engineers under the Department of Mines & Geology in the State and the cadre of Mining Engineers in the Indian Bureau of Mines in the Central Government. However, the designations are slightly different and the method of recruitment in various grades in the State as

well as in Central Government are not identical. We have recommended to the State Government that the Central pattern of recruitment should be adopted where even for higher posts in the pay scales of Rs. 10,000-15,200 as well as Rs. 12,000-16,500 there is provision for direct recruitment in the Central Government. In the State Government such lateral recruitments are not provided for but we have recommended adoption of the Central pattern and have recommended Central scales only upto the level of Rs. 16,400-20,000 for the Director, Mines as the Secretary to the State's Mines and Geology Department is in the pay scale of Rs. 18,400-22,400. This limiting factor has imposed a restraint on us whereby expect for the Engineer in Chief of the various Works Departments and the Director in Chief of the Health Services, we have not recommended for any post the pay scale above that of Rs. 16,400-20,000.

In the State Government there are administrative units like (IV) Blocks, Panchayats and Halkas. Designations in Bihar as well as pay scales have been determined in the past based on whether the post in a particular Department in a cadre/service is required to be in the Block or in larger territorial jurisdictions like Sub-Districts. divisions or Adopting Central promotional opportunities for such cadres/services which have specific territorial responsibilities is not possible and hence we have made modifications in respect of such cadres/services under the State Government. For example, in the Bihar Health Service, there are Deputy Superintendents in hospitals located in Subdivisions and there are Civil Surgeons/ Chief Medical Officers in Districts as well as Regional Deputy Directors in Divisions. Considering this hierarchy and the fact that the Regional Deputy Director is the Controlling Officer for Civil Surgeons within the territorial jurisdiction of a Division and the Civil Surgeon is the Controlling/ Supervising Officer for Doctors who are appointed as Deputy Superintendents in sub-divisional Hospitals, pay scales could not have been devised on the basis of years of service as is the practice in the Central Government. Secondly, the Central Health Service and specially the Central Government Health Service have not been constituted or structured in a similar manner as in Bihar. In the Central Government Health Service, there is a Chief Medical Officer but he is only in a dispensary and his territorial jurisdiction is not like that of the a district. Then Surgeon in again, Patwaris/Karamacharis, both posted in Delhi Administration and in Bihar respectively, but the Karamacharis in Bihar are promoted as Circle Inspectors who are posted in a Circle which has the some area as a Block and then as Assistant Consolidation Officer/Assistant Settlement Officer having a larger area of operation. But in Delhi the system or the hierarchy does not provide for promotion of Patwaris to the post of Circle Inspectors. It is another matter that in Bihar Circle Inspectors do not have promotional opportunities to the post of Circle Officers who are the immediate Controlling Officers of Circle Inspectors. Therefore, in various Cadres/Services we have had to introduce modifications in the hierarchy/levels vis-à-vis those available in the Centre while recommending them for adoption by the State Government.

(V) There are many Cadres/Services in the State Government who because of the system of three selection grades, have structures which do not have promotional posts depending on territorial jurisdiction discussed in the foregoing paragraph. For example, in the Bihar Education Service, the District Education Officers are in two scales and there is no order of the Department mentioning that the District Education Officers posted in bigger and more important districts will be in a higher scale and District Education Officers posted in smaller districts will be in the lower scale. The result is that senior District Education Officers may be posted to an insignificant and a small district while a

junior District Education Officer in a lower scale may be posted to a bigger and important district. This is the situation in several Cadres/ Services. The Bihar Animal Husbandry Service, the Bihar Agriculture Service, the Jail Service and the Registration Service all suffer from the same limitation. As we discussed this problem with the various Secretaries, most were unable to specify the districts where senior people should be posted and were unanimous that as long as the present system regarding transfers and postings continue, this confusion is likely to prevail. However, we have addressed ourselves to this problem and have to the best of our ability mentioned districts which need to be manned by senior officers. recommending promotional opportunities for the Jail Service instead of territorial jurisdiction we have had to rely on the number of inmates in the jail because in certain sub-jails the number of inmates are more than certain district jails located in newly created districts. The reason being that in the newly created districts the number of wards are much less vis-à-vis wards in sub-jails of old sub-divisions.

(VI) In many cases we have found that designations in State Governments correspond to the designations in the Central Government irrespective of the fact that posts may not be in the corresponding Department/Ministry of the Central Government. In such cases generally our finding is that the posts in the Central Government are in lower pay scales than the scales in the State Government. But then this is compensated by the fact that there are higher promotional posts for nearly all these posts under the Central Government. In such cases we have had to modify our recommendations accordingly. For example, Electricians in the Central Government are generally in the pay scale of Rs. 3050-4590 whereas Electricians in the State Government are available in plenty in the higher scale of Rs. 4000-6000 in various departments. Another example are posts of Managers in the

Secretariat Canteen who are in higher scales in the State Government vis-à-vis Canteen Managers in Central Government Canteens. We are not aware whether in all Canteens the post of Managers are filled by Section Officers or equivalent grades or senior Assistants but where such is not the case even there the pay scale of Canteen Managers in the State Government are higher than Central Government Canteen Managers. In such cases we have modified the pay scales accordingly by either recommending continuance of senior posts already in higher scales or where these posts are not available, we have recommended posts according to the Central pattern.

- (VII) There are certain designations in the State Government which are not available in the Central Government. In such cases we have recommended the Recruitment Rules and promotional hierarchy of posts/cadres in the Central Government which we considered to be comparable largely because of similarity of functions. For example, we have not been able to find posts of Booking Clerks in the Central Government but have recommended the hierarchy that is available in the Central Government in respect of Ticket Clerks because we consider the functions to be more or less similar.
- (VIII) There are certain categories of posts under the State Government where the hierarchy may be better defined with more levels visar-vis comparable posts/designations in the Central Government or there could be fewer levels vis-à-vis posts/cadres in the Central Government. In such cases the problem has turned out to be less amenable to solution because in the State where levels are less, the State Government may not be able to find suitable levels for posting of officers. Similarly, in the State Government where the hierarchy is more clearly defined with more levels, it has been difficult to drastically reduce the levels corresponding to the Central pattern but we were required to recommend lesser

number of levels for State Government employees based on the Central pattern and given the limitations, we have recommended this wherever possible. This problem has also been addressed to by reduction in the levels in the State if there are inordinately larger number of scales and levels available. One example is the cadre of Nurses where now there are only four levels according to scales whereas previously there were at least six levels. However, in the case of Physiotherapists there are now only three levels but we have suggested creation of another additional level corresponding to what is available in the Central Government. For example, in the Delhi, Andaman & Nicobar Islands Civil Service as well as in the UT Police Service there are at present only three levels but in the State Government the Bihar Police Service has four levels whereas the Bihar Administrative Service prior to pay revision had six levels. In the case of the Bihar Police Service, the problem gets more complicated because Home Guards which is definitely considered less important than the Bihar Police Service are having four levels.

We also have situations where State cadres start at a much lower entry scale vis-a-vis a similar cadre in the Central Government and the normal expectation is that the State cadre will have similar promotional opportunities as the Central Government cadre. It is difficult to devise similar promotional opportunities because without infusing new blood at an interim and middle stage it is extremely difficult to expect the person rising from a very lower level to acquire the necessary qualification meant for posts at the apex level as well as have sufficient years of service left in order to be eligible for promotion to the highest level. For example, in the National Savings Department of the State Government the entry point is the scale of Rs. 5000-8000 for Assistant Savings Officers and they have promotion facilities against posts of National Savings

Executive Officers, National Savings Executive Officer (Selection Grade) and then finally as Deputy Director. In the Central Government the posts of District Savings Officers are partly filled by direct recruitment and partly by promotion and then again at the level of Regional Director (National Savings) there is direct recruitment and promotion against posts in the scale of Rs. 8000-13,500. Therefore, promotional posts as in the Centre will entail lateral recruitments beyond the basic grade.

- (IX) In the State Government there are many posts which have not been organised into cadres. Though in practice, there is provision for promotion from one post to the other but the posts are existing separately. Then again there are cases where posts have been created without considering what their promotional opportunities will be. Because of the prevalence of time bound promotions and selection grades and the fact that cadre reviews have not been done in the last twenty years, the Departments of the State Government have found it extremely difficult to specify promotional opportunities. In many cases we have recommended promotional opportunities the State but Government would have to create posts, re-designate certain posts as well as rework the existing arrangement of posts. The question of sanctioning additional posts has become necessary because in many a cadre/service, we have found that their work demands that a post should be at the sub-divisional and district levels but the numbers have not increased with the increase in the number of sub-divisions and districts. The problem tends to get further aggravated for block level posts as well as those at panchayat/halka level.
- 1.7.2 Given the situation that posts are not adequate and even when created appointments are not made regularly, the promotional policy that has been worked out may prove to be adequate. But if the State

Government takes decisions to create additional posts considering the number of blocks, sub-divisions and districts requiring one official to be posted in each territorial jurisdiction, the promotional prospects are likely to shrink in many cases. In case the employee posted in the Block is to be promoted against a post in the Sub-division then suddenly from a promotional prospect of 1:4 it may go up to 1:6 because there are only 135 sub-divisions and 744 blocks. But there is little we can do in this regard and most of the Secretaries to whom we talked categorically expressed their disinclination to recommend promotional posts at any intermediate level, other than blocks and districts and at best sub-divisions.

Classification and Number of State / Central Employees

- 1.8.1. Looking at the figures of the four broad classes in government service over a period 1957 to 1994 one finds that the number of Class IV employees has been gradually decreasing from 1971 onwards. On the other hand, the number of employees under the Central Government and Union Territories in Group A and Group B have gradually increased in the last 37 years. From 10,400 employees in 1957 in Group A, there are now 76,000 Group A employees as on 31.3.1994 in the Central Government. However, these 76,000 represent only the filled posts.
- When the Second Pay Revision Committee of the State submitted its Report in 1964, Group A officers numbering 3765 officers in senior gazetted ranks in 1958-59 represented 2.09% of the total of 1,79,318 employees under the rolls of the Bihar State Government. As against 2.09% Group A Officers in the Bihar Government, in the Central Government the percentage in Group A in 1957 was 0.6%. When the Third Pay Revision Committee of the State submitted its Report in 1972 the number of Government employees was 2.76 lakhs including 0.27 lakh employees in the work charged establishment in the works departments. Of 2.49 lakhs regular employees, 0.79% were in Class I in 1970. As against this in 1971, the percentage of Group A officers in the Central Government was 1.2 % and numbered 34,000. We give below the following comparative chart:

Government of India

GROUP	1957	1971	1984	1994
	(EXISTING)	(EXISTING)	(EXISTING)	(EXISTING)
A	10400 (0.6 %)	34100 (1.2 %)	68000 (1.8 %)	89663(2.15 %)
В	19300 (1.1 %)	46100 (1.6 %)	80000 (2.1 %)	135458 (3.26 %)
С	728800 (42 %)	1545000 (52.1 %)	2286800 (60.7 %)	2787731 (67.13 %)
D	978400 (56.3 %)	1337500 (42.1 %)	1330900 (35.4 %)	1139548 (27.44 %)
Total	17,36,900	29,62,700	37,65,700	41,52,400

Government of Bihar

GROUP	1961-62	1972	1981	1987	1997	1997
▼	(EXISTING)	(EXISTING)	(EXISTING)	(SANCTIONED)	(SANCTIONED)	(EXISTING)
A	3765 (2.09%)	2168	5669	8677	15915	9600
	Sr.Gazetted	(0.79 %)	(1.03%)	(1.58%)	(2.01%)	(1.65 %)
В	4449 (2.48%)	10566	16450	52661	124602	106932
	Jr.Gazetted	(3.83%)	(3.07%)	(6.24%)	(15.45%)	(18.45%)
С	77160	195332	428376	648406	540549	384760
	(43.02%)	(70.81%)	(78.31%)	(79.11%)	(68.76%)	(66.39%)
D	93844	67779	96486	109889	109802	78222
	(52.33%)	(24.57%)	(17.63%)	(13.41%)	(13.88%)	(13.5%)
Total	1,79,318	2,75,845	5,46,981	8,19,633	7,90,868	5,79,514

1.8.3 From the chart above it will be seen that while in the Central Government the number of employees in Group B personnel do not constitute more than 2 to 3 % of the work force, in Bihar after the schools were taken over the situation is that the numbers in Group B have increased manifold in the State Government. Around the year 1980 there was a sudden increase in the number of Class II and Class III employees because the schools with the teachers were taken over and all teachers of more then 50,000 Primary schools became Government employees. The 3rd Central Pay Commission has noted that direct recruitment in Class II in the Central Government would be very

limited in number but the position in Bihar is different because all direct recruitments in the State Services are made in Class II.

Criteria for Post Creation

- 1.9.1 In the course of our interaction with the various departments of the State Government and the information that had been made available, one predominant feature that emerges is that no Departmental Secretary is in a position to certify that all the posts that stand created today in his/her Department are indispensable and they will continue to be central to the functioning of the Department in the years to come. This has mainly happened because posts have been created in the past either for accommodating a specific person or Central funds had been made available for a particular Central Scheme or posts are created randomly. When posts stand created on the above mentioned basis their promotional prospects are never taken into consideration or how the posts/cadres fit into the overall pattern. The correctives that may be introduced at this stage are as follows: -
 - (1) No post should be created unless the Finance Department specifically mentions that the designation of the proposed post in a particular scale already exists and the essential recruitment qualification and promotion prospects of the posts are already in existence.
 - (2) The Planning & Development Department will keep a record of the posts that already stand created and solitary posts should not be created unless the State Government is able to decide before hand how this post or cadre will fit into the overall pattern of a Department and what the promotional post will be.
 - (3) The State Government should carry out the task of prescribing similar designations for posts with similar

recruitment qualifications, duties and responsibilities and promotion prospects provided the pay scales are the same. This will ensure an objective view to be taken whenever an official against a particular post is required to be given a particular scale or promotion in future. In relevant parts of our different Chapters on Departments we have suggested reclassification of posts and the State Government is requested to consider these in future.

- (4) A large number of posts under the State Government have virtually been left with no promotion prospects according to the present system whereby time-bound promotions and selection grades have been abolished. These posts have to be identified. A nodal Department should be notified as the Controlling Department for such solitary posts which can be grouped together under identifiable similar scales with similar functions and placed under the administrative control of these nodal departments. This will also ensure a uniform promotion policy to be worked out because to a certain extent the strength of a cadre lies in its numbers.
- (5) The State Government should take a categorical decision that in future no recruitment should be made without deciding the promotion prospects of a particular post. Any requisition to the Bihar Public Service Commission or to the recruiting authority will be accompanied by a Gazette notification as is the pattern in the Centre and this Gazette will include information like pay scale, number of posts, how the post is to be filled and what the promotion prospects are likely to be.
- 1.9.2 The above-mentioned proposals, we hope, will perhaps contribute to elimination of ad-hocism that we have seen in the matter

of creation of posts. In the past posts have been created without specific functions and responsibilities and most personnel in the Department do not know what role is performed by the particular post in the Department. Over the years not only have the number of employees increased but there has also been an extraordinary increase in the number of designations. Because of the hierarchical nature of the bureaucracy and perhaps because of the feudal remnants, designations are meant to confer status and by implication, power and prestige. Now that selection grades have been abolished and promotions will be against need based posts, there is a felt danger that the number of designations may suddenly spiral in lieu of selection grade posts. Therefore, we have taken adequate care to recommend designations which already exist in the Department or which are available in the Central Government. Only where we have failed in either of the two options, have we ventured to go in for a fresh designation.

Notification of Assured Career Progression by the Central Government

1.10.1 Almost when we were finalising our report, the Government of India after obtaining the clearance of the Election Commission of India notified the Assured Career Progression Scheme for Central Government employees. This Scheme has introduced another factor that needs to be taken into consideration while finalising our report on promotion policies for State Government employees. In Bihar the time-bound promotional scales were not always the same scales for employees who were given regular promotions. The employees were reconciled to the fact that if they did not get any promotion they would not have to stagnate in the same scale and move on to two higher scales in the time-bound promotion scheme. The Central Government's Assured Career Progression Scheme provides the Central Government civilian employees the same scales on account of financial upgradation which they will be granted on regular promotions provided there is an existing hierarchy. So the dilemma before us is whether to prescribe a hierarchy where they are not available at present or only suggest promotional policies where hierarchies are already established and notified and let the other employees who do not form part of any hierarchical cadre be entitled to financial upgradation under the Assured Career Progression Scheme. Not prescribing and recommending hierarchical structures where these are non-existent today would be tantamount to perpetuating the confusion, irregular promotions and the chaos in administration. Therefore, we have tried our best in consultation with the departments to recommended hierarchical structures where these are not available. The anticipated complexities and problems in implementing the Assured Career Progression Scheme of the Central Government for Government employees in Bihar have been deliberated at length in the following Chapter on the Assured Career Progression Scheme.

Administrative Issues requiring discussion

1.11.1 We consider this to be an opportune moment to highlight certain issues, which are well known but require to be reiterated. It is for the citizens to initiate a public debate on whether Bihar should have such high scales as the Central Government with similar promotional benefits. If untimely payment of salaries and promotions well beyond time are a result of the financial condition of the State, then the bureaucracy should be reduced to a commensurate with the availability of State's internal resources. A size curtailed bureaucracy is likely to have the benefits of punctual promotions and improved management of personnel. Bihar is admittedly a poor state. Periodic reports of Pay Revision Committees/Fitment Committees are generally tombs of research and well discussed and logical arguments put forth regarding which cadre should be in which scale and how best to provide motivation, better economic opportunities and sustenance of morale of Government employees. On the other hand, even if the State Government prepares documents dwelling on the poverty of the State and the neglected condition of the masses for whose welfare the administrative appartchik exists, these are neither discussed nor read nor receive the publicity like the reports of Pay Revision Committees. The State Government should realize that high level Committees which are representative as well as consisting of informed personnel need to be appointed to look into the reasons why the administrative machinery has failed to deliver the goods. We are not aware of a single attempt made by the State Government in this area. A

holistic view needs to be taken. Government servants at each and every level do not have enough work and something is wrong some where. Either such a poor state like Bihar should get rid of unwilling employees or abolish posts which are not required. A situation where the revenue resources of the State are entirely spent on the Government employees and their welfare is clearly unacceptable. Each Department would need to justify the continuance of each post and the remaining would have to be relocated or abolished. An overwhelming majority of the departments of the State Government were established in the 1950s and 1960s to benefit the citizens of the State but if they have failed then the raison d'etre for continuing with such departments do require probe and thorough examination.

1.11.2 The Rules of Executive Business of the Government of Bihar as framed under Article 166 (3) of the Constitution of India mentions in Rule 21 that the Minister in charge of the Department shall ordinarily dispose of cases and by standing orders give such directions as he thinks fit for the disposal of cases in the Department. Under Rule 22, the Minister is required by standing orders to arrange with the Principal Secretary/Secretary of the Department concerned, regarding the matters or classes of matters that needs to be brought to his personal notice and the Minister, in consultation with the Secretary of the Department, is also required to arrange that the departmental disposal of business shall ordinarily be processed at not more than two levels of officers from Under Secretary onwards. Wherever a Special Secretary is in the Department, the Minister can arrange about what are the cases that should be directly put up to him through the Special Secretary except where the Secretary's views are considered necessary or he wants the case to be routed through him. Though according to the Rules discussed above the Department is under the Minister, Rule 56 provides that the Principal Secretary/ Secretary of the Department is in each case responsible for the proper transaction of business and the careful observance of the rules, if there is any material departure from them, then this should be personally brought to the notice of the Minister in charge and the Chief Secretary. This supplementary provision in Rule 56 has created a lot of confusion, to say the least. We have been given to understand by several

Secretaries that the Minister in charge rarely decides on the delegation of powers or about the disposal of business of the Department, thereby perpetuating that files do not get processed quickly. Because of this ambiguous position many decisions crucial once at that, do not get decided or take a very long time.

The 5th Central Pay Commission have separate 1.11.3 Chapters in their Report regarding re-structuring of the Government, improving productivity, automation and reduction in paper work, need for contractual employment and improving the motivation level as well as optimizing the size of the Government machinery. All these ideas are somehow or the other linked to the Promotion Policy. Unless there is higher productivity, greater motivation, increase in contractual employment and optimization of the size of the Government machinery, promotions cannot be justified. However, what has happened in Bihar is rather peculiar to itself and does not conform to any management principle. On the one side promotional posts galore but on the other hand the State Government personnel are unable to get promotions because of administrative bottlenecks or inefficiency or procedural delays, whatever name or reason may be ascribed. We have referred at paragraph 38.1.26 (10) of Volume II, Part II that the Health Department had brought to our notice of several instances by the Department of posting a doctor in his /her pay scale but against higher posts which are in higher scales. This is similar to a situation prevalent in Works Departments earlier where promotions were not given in time and senior officers were being compensated by asking them to hold higher posts through a system called 'current charge' in lieu of regular We recommended that this system should be discontinued forthwith because it neither promotes administrative efficiency nor rewards Government employees by giving them promotions but without the higher scale. This situation prevails in several departments of the State Government and needs to be immediately corrected.

1.11.4 With the State Government adopting Central pay scales and Central conditions of service we also need to point out that in matters

of reservation, compassionate appointments, recognition of associations of State Government employees and matters and procedure regarding filling up of posts would have to be similar to what prevails in the Central Government. Under the Central Government compassionate appointments can only be utilized to fill upto 5 percent of the posts in a cadre but no such restriction applies in Bihar. The scheme of compassionate appointment in Bihar has no place for appointing wards or kith and kin of non-Government employees but in actual practice the provisions of the rules regulating compassionate appointments have been violated for espousal of populist measures. The Government of the day have to realize that a Government employee recruited through a method other than a rigorous system, will not be responsive to the needs of administration and the system of compassionate appointments will one day, presuming that the present system is perpetuated, ring the death knell of the administration in the lower echelons. Therefore, in matters such as these, there should be no departure from the principles enunciated by the Central Government.

- 1.11.5 We have also enquired how many Departments of the State Government have an interface with the public at large and find that some departments are exclusively meant for State Government employees. In a way the Government servants perpetuate themselves by creation of departments meant only for themselves . The Departments of Personnel & Administrative Reforms, Finance, Home, Law, Cabinet Secretariat and Coordination are examples of departments which rarely have any dealings with the public and exclusively linked with Government servants or work pertaining to Government Departments. In a perfectly decentralized State those departments of the State who cater to rural areas and their clientele, mostly in the villages, would probably not have been situated in the imposing and forbidding building that the Old Secretariat is. Instead we find that the people have to come to the Government who generally are in the towns. But then we cannot blame Bihar alone for certain other State Governments who abide by the socialist policies also have a similar structure of administration.
- 1.11.6 We are raising these issues because the administration that would be in place in the next millennium is required to be

more responsive, friendlier and respond faster to the needs of the citizens. Accordingly, in economically developed Countries, there has been a gradual shrinking of the role of Government and the Government has withdrawn from many sectors which still remain the exclusive preserve of the Government not only in Bihar, but in the Central Government as well. The Central Government have already decided that the foreign private Insurance companies will be allowed in this country and similarly we may find a situation where in matters like agriculture, animal husbandry, cooperatives and other sectors for which at present there are State Government Departments, the public would seize to depend on the Government but would obtain finance and help from either private companies or Consultants. Our limitations in finding solutions to such problems are obvious. Without any work study and local visits and response from the general public, a proper appreciation of the problems are not even possible, let alone undertaking a task on the basis of mere perception, experience and on the basis of reading of books, articles and newspapers.

- 1.11.7 Economists are of the opinion that public spending on services like education and health yield double returns in terms of poverty reduction. In an article by Sudipto Mundle and M. Govinda Rao in the book 'PUBLIC FINANCE' published in 1997 by the Oxford University Press, it has been observed, "public provision of these services, particularly primary education and basic health care, also provide direct support to poverty reduction". They further observed that in "services like public administration, input measures, such as the cost of wages and salaries are treated as proxies for value addition. Changes in output represent nothing other than changes in inputs. Clearly, it is not possible to say very much about what is happening to productivity or cost efficiency in such activities."
- 1.11.8 Inspite of the bulk of the non-plan expenditure on staff being spent on departments like Health and Education, the performance of Bihar in these two sectors at the all India level is dismal. Not only is the fertility rate high in Bihar, the other health indices also reflect the State in a poor light and the standard of and education and expansion of primary education is not commensurate with the salaries that are being spent. Intervention in education,

health care, social security and land reforms by the Government has been perfunctory and the Government expects the public to approach them and even on being approached, the Government has failed to deliver the goods in these sectors. Good performance in these sectors would have led to Bihar getting a pride of place among the major States of the Country. There is much that Bihar can learn from Kerala in these sectors.

- 1.11.9 Given this situation at the all India level there is much to despair of in Bihar. At the same time, inspite of the backwardness of Bihar, expenditure on social services like agriculture and power and irrigation not to speak of, education and health has been substantial. There has been not much research in the actual pattern of public expenditure allocation. Public expenditure on physical infrastructure should have been attractive more to the less developed states where returns against such investments should be the highest but in actual practice this has not happened. This fact is also undeniably true that because of the inflation and balance of payments position, public and private investment in the capital sector has been crowded out. As a result there are questions about serious long term impediments to growth and the lack of adequate investments in the physical infrastructure sector is clearly one of the important constraints in raising the long term rate of growth of the State's economy.
- 1.11.10 These issues raise questions about the promotion policy that we will be discussing in the subsequent chapters. If higher posts are necessary as well as higher scales of pay, then better supervision, increased monitoring and higher level of responsibility on part of more experienced personnel who can achieve results will have to follow. Why this has not happened in Bihar inspite of large number of officers now compared to the past, requires to be examined.

Concluding Words

- This lengthy introduction was unavoidable. We 1.12.1 took upon ourselves the burden of not only recommending Central scales for State Government employees but have also recommended in the subsequent Chapters promotional posts and policies for cadres, services and individual posts available. The number of posts under the State Government are about 4000 and the number of cadres and Service put together run into hundreds. this Committee on its own has also attempted to cover the Scheme of Departmentalization of Accounts as prevailing in the Central Government as well as other miscellaneous matters which escaped our notice and attention in our previous Reports. This Report on Promotion Policies has to be viewed in the background of our Report on pay scales and allowances and other entitlements of State Government employees. As we have already submitted various Reports to the State Government running into about 1100 pages, we have with us an enormous amount of information on which we have drawn on, in the preparation of this final Report. Therefore, those impatient with the length of this Report will have to appreciate the reasons for the bulk.
- Central conditions of Service, short of being an Union Territory type administration, the present administrative structure of Bihar would have to undergo a thorough overhaul. Reference points for decisions in future will be Manuals and Codes, akin to what Central Government Departments rely on. One of the essential follow-up measures would be notification of Recruitment Rules, laying down Rules for Promotion and thereafter publishing them in State Gazettes periodically as and when they are approved. We have procured at the notified price from the Department of Publications, Government of India Gazette notifications of Recruitment Rules of various posts, cadres and services. The State Government would have to take steps to publish these gazettes, price them and ensure that they are sold from certain notified shops or counters. The tendency of having free access to Government Notifications has to stop. Once these Gazettes are published and notified, recruitments and promotions will

require to be made as urgently as possible. We would advise the State Government to take a categorical decision not to go in for any fresh recruitment unless the Recruitment Rules are notified in the Gazettes. A moratorium on fresh recruitment is perhaps the only solution which will force the hands of the State Government to prepare Recruitment Rules and lay down qualifying period for promotion for earmarked promotional posts as urgently as possible. Posts, cadres and services already having Recruitment Rules and which are not likely to undergo any change, need not be covered by this moratorium.

1.12.3 We have in the subsequent Chapters, one Chapter devoted to each Department, tried to cover the promotion policies in respect of all the posts available in the Department. Posts common to several departments have either been covered in Chapter V dealing with common category posts or in Chapter VII or in Chapter XXXVIII concerning, respectively, the Departments of Personnel and Administrative Reforms and Revenue and Land Reforms. There may be some other common category posts which we have covered in some other Chapter. For example, the cadres of Junior Engineers as well as the Engineering Services cadre starting from Assistant Engineers have been discussed in Chapter XXIX regarding the Department of Road Construction; the cadre of Laboratory Assistants and Technicians in Chapter XXXX regarding the Department of Health, Medical Education and Family Welfare and Research staff and skilled personnel common to Works Departments are in Chapter XXVII concerning the Department of Water Resources. These posts are available in several departments. Therefore, to avoid repetition we have dealt with promotional opportunities of these common posts/cadres in one Department and the principles enunciated will be applicable in respect of similarly designated staff in similar scales working in other departments.

1.12.4 To facilitate the process of finding in which Chapter a particular cadre has been dealt with, a Table similar to an Index has been prepared and may be seen after the Table of Contents. We do not, however, claim that all posts, cadres and services have been dealt with in this Report. We have already dwelt on the limitations of our tasks separately at

paragraph 1.2.1 to 1.2.7 of this Chapter. Where the promotional prospects of a post or a cadre does not find a place in any Chapter of our Report, the State Government should prepare the promotional opportunities taking into account what we have recommended for similarly placed posts/cadres taking into account the responsibilities and functions. There may be certain grey areas but we have tried to be as transparent as is possible within the limitations. In this context we have also prepared a Chart which gives the pay scales of State Government employees right from 1950 onwards to the present day and this finds a place at the end of this Report.

1.12.5 Faced with a daunting task, we have done our best to the extent possible. Perhaps an improved Report could have been submitted if we had been given some more time, a more informed and visionary administration and better secretarial assistance. However, as the State Government has already been over indulgent by giving repeated extensions of time, requesting for more time would have been embarrassing. It is hoped that this Report will prove fruitful in meeting the needs and ends of the Government and as well fulfil the aspirations of the employees of the State Government.

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02

ASSURED CAREER PROGRESSION SCHEME

2.1.1 The Office Memorandum of the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions of the Government of India regarding the Assured Career Progression (ACP) Scheme for the Central Government civilian employees is at Annexure 'A'. This Scheme has been extended to Group B, C and D Services/posts and isolated posts in Group A, B, C and D categories. The basic features of the ACP Scheme recommended by the 5th Central Pay Commission for Central Government employees had been enclosed as Annexure to Chapter V of Volume I, Part I of the Report of the Fitment Committee. By and large the basic features of the ACP Scheme of the Central Government wherein two financial upgradations are proposed during the service career of Central Government employees is similar to the scheme of two time bound promotions allowed to Bihar State Government employees with effect from 1st April, 1981 on the recommendations of the 4th Pay Revision Committee of the State. Certain

aspects of the recommendations of the 5th Central Pay Commission regarding the ACP Scheme have been modified by the Central Government and now the first financial upgradation will be after completion of 12 years and the second after 24 years of regular service, respectively. While issuing orders on 9.8.99 on the ACP Scheme, the Department of Personnel & Training have advised all Ministries/ Departments of the Government of India to explore the possibility of effecting savings so as to minimise the additional financial commitment that the introduction of this Scheme may entail.

- 2.1.2 The differences between the present ACP Scheme of the Government of India and the time-bound promotion scheme of the State Government which was only recently abolished on 8.2.1999 by the Finance Department Resolution No.660 are as follows:-
 - (a) The State Government allowed the first promotion at the end of 10 years of service and the second at end of 25 years of service while the Central Government Scheme allows two financial upgradations if no regular promotions during the prescribed period (12 and 24 years) have been granted to an employee.
 - (b) In Bihar the first and the second time bound promotions were sanctioned in two scales which were immediately higher than the pay scale prescribed for the basic grade. But in the Central Government financial upgradation under the Scheme is to be given to the next higher grade in accordance with the existing hierarchy in a cadre/ category of posts without creating new posts for the purpose. However, in case of isolated posts, in the absence of defined hierarchial grades, financial upgradation is to be given in the immediately next higher (standard/common) pay scale.
 - (c) In Bihar the time bound promotions were extended to all employees but in the Central Government the grant of higher pay scales under the ACP Scheme shall be conditional to the effect

that an employee while accepting the said benefit, shall be deemed to have given his unqualified acceptance for regular promotion on occurrence of vacancies subsequently and the ACP Scheme of the Central Government has not been extended to Group 'A' employees not holding isolated posts.

- (d) In Bihar on promotion and even on time bound promotion, the employee has been getting till 8.2.99 a benefit of Rs. 150 or 12 percent of the basic pay of the post from which he is being promoted, whichever is less. In the Central Government, according to the ACP Scheme, pay of an employee is to be fixed under the provisions of Financial Rule 22(I) a (1) subject to a minimum financial benefit of Rs. 100 as per the Department of Personnel and Training Office Memorandum No.1/6/79-Pay I dated 5.7.99. This financial benefit allowed to Central Government employees is to be treated as final and no pay fixation benefit shall accrue at the time of regular promotion, that is, posting against a functional post in a higher grade.
- (e) Another feature of the ACP Scheme notified by the Central Government is to give an immediate benefit of Rs. 100 to any employee who is eligible for financial upgradation and his pay will be fixed under the provisions of FR 22(I) a (1). However, according to the existing provisions of FR 22 (I) a (1) in case of promotion to another post carrying duties and responsibilities of greater importance than those attached to the post held by him, his initial pay in the time scale of the higher post is fixed at the stage next above the notional pay arrived at by increasing his pay in respect of the lower post held by him regularly by an increment at the stage at which stage pay has accrued or Rs. 25 only, whichever is more. Therefore, on promotion only Rs. 25 would be the step up in his pay if the stages in the two scales are identical but on financial upgradation under the ACP Scheme, the benefit is Rs. 100. In Bihar no such anomaly existed and no

distinction was made between regular promotions and time bound promotions. As the provision in the Fundamental Rules was arbitrary, the Government of India reviewed the position and it has been decided to raise the quantum of Rs. 25 to Rs. 100 so as to ensure that every employee is assured of a minimum raise of Rs. 100 on promotion .Office Memorandum No.1/6/97-Pay I dated 5.7.99 of the Department of Personnel & Training, Government of India while notifying this change mentions that formal amendment to FR 22(I) a (1) is being carried out separately.

- (f) In Bihar the existing circulars are silent on whether a person who has been awarded a minor or major punishment is eligible or not for time bound promotion. The Finance Department Resolution No.10770 dated 30.12.81 only mentions that other conditions, rules and procedures meant for usual promotion, should be followed in the case of time bound promotion system also. However, in the Office Memorandum of the Central Government it has been categorically mentioned that if the first financial upgradation gets postponed on account of the employee not found fit or due to departmental proceedings, etc. this could have consequential effect on the second upgradation, which would also get deferred accordingly.
- (g) In the Government of Bihar the Finance Department Letter No.8294 dated 26.12.1985 mentions that while granting time bound promotion, there will be no violation of seniority. This means that only when the senior has been given a time bound promotion or has been denied that promotion due to certain specific reasons, the junior will be considered for grant of time-bound promotion. In the Central Government the Scheme envisages that the financial upgradation shall be purely personal to the employee and shall have no relevance to his seniority position and no conditional financial upgradation will be granted

to the senior employee on the ground that the junior employee in the cadre has got a higher pay scale under the ACP Scheme.

- (h) In Bihar, the financial benefit of the time bound promotion scheme was allowed from 1.4.81. The Central Government have introduced the ACP Scheme from the date of completion of the eligibility period prescribed under the Scheme or from the date of issue of the instructions (9.8.1999), whichever is later.
- 2.1.3 As we see it, the following difficulties may arise in Bihar in implementing the ACP Scheme notified by the Central Government on 9.8.99:-
 - (i) Much of the confusion may arise because in the Government of Bihar, as we have observed earlier, Recruitment Rules or promotional posts specially with regard to Class III and Class IV categories have neither been framed nor notified nor all Departments follow an uniform policy. The Ministry of Finance, Government of India have in an Office Memorandum on 25.11.1993 specifically informed that posts, permanent or temporary, cannot be created without proper recruitment rules or without the clear commitment that such Recruitment Rules will be finalized within a period of three months from the date of creation of post. This Office Memorandum also mentions that a decision has been taken not to renew any temporary post after 28.2.1994 unless the Recruitment Rules have been notified. In the Central Government no recruitment is possible either through the Union Public Service Commission or through the Staff Selection Commission unless the Recruitment Rules have been framed and approved.
 - (ii) Recently the Under Secretary of the Department of Personnel & Administrative Reforms of the Bihar Government in Letter No. 4/Estt.-2047/98/6912 dated 12.8.99 informed this Committee that

no eligibility conditions or qualifications have been laid down for appointment to the posts of Farash, Sweeper, Chaukidar, Khalasi, Night Guard and Mazdoor. In the situation prevailing in Bihar marked by rampant absence of Recruitment and Promotion Rules, implementation of the ACP Scheme would be difficult because one of the conditions under the ACP Scheme mentioned is that residency period (regular service) for grant of benefits under the Scheme shall be counted from the grade in which an employee was appointed as a direct recruit. In Bihar in absence of relevant Recruitment Rules, many may interpret a normal promotion as a direct recruitment just because they have been selected from within a restricted zone for the post and not by virtue of seniority alone. This is possible though the Bihar Government have notified on 7.3.1990 in Finance Department Letter No.920 that in case a person later gets appointed to a different cadre subsequent to being appointed in Government service in another cadre then while granting him time bound promotion in the new cadre, it should be ensured that the new cadre does not fall in the normal line of promotion of the old/parent cadre. But in actual practice it is left to individual officers of various departments to exercise their discretion in deciding such matters.

(iii) Another problem that would need to be reckoned with is that the system of time bound promotions in Bihar are in existence over the last 18 years(1.4.81 to 31.12.95) and virtually every employee has been the beneficiary of at least one time bound promotion provided he/she fulfilled the eligibility conditions. Whether this one/two time bound promotion/promotions would be taken into consideration for debarring employees from the ACP Scheme is a matter that is likely to be vexatious. It cannot be denied that one or two time bound promotion/promotions has automatically led to an increase in the salary of the employee, irrespective of the fact that now the scale stands reduced to the

basic grade in the revised scale. Had that employee not been the recipient of any time bound promotion, he would have drawn a lower salary. One should also not forget that whereas Central Government employees have had only five pay revisions, employees in Bihar have now had six pay revisions after independence in 1947. From the employees point of view since there has been no financial upgradation beyond the basic grade even though time bound promotions have been granted before 1.1.96, the employees do not expect to be debarred from the benefits of the Assured Career Progression Scheme. Much would depend on how the existing provisions of the ACP Scheme are interpreted.

- (iv) In respect of such Peons/Class IV personnel who have been appointed as Daftary/Record Supplier, the interpretation of the provisions of the ACP Scheme are crucial regarding whether they are eligible for the benefits of the Assured Career Progression Scheme. The Secretariat Instructions of the Government of Bihar provide as follows: -
 - (a) Jamadar Peons are selected from amongst the senior and intelligent Peons of the Department and the selection is made by the Minister or Officers themselves, as the case may be.
 - (b) A Record Supplier whether appointed by direct recruitment or by promotion must possess a knowledge of English and on appointment as Record Supplier, shall be given an initial training by the Registrar regarding arrangement, storage and issue, etc. of records.
 - (c) The Treasury Sarkar should have knowledge of English and working knowledge of method of keeping accounts.In addition, the Personnel Department in Resolution

No.20366 dated 11.10.74 decided that the post of Record Suppliers and Treasury Sarkars will be filled by eligible and qualified Class IV personnel and there will be no examination nor the Bihar Public Service Commission be asked to send their recommendations regarding these two posts.

In view of the above let us take the case of a Peon in the scale of Rs. 350-425 who got a time bound promotion in the scale of Rs. 375-480 prior to 1.1.86 and with effect from 1.1.86 moved to the revised scale of Rs. 800 - 1150. In case he has been appointed as a Record Supplier in the scale of Rs. 825-1200 and got the benefit of promotion before 31.12.1995 then whether he will be eligible for any Assured Career Progression or not is required to be decided. Presuming that he has got one promotion and has become a Record Supplier then a second Assured Career Progression is normally expected. If the concerned person had not become a Record Supplier and moved by virtue of a second time bound promotion to the scale of Rs. 825-1200 between the period of 1989 to 1995 and then has been granted the revised pay scale of Rs. 2550-3200, then the question arises whether he is eligible for any Assured Career Progression or not because he has already got two time bound promotions which has not resulted in a higher revised scale effective from 1.1.96 because he is in the basic grade. Undeniably this person will have reached the maximum of the revised pay scale of Rs. 2550-3200 and even more by virtue of having got two time bound promotions though as his revised pay scale does not stand upgraded he will be expecting benefits under the Assured Career Progression Scheme now because he still remains in the basic grade. It is another matter that the concerned Department either has not promoted him as Daftary/Record Supplier/ Treasury Sarkar because he is not fit or may be due to paucity of posts his turn is yet to come.

- Another case that needs to be decided is of a Peon having got (v) appointment/promotion as Daftary and thereafter as Record Supplier and his pay scale has now been fixed in the scale of Rs. 2650-4000, the revised scale applicable for Record Supplier. This particular employee may also demand upgradations under the Assured Career Progression Scheme because due to the absence of Recruitment Rules he may point out that he has been appointed as a Daftary and thereafter as Record Supplier by dint of his merit and abilities and he has to be treated as a direct recruit against the post of Record Supplier and hence eligible for Assured Career Progression. According to Finance Department Letter No. 7862 dated 16.7.1970, Peons are promoted to the post of Jamadar Peon or Daftary and Jamadar and Daftary are appointed on promotion to the post of Record Supplier and hence the benefit of promotion would be admissible in such a case. To an extent the provisions of the two circulars of 1970 and 1974 may be interpreted in varying ways - one to benefit the employee (1974 Circular) and the other to deny the benefit (1970 Circular). Hence in the absence of clear instructions interpretation of rules are likely to differ on case to case basis.
- (vi) For example, in the Electricity Department, the normal line of promotion is from a Mazdoor to Wireman and then to Electrician. As Recruitment Rules have not been framed, the employees working as Electricians can easily demand the benefits of the Assured Career Progression Scheme on the plea that they have been appointed as Wireman and subsequently as Electrician. If the Electrician demands financial upgradation under the new ACP Scheme, the question that has to be decided is whether he is at all eligible for the benefits of the Assured Career Progression Scheme as there have already been two financial upgradations in his career.

- (vii) There are also employees who have been declared surplus in their respective State Undertakings and thereafter have been absorbed in the Bihar Government. The Finance (Bureau of Public Enterprises) Department issued a letter on 15.2.1988 notifying that the employees of the State Undertakings will also be entitled to the benefits of time bound promotion. Hence employees of such Corporations have got the benefit of time bound promotions by an order of the Government. If these employees have already got promotions in their own organization and by virtue of those promotions have got their pay protected and are in higher scales the issue of whether they be entitled to Assured Career Progression or not will require to be decided.
- (viii) The issue of classification of Group A posts /services/cadres are open to several interpretations. As the Central Government have not extended the benefits of the Assured Career Progression Scheme to Group A employees, the Section Officers who move as Under Secretary on promotion will do so from a Group B post to a Group A post. Will the Section Officer move from the scale of Rs. 6500-10500 to the scale of Under Secretary as it is the next higher scale in accordance with the existing hierarchy in the Centre or whether he will get financial upgradation to the scale of Rs. 7500-12000/7450-11500 as this is the next higher scale above that of Rs. 6500-10,500 will need to be decided. The same will be in respect of most basic grades of the State Services/Cadres because the next higher grade in the existing hierarchy is the scale of Rs. 10, 000-15,200.
- (ix) For example, there may be cases where a person is recruited in the scale of Rs. 6500-10500 but not in a service/cadre which has a defined hierarchy. In such cases the first promotion under the ACP Scheme will be in the scale of Rs. 7400-11500 and not to

the scale of Rs. 10000-15200. Then in comparison to his peers in other hierarchically defined cadres he/she may suffer financially.

(x) If the financial upgradation under the ACP Scheme are in the existing hierarchy then from cadre to cadre there will be wide variations from the point of view of scales. For example, the Karamchari in the scale of Rs. 3050-4590 will move to the scale of Rs. 5000-8000 applicable for Circle Inspectors but the Police Constable recruited in the same scale as the Karamchari will only be in the scale of Rs. 3200-4900 because that is the scale of the next higher grade for Havildar within the existing hierarchy. This is only a mere illustration and from cadre to cadre the situation varies and hence there will be a lot of heart burning among personnel in various services/cadres/posts.

<u>Provisions of the Assured Career Progression Scheme issues</u> requiring specific decisions:-

2.2.1 One of the conditions for grant of benefits under the Assured Career Progression Scheme is that regular promotions including in-situ promotion and fast track promotion availed through limited departmental competitive examination should not have been granted. Similarly, the Dynamic Assured Career Progression Mechanism for different streams of doctors as recommended by the 5th Central Pay Commission will have to be considered separately by the administrative Ministry concerned in consultation with the Department of Personnel and Training and the Department of Expenditure. Another condition laid down by the Government of India stipulates that any existing time bound promotion scheme including in-situ promotion scheme in various Ministries/Departments may continue to be operational for the concerned categories of employees but shall not run concurrently with the Assured Career Progression Scheme. Therefore, either a Department should adopt the ACP Scheme in its totality or continue with the existing promotional facilities.

- 2.2.2 Subsequent to the recommendations of the Government of India regarding the Flexible Complementing Scheme, the Department of Personnel & Training of the Central Government issued orders on 9.11.98. Under this Scheme, subject to several conditions laid down there will be quicker promotion from one scale to the next higher scale. The Government of India order regarding the Flexible Complementing Scheme is at Annexure B. The insitu promotion scheme which was made applicable for the first time in 1991 provides at least one promotion to those who are directly recruited to a Group C or Group D post and who could not get a promotion even after reaching the maximum of the scale and are stagnating at the maximum for more than one year. Though normally in-situ promotion cannot be allowed from a Group C to a Group B post, as recently as 9.8.99 and even earlier, the Government of India appointed several Under Secretaries of the Central Secretariat Service as Deputy Secretaries on a personal/adhoc basis. Unfortunately in Bihar, in-situ promotion, Flexible Complementing Scheme and Dynamic Assured Career Progression Mechanism for doctors are not yet available. The State Government would have to take a view regarding whether to have the ACP Scheme in its totality or introduce the above three Schemes which are not available so far in Bihar and give the benefits of the ACP Scheme to those who are not covered by in – situ promotions, FCS as well as the Dynamic Assured Career Progression Mechanism for doctors.
- 2.2.3 The State Government has had to face in the past several problems in the implementation of the time bound promotion scheme. The ACP Scheme for Central Government civilian employees has just been notified and obviously problems would arise in course of implementation of the ACP Scheme. We are highlighting certain problems which the Government of India may have to face during the course of implementation: -
 - (i) One of the conditions laid down by the Government of India is that the benefit of surplus regular service (not taken into account for the first financial upgradation under the Scheme) shall be given at the subsequent stage of second financial upgradation

under the Scheme as a one time measure. The Government of India has laid down no intervening time period between the grant of first and second financial upgradations. Hence a person who has completed 23 years service in August 1999 is already eligible for the first financial upgradation and as well for the second financial upgradation in the year 2000. The Finance Department of the State Government notified in Circular No.1871 in March 1985 that there should be at least some gap between the first and the second time bound promotions and the second time bound promotion should be given only after the qualifying period laid down for promotion to the second promotional level has elapsed. Hence, generally at least there was a three-year gap between the first and the second time bound promotions. According to another circular of the Finance Department No.6667 dated 20.7.1973 the benefit of 12% or Rs. 150, whichever is less, is not available unless there is an intervening period of three years between two promotions. As the Government of India have not laid down any such provision, this would require to be done and the Bihar Government would also have to lay down a qualifying period, if not now but definitely after the Government of India does so.

(ii) The Government of India would have to lay down which limited departmental competitive examinations will count as regular promotions or whether all such direct recruits through limited departmental competitive examinations will be debarred from at least the first financial upgradation under the ACP Scheme. For example one may appreciate that a Class IV employee who has come through the limited departmental competitive examination and appointed as a Routine Clerk has got one financial upgradation but if a Class IV employee after taking the advantage of relaxation of age for Government servants competes for a Class III post and becomes a Sanitary Inspector

then whether he will be ruled out from the first financial upgradation will require to be decided.

- (iii) The list of isolated posts would have to be spelt out and the scales that will be available to them for financial upgradation will need to be clarified. For example, Scales S-13 and S-14 in the Government of India are, respectively, Rs. 7450-11500 and Rs. 7500-12000. Therefore, an employee in the scale of Rs. 6500-10500, if he is on an isolated post, will get financial upgradation in which of the two scales mentioned above or the second financial upgradation will be in the scale of Rs. 7500-12000 will need to be specified. Moreover, the Government of Bihar have not yet granted the scale of Rs. 7450-11500 to any post/employee and a decision has to be taken whether this will be one of the scales against which an employee would be adjusted once the ACP Scheme has been notified for the State Government employees.
- (iv) According to the instructions of the Government of India on the Assured Career Progression Scheme, financial upgradation under the Scheme is to be given to the next higher grade in accordance with the existing hierarchy in a cadre/category of posts without creating new posts for the purpose and in case of isolated posts in the absence of defined hierarchical grades, financial upgradation is to be given in the immediately next higher pay scale. This means that the scale/scales for financial upgradations may vary from cadre to cadre, post to post, depending upon the existing hierarchy. For example, in the Central Government the Sanitary Inspector will move from the scale of Rs. 4000-6000 in the basic grade to the scale of Rs. 4500-7000 and a Data Entry Operator, Grade A in the scale of Rs. 4000-6000 will move to the scale of Rs. 4500-7000, that being the scale of Data Entry Operator Grade B. But the Upper Division Clerk of the proposed Bihar Secretariat Clerical Service will move to the scale of Rs. 5500-

9000 because in the existing hierarchy that is the scale of the Assistant, the next higher grade on promotion available to Upper Division Clerks. Therefore, personnel appointed in the basic grade in the same scale but in different posts/cadres will get financial upgradation in different scales. This probably would need to be streamlined or allowed to continue because this is what has been provided in the Office Memorandum regarding the ACP Scheme of the Government of India. In Bihar, time bound promotions have been given in the next higher scale but as the Government of India Scheme is somewhat different, the problem that we have highlighted above, would need to be resolved by the Central/State Government.

2.2.4 There may be other areas which are required to be resolved by the Government of India as and when they are confronted with them. It is difficult to anticipate the specific problems that will be faced by different Ministries/Departments of the Central Government and to pre-judge them would require a great degree of clairvoyance. The best course of option that is available to the Bihar Government is to notify the Scheme after necessary modifications and issue orders from time to time depending on the clarifications that may be issued by the Government of India.

Alternatives that require to be considered

- 2.3.1 We next take up the modalities of the Assured Career Progression Scheme that would require to be spelt out while notifying for State Government employees the Assured Career Progression Scheme on the pattern of the Central Government. Given below are the list of issues on which decisions have to be taken: -
 - (a) Whether the Assured Career Progression Scheme will be applicable from the date the Central Government have notified it and all previous benefits of time bound promotions and selection

grades will be ignored. This means that if a Peon has got two time bound promotions previously and has now been fixed in the revised scale of Rs. 2550-3200, the Peon in the basic grade will be entitled to two financial upgradations provided he has completed 24 years of service. Similarly, if an Assistant has got one time bound promotion and has had his pay scale fixed at Rs. 5500-9000 now in the basic grade even though drawing the junior selection grade scale of Rs. 1640-2900 prior to 1.1.96 will be entitled to one financial upgradation if he has completed 12 years of service. The implication of taking such a decision means that time bound promotions given previously in Bihar will have to be ignored provided the employee is in the revised pay scale in the basic grade. This ignores that in actual practice his pay in the scale of the basic grade has been fixed at a much higher level because of the time bound promotion /junior selection grade that already stand sanctioned to him/her.

(b) Whether financial upgradation in the revised pay scale will correspond to the scale available to State Government employees prior to 1.1.1996, whether the scale that has been granted has been sanctioned after one/two time bound promotions or after getting junior/senior selection grade. If the pre-revised scale is the bench mark for sanctioning financial upgradation under the Assured Career Progression Scheme then care has to be taken because when the pay scales were revised in 1989, virtually all employees from the lowest scale of Rs. 350-425 to the scale of Rs 1575-2300 were upgraded and sanctioned a higher scale than normally due. This, of course, ignores that whereas Central Government employees did not have their pay revised in 1981, the State Government employees had got their pay revised in between 1973 and 1986. If this formulation regarding financial upgradation depending upon the pre-revised scale is followed thus reflecting the junior selection grade/time bound promotion obtained, a situation will be reached whereby pay in the revised

scale would be fixed in a higher scale than Central Government employees. For example, the Peon who has got the first time bound promotion in the scale of Rs. 800-1150 will have his financial upgradation under the Assured Career Progression Scheme in the scale of Rs. 2650-4000 but actually his financial upgradation should be in the scale of Rs. 2610-3540, the upgradation admissible for Peons after completion of 12 years of service. Therefore, according to this formulation, the State Government employees would be fitted in either a higher revised scale or at a higher stage vis-a-vis his Central counterpart, considering the pay scale of the post both in the Centre and in the State Government.

(c) Whether the financial upgradation under the proposed ACP Scheme in the State result in the same financial benefits for similarly designated employees in the same revised scale both in the State and in the Centre, will have to be decided. This means that an employee in the Central Government and in the State Government will be at the same stage of a particular pay scale after financial upgradation if designations are the same and the number of years that have been spent in Government service are equal. In order to implement the ACP Scheme based on this principle the pay scale of State Government employees would need to be brought back to the 1.4.1981 stage and compared to what pay scales corresponding Central Government servants were getting. The matter would get complicated because the State Government employees were not in the same scale as Central Government employees and secondly when the pay scales of State Government employees were revised from 1.1.71 and then again from 1.4.81 the pay scales of Central Government employees became effective only from 1.1.73. Subsequently State Government employees got their pay scales revised with effect from 1.1.86 with financial benefits from 1.4.89. But Central Government employees had their pay scales revised with

effect from 1.1.86. It also requires to be taken into account that State Government employees unlike their counterparts in the Centre were paid a lump-sum of Rs. 500 provided they had completed one year of service on 1.4.81 and secondly the pay fixation formula in 1989 was far more liberal than the principles of pay fixation formula for Central Government employees when their pay scales were revised with effect from 1.1.86.

After taking into account all the above-mentioned factors, it would be extremely difficult to achieve any correspondence or equivalence to the satisfaction of all concerned. What stands conceded already is difficult to withdraw. Moreover, the sheer number of factors which have to be taken into account would require specialized staff or else pay fixation of the type envisaged would be impossible to be standardized. Hence, simple equivalence/correspondence would need to be established before the ACP Scheme is implemented in the State.

Obertment Resolution No.660 dated 8.2.99, certain posts have been given more than normal replacement pay scales while others have got less. In such cases, if one were to go back to the pay scale prevailing before 1.1.96 there would be complications galore and correspondence would be difficult to achieve. Secondly, the existing hierarchy in the Central Government and in the State in most cases are not the same though the Fitment Committee has applied itself to the task with as much diligence as possible. However, in this exercise the limitations are many and obvious, which have been discussed in Volume I, Part I of our Report.

For example the Cooperative Inspectors in the Union Territories start their career at a much lower level than

even the present revised scale which has been sanctioned to Cooperative Inspectors/Cooperative Supervisors. If one were to compare the existing hierarchy of Cooperative Inspectors in Union Territories and seek equivalence, this would be impossible to find because the existing hierarchy neither existed nor can be laid down now. A simpler solution in such cases would be to see whether the employee has got a time bound promotion or not and if he has obtained it then he should get a financial upgradation in the revised scale. However, this also may not be equitable. For example, a Cooperative Inspector who has got a time bound promotion in the scale of Rs. 1800-3330 before 1.1.96 would only get a financial upgradation in the scale of Rs. 5000-8000. On the other hand, a Labour Enforcement officer who was earlier in the same scale as the Cooperative Inspector and who also got a financial upgradation in the scale of Rs. 1800-3330 under the time bound promotion scheme in the State, would get a financial upgradation in the scale of Rs. 6500-10500 because the basic grade of the Labour Enforcement Officer has been increased to Rs. 5500-9000 from the normal replacement scale of Rs. 5000-8000. Hence, the situation is ripe for lawyers to flourish. It is just possible that both the Cooperative Inspector and the Labour Enforcement Officer have appeared in the same second Graduate Level Examination and the Cooperative Inspector could have got a higher rank than the Labour Enforcement Officer and joined the post of Cooperative Inspector because that might have appeared better vis-à-vis the job of the Labour Enforcement Officer.

(e) Whether the benefits of the proposed ACP Scheme would be totally based on whether an employee has got a time bound promotion in the pre-revised scale or not will require to be decided. A specific problem that may arise is with regard to clubbing of scales, which the Fitment Committee has done according to its Terms of Reference. For example, the revised

scale for the pre- revised scales of Rs. 1400-2600, 1500-2750 and Rs. 1600-2780 has been fixed at Rs. 5000-8000 in most cases. Secondly, the revised scale for the pre- revised scales of Rs. 1640-2900 and Rs. 1800-3330 is Rs. 5500-9000. Hence an employee in the scale of Rs. 1400-2600 may have got a time bound promotion or a promotion in the junior selection grade in the scale of Rs. 1500-2750 and in such cases he cannot hope to get a financial upgradation because the revised scale for both these pre-revised scales is the same. In the case of Assistants the scale of the basic grade was Rs. 1500-2750, the first time bound promotion/junior selection grade was the scale of Rs. 1640-2900 and the second time bound/senior selection grade was the scale of Rs. 1800-3330. Now that the pay scale of the basic grade Assistants stands at Rs. 5500-9000, obviously if one were to go back to the pre-revised scale prevailing before 1.1.96, Assistants should not ordinarily expect any financial upgradation even if they have got the benefit of time bound promotions/selection grades earlier because the Assistants have been sanctioned the scale of Rs. 5500-9000 in the basic grade and the revised scale is also Rs. 5500-9000 for the pre revised scales of Rs. 1640-2900 and 1800-3330. More examples like these can be cited and hence confusions will also multiply.

(f) Whether the ACP Scheme will only consider the existing revised pay scale of the employees in order to assess the eligibility for the benefits of the ACP Scheme will require to be decided. But even in this formulation there are likely to be problems. For example, if an Assistant after getting one or two time bound promotion/promotions and one senior selection grade gets his pay fixed in the scale of Rs. 5500-9000 and if he has put in 24 years of service, may consider himself eligible for the benefit of two financial upgradations. But this will result in the Assistant drawing a higher scale than a Section Officer who is senior to him but has not got the benefit of financial upgradations under

the proposed ACP Scheme because he already has one time bound promotion and a promotion in the hierarchy as Section Officer. This example only illustrates that even according to this formulation no clear cut solution is possible which will be applicable for all cadres/services/posts.

Whether direct recruitment, the bench mark for deciding (g) financial upgradations under the ACP Scheme, means the word 'appointment' in the appointment letter or negation of the benefits of 12 percent fitment on promotion subject to a maximum amount of Rs. 150 will require to be decided. In many cases both on appointment and on promotion the benefit of Rs. 150 or 12 percent, whichever is less, is allowed. Deciding the merits of a case on this criterion alone could be fraught with innumerable complications. For example, a Peon appointed as a Daftary and thereafter as a Record Supplier may consider himself to be directly appointed against these two posts because the Department decided not to give him the benefit of promotion of 12 percent or Rs. 150, whichever is less. If this were the case then the Record Supplier would demand a financial upgradation or two because he has never been promoted before and the two posts of Daftary and Record Supplier have come to him because of his inherent merit. However, we are quite sure that this principle is not being followed in all departments and appointments to the posts of Daftary and Record Supplier have resulted in promotional benefits of 12 percent or Rs. 150. whichever is less.

Conclusion

2.4.1 We have touched upon a few of the glaring problems that may arise in implementing the ACP Scheme in the State. Other problems/issues are there and the Fitment Committee is not the forum for anticipating the

problems in implementing the ACP Scheme. It is for the Finance Department and the respective departments of the State Government to take decisions on problems as and when they arise. We have already committed ourselves in Volume I, Part I of our Report that as and when the ACP Scheme is notified by the Central Government, the benefits of this Scheme should be made available to the State Government employees. How it would be implemented and with what conditions and what will be the pay scales that will be the basis for financial upgradations will need to be decided by the State Government. In the foregoing paragraphs our attempts have been to highlight certain issues which the State Government should keep in mind before issuing orders on the ACP Scheme or even adopting the Government of India's Office Memorandum regarding the ACP Scheme for the State Government employees. On the one hand, the employees will aspire for financial upgradations in revised scales irrespective of whether they have been the recipients of benefits under the timebound promotion scheme which was recently abolished by the Finance Department Resolution dated 8.2.99 with effect from 1.1.96. On the other hand, the State Government may, for reasons which have been discussed, deny the benefits of the ACP Scheme to those who have already got the benefits of timebound promotion/selection grades.

2.4.2 This Committee realizes that an ACP Scheme with too many conditions and too many calculations that have to be made before granting financial upgradations would mean a denial of the benefits of the ACP Scheme to State Government employees and also result in dissatisfaction and frustration if the benefits are unnecessarily delayed. Moreover, the order regarding the ACP Scheme should be simple, implementable, logical and clear to both the employees and the employer. With these words of caution we recommend to the State Government the adoption of the ACP Scheme of the Government of India notified on 9.8.99 and which is available at Annexure A.

Annexure-A

No.35034/1/97-Estt(D)

Government of India

Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training)

North Block, New Delhi – 110001 August 9, 1999

OFFICE MEMORANDUM

Subject: - THE ASSURED CAREER PROGRESSION SCHEME FOR THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES.

The Fifth Central Pay Commission in its Report has made certain recommendations relating to the Assured Career Progression (ACP) Scheme for the Central Government civilian employees in all Ministerial/Departments. The ACP Scheme needs to be viewed as a 'Safety Net' to deal with the problem of genuine stagnation and hardship faced by the employees due to lack of adequate promotional avenues. Accordingly, after careful consideration it has been decided by the Government to introduce the ACP Scheme recommended by the Fifth Central Pay Commission with certain modifications as indicated here under: -

2. Group 'A' Central services

2.1 In respect of Group 'A' Central services (Technical/Non-Technical), no financial upgradation under the Scheme is being proposed for the reason that promotion in their case must be earned. Hence, it has been decided that there shall be no benefits under the ACP Scheme for Group 'A' Central services (Technical/Non-Technical). Cadre controlling Authorities in their case

would, however, continue to improve the promotion prospects in organizations cadres on functional grounds by way of organizational study, cadre review, etc. as per prescribed norms.

3. Group 'B', 'C' and 'D' Services/Posts and Isolated posts in Group 'A', 'B', 'C' and 'D' categories

- 3.1 While in respect of these categories also promotion shall continue to be duly earned, it is proposed to adopt the ACP Scheme in a modified form to mitigate hardship in cases of acute stagnation either in a cadre or in an isolated post. Keeping in view all relevant factors, it has, therefore, been decided to grant two financial upgradations [as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated September 11,1997 (in relation to Group 'C' and 'D' employees) entered into with the Staff side of the National Council (JCM). Under the ACP Scheme to Group 'B', 'C' and 'D' employees on completion of 12 years and 24 years (subject to condition No. 4 in Annexure I) of regular service respectively. Isolated posts in Group 'B', 'C' and 'D' categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above. Certain categories of employees such as casual employees (including those with temporary status), ad-hoc and contract employees shall not qualify for benefits under the aforesaid Scheme. Grant of financial upgradations under the ACP Scheme shall, however, be subject to the conditions mentioned in Annexure-I.
- 3.2 Regular Service for the purpose of the ACP Scheme shall be interpreted to mean the eligibility service counted for regular promotion in terms of relevant Recruitment/Service Rules.
- 4. Introduction of the ACP Scheme should, however, in no case affect the normal (regular) promotional avenues available on the basis of vacancies. Attempts needed to improve promotion prospects in organizations/cadres on functional grounds by way of organizational study,

cadre reviews, etc. as per prescribed norms should not be given up on the ground that the ACP Scheme has been introduced.

5. Vacancy based regular promotions, as distinct from financial upgradation under the ACP Scheme, shall continue to be granted after due screening by a regular Departmental Promotion Committee as per relevant rules/guidelines.

6. <u>Screening Committee</u>

- 6.1 A departmental Screening Committee shall be constituted for the purpose of processing the cases for grant of benefits under the ACP Scheme.
- The composition of the Screening Committee shall be the same as that of the DPC prescribed under the relevant Recruitment/Service Rules for regular promotion to the higher grade to which financial upgradation is to be granted. However, in cases where DPC as per the prescribed rules is headed by the Chairman/Member of the UPSC, the Screening Committee under the ACP Scheme shall, instead be headed by the Secretary or an officer of equivalent rank of the concerned Ministry/ Department. In respect of isolated posts, the composition of the Screening Committee (with modification as noted above, if required) shall be the same as that of the DPC for promotion to analogous grade in that Ministry/Department.
- In order to prevent operation of the ACP Scheme from resulting into undue strain on the administrative machinery, the Screening Committee shall follow a time schedule and meet twice in a financial year-preferably in the first week of January and July for advance processing of the cases. Accordingly, cases maturing during the first –half (April September) of a particular financial year for grant of benefits under the ACP Scheme shall be taken up for consideration by the Screening Committee meeting in the first week of January of the previous financial year. Similarly, the Screening

Committee meeting in the first week of July of any financial year shall process the cases that would be maturing during the second half (October - March) of the same financial year. For example, the Screening Committee meeting in the first week of January, 1999 would process the cases that would attain maturity during the period April 1,1999 to September 30,1999 and the Screening Committee meeting in the first week of July, 1999 would process the cases that would mature during the period October 1,1999 to March 31, 2000.

- Authorities shall constitute the first Screening Committee of the current financial year within a month from the date of issue of these instructions to consider the cases that have already matured or would be maturing upto March 31, 2000 for grant of benefits under the ACP Scheme. The next Screening Committee shall be constituted as per the time- schedule suggested above.
- 7. Ministries/ Departments are advised to explore the possibility of effecting savings so as to minimise the additional financial commitment that introduction of the ACP Scheme may entail.
- 8. The ACP Scheme shall become operational from the date of issue of this Office Memorandum.
- 9. In so far as persons serving in the Indian Audit and Accounts Departments are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.
- 10. The Fifth Central Pay Commission in paragraph 52.15 of its Report has also separately recommended a "Dynamic Assured Career Progression Mechanism" for different streams of doctors. It has been decided that the said recommendation may be considered separately by the administrative Ministry concerned in consultation with the Department of Personnel and Training and the Department of Expenditure.

- 11. Any interpretation/clarification of doubt as to the scope and meaning of the provisions of the ACP Scheme shall be given by the Department of Personnel and Training (Establishment –D).
- 12. All Ministries/Departments may give wide circulation to these instructions for guidance of all concerned and also take immediate steps to implement the Scheme keeping in view the ground situation obtaining in services/cadres/ posts within their administrative jurisdiction.
- 13. Hindi version would follow.

Sd/-K.K.Jha
Director
(Establishment)

ANNEXURE –1

Conditions for grant of benefits under the ACP Scheme

- 1. The ACP Scheme envisages merely placement in the higher pay scale/grant of financial benefits (through financial upgradation) only to the Government servant concerned on personal basis and shall, therefore, neither amount to functional/regular promotion nor would require creation of new posts for the purpose;
- 2. The highest pay scale upto which the financial upgradation under the Scheme shall be available will be Rs. 14300-18300. Beyond this level, there shall be no financial upgradation and higher posts shall be filled strictly on vacancy based promotions;
- 3. The financial benefits under the ACP Scheme shall be granted from the date of completion of the eligibility period prescribed under the ACP Scheme or from the date of issue of these instructions whichever is later;
- 4. The first financial upgradation under the ACP Scheme shall be allowed after 12 years of regular service and the second upgradation after 12 years of regular service from the date of the first financial upgradation subject to fulfillment of prescribed conditions. In other words, if the first upgradation gets postponed on account of the employee not found fit or due to departmental proceedings, etc. this would have consequential effect on the second upgradation which would also get deferred accordingly;
- Two financial upgradations under the ACP Scheme in the entire Government service career of an employee shall be counted against regular promotions (including in-situ promotion and fast-track promotion availed through limited departmental competitive examination) availed from the

grade in which an employee was appointed as a direct recruit. This shall mean that two financial upgradations under the ACP Scheme shall be available only if no regular promotions during the prescribed periods (12 and 24 years) have been availed by an employee. If an employee has already got one regular promotion, he shall qualify for the second financial upgradation only on completion of 24 years of regular service under the ACP Scheme. In case an employee has already received two prior promotions on regular basis, no benefit under the ACP Scheme shall accrue to him;

- Residency periods (regular service) for grant of benefits under the ACP Scheme shall be counted from the grade in which an employee was appointed as a direct recruit;
- 6. Fulfillment of normal promotion norms (bench-mark, departmental examination, seniority-cum-fitness in the case of Group 'D' employees, etc.) for grant of financial upgradations, performance of such duties as are entrusted to the employees together with retention of old designations, financial upgradations as personal to the incumbent for the stated purposes and restriction of the ACP Scheme for financial and certain other benefits (House Building Advance, allotment of Government accommodation, advances, etc) only without conferring any privileges related to higher status (e.g. invitation to ceremonial functions, deputation to higher posts, etc)shall be ensured for grant of benefits under the ACP Scheme;
- Financial upgradation under the Scheme shall be given to the next higher grade in accordance with the existing hierarchy in a cadre/category of posts without creating new posts for the purpose. However, in case of isolated posts, in the absence of defined hierarchical grades, financial upgradation shall be given by the Ministries/Departments concerned in the immediately next higher (standard/ common) pay scales as indicated in Annexure –II which is in keeping with Part-A of the First Schedule annexed to the Notification dated September 30,1997 of the Ministry of Finance (Department of Expenditure). For instance, incumbents of isolated posts in the pay scale S-4, as indicated in Annexure-II will be eligible for the proposed two

financial upgradations only to the pay scales S-5 and S-6. Financial upgradation on a dynamic basis (i.e. without having to create posts in the relevant scales of pay) has been recommended by the Fifth Central Pay Commission only for the incumbents of isolated posts which have no avenues of promotion at all. Since financial upgradations under the Scheme shall be personal to the incumbent of the isolated post, the same shall be filled at its original level (pay scale) when vacated. Posts which are part of a well-defined cadre shall not qualify for the ACP Scheme on 'dynamic' basis. The ACP benefits in their case shall be granted conforming to the existing hierarchical structure only;

- 8. The financial upgradation under the ACP Scheme shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employee on the ground that the junior employee in the grade has got higher pay scale under the ACP Scheme;
- 9. On upgradation under the ACP Scheme, pay of an employee shall be fixed under the provisions of FR 22 (1) a (1) subject to a minimum financial benefit of Rs. 100 as per the Department of Personnel and Training Office Memorandum No.1/6/97-Pay I dated July 5,1999. The financial benefit allowed under the ACP Scheme shall be final and no pay fixation benefit shall accrue at the time of regular promotion i.e. posting against a functional post in the higher grade;
- 10. Grant of higher pay-scale under the ACP Scheme shall be conditional to the fact that an employee, while accepting the said benefit, shall be deemed to have given his unqualified acceptance for regular promotion on occurrence of vacancy subsequently. In case he refuses to accept the higher post on regular promotion subsequently, he shall be subject to normal debarment for regular promotion as prescribed in the general instructions in this regard. However, as and when he accepts regular promotion thereafter, he shall become eligible for the second upgradation under the ACP Scheme only after he completes the required eligibility service/period under the ACP Scheme in that higher grade subject to the condition that the period for which he was debarred

for regular promotion shall not count for the purpose. For example if a person has got one financial upgradation after rendering 12 years of regular service and after 2 years therefrom if he refuses regular promotion and is consequently debarred for one year and subsequently he is promoted to the higher grade on regular basis after completion of 15 years (12+2+1) of regular service, he shall be eligible for consideration for the second upgradation under the ACP Scheme only after rendering ten more years in addition to two years of service already rendered by him after the first financial upgradation (2+10) in that higher grade i.e. after 25 years (12+2+1+10) of regular service because the debarment period of one year cannot be taken into account towards the required 12 years of regular service in that higher grade;

- 11. In the matter of disciplinary/penalty proceedings, grant of benefits under the ACP Scheme shall be subject to rules governing normal promotion. Such cases shall, therefore, be regulated under the provisions of relevant CCS (CCA) Rules, 1965 and instructions thereunder;
- 12. The proposed ACP Scheme contemplates merely placement on personal basis in the higher pay scale/grant of financial benefits only and shall not amount to actual/functional promotion of the employees concerned. Since orders regarding reservation in promotion are applicable only in the case of regular promotion, reservation orders/roster shall not apply to the ACP Scheme which shall extend its benefits uniformly to all eligible SC/ST employees also. However, at the time of regular/functional (actual) promotion, the Cadre Controlling Authorities shall ensure that all reservation orders are applied strictly;
- Existing time bound promotion schemes, including in situ promotion scheme, in various Ministries/Departments may, as per choice, continue to be operational for the concerned categories of employees. However, these schemes, shall not run concurrently with the ACP Scheme. The Administrative Ministry/Department -- not the employees -- shall have the option in the matter to choose between the two schemes, i.e. existing time bound promotion scheme or the ACP Scheme, for various categories of

employees. However, in case of switchover from the existing time bound promotion scheme to the ACP Scheme, all stipulations (viz. for promotion, redistribution of posts, upgradation involving higher functional duties, etc) made under the former (existing) scheme would cease to be operative. The ACP Scheme shall have to be adopted in its totality;

- 14. In case of an employee declared surplus in his/her organization and in case of transfers including unilateral transfer on request, the regular service rendered by him/her in the previous organization shall be counted along with his/her regular service in his/her new organization for the purpose of giving financial upgradation under the Scheme; and
- 15. Subject to Condition No.4 above, in cases where the employees have already completed 24 years of regular service, with or without a promotion, the second financial upgradation under the scheme shall be granted directly. Further, in order to rationalize unequal level of stagnation, benefit of surplus regular service (not taken into account for the first upgradation under the scheme) shall be given at the subsequent stage (second) of financial upgradation under the ACP Scheme as a one-time measure. In other words, in respect of employees who have already rendered more than 12 years but less than 24 years of regular service, while the first financial upgradation shall be granted immediately, the surplus regular service beyond the first 12 years shall also be counted towards the next 12 years of regular service required for grant of the second financial upgradation and, consequently, they shall be considered for the second financial upgradation also as and when they complete 24 years of regular service without waiting for completion of 12 more years of regular service after the first financial upgradation already granted under the Scheme.

S/d

K.K.JHA

Director (Establishment)

ANNEXURE II

STANDARD/COMMON PAY-SCALES

As per Part A of the First Schedule Annexed to the Ministry of Finance
(Department of Expenditure) Gazette Notification dated September 30,1997

[REFERENCE PARA 7 OF ANNEXURE I OF THIS OFFICE <u>MEMORANDUM</u>]

Sl.No.	Revised Pay Scales (in Rs.)					
1.	S-1	2550-55-2660-60-3200				
2.	S-2	2610-60-3150-65-3540				
3.	S-3	2650-65-3300-70-4000				
4.	S-4	2750-70-3800-75-4400				
5.	S-5	3050-75-3950-80-4590				
6.	S-6	3200-85-4900				
7.	S-7	4000-100-6000				
8.	S-8	4500-125-7000				
9.	S-9	5000-150-8000				
10.	S-10	5500-175-9000				
11.	S-12	6500-200-10500				
12.	S-13	7450-225-11500				
13.	S-14	7500-250-12000				
14.	S-15	8000-275-13500				
15.	S-19	10000-325-15200				
16.	S-21	12000-375-16500				
17.	S-23	12000-375-18000				
18.	S-24	14300-400-18300				

ANNEXURE-B

FLEXIBLE COMPLEMENTING SCHEME

Flexible Complementing Scheme shall apply only to Scientists/Technologists <u>holding scientific posts and engaged in scientific activities/services</u>

The undersigned is directed to say that in Chapter 51 of its report, the Fifth Central Pay Commission has made a number of recommendations for modifying the existing Flexible Complementing Scheme in operation in Scientific & Technological Departments for *in situ* promotion of scientists/technical personnel, with a view to removing the shortcomings/inadequacies in the Scheme highlighted by the Commission. The recommendations of the Fifth Central Pay Commission in this regard have been examined in consultation with the Secretaries of the Department of Science & Technology and some other major Scientific Departments and the following decisions have been taken:

- 1. The recommendation of the Pay Commission that the modified Flexible Complementing Scheme proposed by it should be applicable in all the Departments, including the Departments of Space, Atomic Energy and DRDO without any special dispensation for any individual Department, has not been accepted. The existing scheme of merit based promotion system covering the Groups 'A', 'B' & 'C' personnel, as presently applicable in the Department of Atomic Energy, the Department of Space and the DRDO shall continue.
- 2. The recommendation of the Pay Commission to define "Scientific Administrators" and to exclude them from the benefit of *in situ* promotions under Flexible Complementing Scheme and to bring them under the ambit of "Assured Career Progression Scheme" formulated by the Pay

Commission has not been accepted. However, it has been decided that the Flexible Complementing Scheme should, as per its original objective, be made applicable only to scientists and technologists holding scientific posts in Scientific and Technology Departments and who are engaged in scientific activities and services. It has also been decided that assessment norms for promotions under the Flexible Complementing Scheme should be rigorous with due emphasis on evaluation of scientific and technical knowledge, so that only the Scientists who have to their credit demonstrable achievements or higher level of technical merit are recommended for promotion under the Flexible Complementing Scheme. For achieving these objectives, the following decisions have been taken:

- (a) The criteria for identifying Institutions/Organizations as Scientific and Technological Institutions as well as for defining scientific activities and services, Scientists and Engineers and the scientific posts shall be as prescribed in Annexure –I to this Office Memorandum. The Flexible Complementing Scheme shall *not* be applicable where the criteria specified vide this Office Memorandum are not fully met.
- (b) A revised assessment procedure as prescribed in Annexure II to this Office Memorandum shall henceforth be followed by all Scientific Ministries/Departments for considering advancement under FCS.
- 3. The recommendations of the Pay Commission that the existing disparities in the operation of Flexible Complementing Scheme in various Scientific and Technical Departments in the matter of designation of posts, the number of pay scales and the residency period should be removed and there should be uniformity in this regard has been accepted. Accordingly, all the posts covered under the Flexible Complementing Scheme shall carry the following uniform scales of pay, designations and the minimum residency period linked to performance:-

Sl.No.	Scales of Pay	Designation	Minimum Residency period linked to	
			performance	
a.	Rs. 8000-13,500	Scientist B	3 years	
b.	Rs. 10,000-15,200	Scientist C	4 years	
c.	Rs. 12,000-16,500	Scientist D	4 years	
d.	Rs. 14,300-18,300	Scientist E	5 years	
e.	Rs. 16,400-20,000	Scientist F	5 years	
f.	Rs. 18,400-22,400	Scientist G		

In order to give immediate effect to the decision contained in this para, an umbrella notification has been issued vide G.S.R. No.660 (E), dated 9.11.1998.

- 4. The recommendation of the Fifth Central Pay Commission for introducing a 'cooling off' period of 3 years before an officer is considered for the Flexible Complementing Scheme on the second occasion at the same level has *not* been accepted. The recommendation for disqualification of the candidate permanently from the Flexible Complementing Scheme (FCS) in case of failure to qualify thrice at the same level, etc., has also *not* been accepted. Therefore, the existing system of assessing the officer every year would continue.
- 5. It has further been decided that in order to extend the benefit of in situ promotions under the Flexible Complementing Scheme to other Scientific organizations that are demanding the extension of FCS in their case, the Administrative Ministry of such institutions shall satisfy itself that such institutions are Scientific and Technical Institutions and the officers are Scientists holding scientific posts and are involved in scientific and technical activities as defined in the Annexure I to this Office Memorandum and make its

recommendations to the Department of Science & Technology. On receipt of such a request the Department of Science & Technology shall set up a committee, including the representatives of the Department of Personnel & Training and of the Department of Expenditure as well as Eminent Scientists relevant to the discipline, for examining the proposal referred by the Administrative Ministry concerned . A final decision on the proposal of an Administrative Ministry for extension of FCS to other Scientific Organisations shall be taken based on the recommendations of this Committee . Since it is not necessary that all the pay scales under the Flexible Complementing Scheme should be applicable in all the Scientific Organizations, as the size of the organization may not justify introduction of the entire group of scales, the Committee, while making its recommendation, would take a specific view as to the number of scales that should be operated in the organizations as well as the appropriate residency period for ensuring an even pace of promotion. However, the progression under Flexible Complementing Scheme will only be as per scales indicated in Para 3 of this Office Memorandum.

- 6. It is requested that all the Ministries/Departments, where the Flexible Complementing Scheme is in operation, may initiate action for review of the provisions of the Flexible Complementing Scheme and amend the provisions of the relevant Recruitment Rules, so that the Scheme is brought in conformity with the decisions/guidelines being conveyed vide this Office Memorandum. Results of the review may also be conveyed to the Department of Science & Technology, the nodal Department for operation of the Flexible Complementing Scheme. Action for extension of the Flexible Complementing Scheme to other Scientific Organizations, where the same is not in operation at present, may be taken in accordance with the decision contained in Para 5 of this Office Memorandum.
- 7. The relevant provisions of Department of Science & Technology, Office Memorandum No. A 42014/2/86 Admn. 1(A), dated the 28th May, 1986 stand amended to the extent the provisions of this Office Memorandum are at variance with the provisions of the said Office Memorandum.

ANNEXURE -I

Criteria for identifying Institutions/Organizations as Scientific & Technical Institutions and definition of Activities and Services, Scientists & Engineers and Scientific Posts

- (i) The institutions referred to as S & T would be characterized by pursuit of excellence.
- (ii) They should be engaged in research, design, development or programme implementation (including review, analysis, promotion and aspects of science policy, etc.) which would cover a broad spectrum of pure and applied research, but the essential feature would be *innovative character* and spirit of enquiry that permeates their overall functioning.
- (iii) The scientific culture is characterized by a few salient aspects, namely, the persons involved are highly qualified and skilled technical personnel, involved in creative and innovative activity, they are willing to be judged on the basis of merit and competence rather than on the basis of seniority and a hierarchical structure.
- (iv) The criteria could cover the aims and objectives of the Institution/organization, qualifications of the personnel, qualitative requirements for performance of various types of activities, etc.

Scientific Activities and Services:

Scientific activities and services covered for considering the applicability of the Flexible Complementing Scheme are as under:-

- (a) Fundamental/basic research- Original investigation to gain new scientific knowledge, not necessarily directed towards any specific practical aim or application.
- (b) Applied Research –Original investigation to gain new Scientific or Technical knowledge directed towards specific practical aims or objectives.
- (c) Experimental/Development Use of scientific knowledge directed towards producing new or substantially improved materials, devices, products, processes, systems or services.
- (d) S & T activities which are directly linked to R & D in terms of promoting the scientific activities and services.

Scientists and Engineers:

- (a) who possess academic qualification of at least Master's Degree
 in natural/Agricultural Sciences or Bachelor's Degree in
 Engineering/ Technology/Medicine, and
- (b) working in those capacities, use or create Scientific knowledge and Engineering and Technological principles, i.e., persons with Scientific or Technological training who are engaged in professional work on S & T activities, high level administrators and personnel who plan, direct or co-ordinate the execution of S & T activities.

Scientists Post is the one, the incumbent of which is a 'Scientist or Engineer' defined above in a Scientific Institution/Organization declared as 'Scientific Department' as defined and is engaged in the generation, advancement, dissemination and application of Scientific and Technical knowledge in the S & T activities.

ANNEXURE-II

Criteria for considering promotions under Flexible Complementing Scheme

(a) All officers will be first screened on the basis of gradings in the Annual Confidential Reports (ACRs) for consideration for promotion; the ACRs should be assessed on a 10-point scale giving 10 marks for "outstanding", 8 marks for "very good", 6 Marks for "good" 4 marks for "average" and 0 for "poor" and only those officers who satisfy the minimum residency period linked to their performance as indicated in the Table below be screened in:

	Number of years in the grade							
	3	4	5	6	7	8		
	Minimum percentage for eligibility							
Scientist B to Scientist C	90%	80%	70%	65%	60%			
Scientist C to Scientist D		90%	80%	75%	70%	60%		
Scientist D to Scientist E		90%	80%	75%	70%	60%		
Scientist E to Scientist F			90%	80%	75%	70%		
Scientist F to Scientist G			90%	80%	75%	70%		

Exceptionally meritorious candidates with all outstanding gradings may be granted relaxation in the residency period, the relaxation being not more than one year on any single occasion. Such a relaxation will be limited to a maximum of two occasions in their entire career.

(b) As the procedure adopted for assessment of CRs in various Scientific Departments differ at present, it has been decided that an external member, from Departments of Atomic Energy, Space or DRDO who have developed over the years a fine tuned system of screening in meritorious Scientists may be co-opted in the selection process, till such time a system gets

established in other Scientific Departments. The position will, however, be reviewed after 5 years from the date of issue of this Office Memorandum.

- (c) All officers who are screened in will be called for an interview. The performance in the interview will also be graded similarly on a 10 point scale and the eligibility for promotion will be based on the same norms as in the above Table.
- (d) Field experience in research and development and/or experience in implementation of such scientific projects is compulsory for promotion of scientists recruited to the posts in the Secretariat of the Scientific Ministries/Departments to higher grades under Flexible Complementing Scheme (FCS). Field experience of at least 2 years and 5 years respectively will be essential for promotion to Scientist 'F' and Scientist 'G' grades respectively. However, during the transitional period, the Committee may relax this requirement in case of meritorious candidate.

ANNEXURE C

No.1/6/97-Pay.I

Government of India

Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training.

North Block, New Delhi Dated the 5th July,1999

OFFICE MEMORANDUM

<u>Subject: - Minimum benefit on promotion – Recommendations of the Vth</u> Central Pay Commission-Regarding.

The Vth Central Pay Commission in para 22.43 of its Report has recommended that the Rules governing fixation of pay on promotion may be amended to provide an addition of 3% of basic pay in the lower grade or one increment in the lower grade, whichever is higher, and then fixation at the next stage in the higher pay scale.

2. The Federations/Associations participating in the National Council (JCM) in their list of demands submitted to the Government on 2nd August, 1997 relating to various recommendations of the Pay Commission had, inter- alia, demanded that the minimum benefit on promotion should be 5% of the basic pay. These demands were discussed by a Group of Ministers with the Staff side in a series of meetings and a negotiated settlement was reached. The agreed settlement provides that recommendation regarding minimum benefit on promotion is a new principle enunciated by the Vth Central Pay Commission and the same needs to be examined by the Government, While considering this recommendation, the demand of Staff side for minimum benefit of 5% of basic pay in the lower post will be kept in view.

- 3. The matter has since been examined. A liberal package has already been extended to the employees on the recommendations of the Vth Central Pay Commission as further improved upon in regard to pay scales/fitment formula, etc. Keeping this in view and considering the substantial financial implications involved in accepting the recommendation regarding minimum benefit on promotion, it has been decided not to accept the recommendation of the Pay Commission in para 22.43 of its Report as sought to be improved upon by the Staff side.
- As per the existing provisions of FR 22 (I) a (1), on promotion to a post carrying duties and responsibilities of greater importance, the initial pay of a Government servant in the time scale of the higher post is fixed at the stage next above the notional pay arrived at by increasing his pay in the lower post held by him regularly by one increment at the stage on which such pay is accrued or Rs. 25 only, whichever is more. Consequent upon revision of the pay scales of the Government servants on the recommendations of the Pay Commission, the quantum of Rs. 25, referred to in FR 22 (I) a (1) has been reviewed and it has been decided to raise this amount to Rs. 100 so as to ensure that every employee is assured of a minimum raise in pay of Rs. 100 on promotion.
- 5. These orders take effect from the date of issue.
- 6. Formal amendment to FR 22 (I) a (1) is being carried out separately.
- 7. Insofar as persons serving in Indian Audit and Accounts Department are concerned, these orders issue in consultation with the Comptroller & Auditor General of India.
- 8. Hindi version is enclosed.

Sd/-(Smt.Bhavani Thyagarajan) Director (JCA) 03

SCHEME OF DEPARTMENTALISATION OF ACCOUNTS

3.1.1 According to the provisions of the Bihar Treasury Code, Volume I money cannot be withdrawn from the Public Account of the province without the written permission of the Treasury Officer and the Treasury Officer is responsible for satisfying the Accountant General that the credit against which the Treasury Officer has permitted withdrawal is valid and that the payee has actually received the sum withdrawn. In the Bihar Finance Rules, Volume I financial sanctions and orders of competent authorities are required to be communicated to the Accountant General in accordance with the procedures laid down in the Bihar Financial Rules. The Bihar Financial Rules has stipulated at Rule 14 that the detailed rules regarding the preparation of bills in which the different classes of charges are drawn and the method of obtaining money from Treasury, whether by bills or by cheques, for subsequent disbursement are laid down in the rules in Chapter V of the Bihar Treasury Code, Volume I. Rule 138 provides that save as hereinafter provided, all bills or cheques in payment of claims against the Government shall be presented at the Treasury duly receipted and stamped, where necessary. There is no departmentalisation of accounts in Bihar. Orders involving financial sanctions have to be issued by the Departments of the State Government after consultation with the Finance Department, that is sanction beyond their financial powers require to be communicated to the Accountant General through the Finance Department. It is worth remembering that the Bihar Financial Rules are of 1950 and the Bihar Treasury Code came into force on 1.4.1937, and was formulated under the Government of India Act, 1935. Instead of re-writing these Codes, the Finance Department issues orders from time to time relaxing various provisions of the Bihar Treasury Code as well as of the Bihar Financial Rules. However, the Bihar Financial Rules or the Bihar Treasury Code have not been amended consequently. The result has been that the amendments and relaxations of the Code and the Rules have been quite frequent and many of the orders issued by the Finance Department run contrary to many of the existing provisions. Though Banking Treasuries have given way to non-Banking Treasuries, there has been no attempt to re-write the now outdated Bihar Financial Rules and Bihar Treasury Code and adopt the Central pattern of separation of Audit and Account functions.

- 3.1.2 As Central conditions of service are to be adopted by the Bihar Government, it is time that the features of the departmentalisation of accounts of the Central Government are examined by the State Government and adopted. Departmentalisation of accounts will not only help in speedier financial sanctions but also enable the State Government Departments to undertake expenditure quickly. Many Departments have complained about the delay that takes place at present in first getting financial sanction of the Finance Department and thereafter getting the Treasury Officer to authorise the bills for payment by the Banks. It is in this context that we are recommending adoption of the Central pattern and also because Central conditions of service are to be adopted in this State.
- 3.1.3 It was in 1976 that a major exercise of Departmentalisation of Accounts covering all the Ministries and Departments of the Union Government and all the Union Territories except Andaman and Nicobar was undertaken and completed in a phased manner with the main objective of integrating accounts with the Administrative Ministries and Departments. Under this scheme, accounts and finance will form an integral

part of overall management. Administrative Ministries have been entrusted with the responsibility of arranging payments and timely compilation and rendering of accounts.

- 3.1.4 Under the Departmentalised Accounting set up all payments are made only by the Pay & Accounts Officer of the Ministry/Department after proper pre-check. As an exception, the Controller General of Accounts may vest cheque drawing powers on certain Drawing & Disbursing Officers located at stations other than those of the accredited Pay & Accounts Officers. All payments including settlement of inter-departmental and inter-governmental transactions are made by means of cheques.
- 3.1.5 Bills presented to the Pay & Accounts offices are passed for payment after pre-check which covers check against provision of funds, against limitation of new service/new instrument of service, of sanctions, for expenditure, of classification including allocation of expenditure between capital and revenue, etc. Pre-check also includes the general treasury and procedural checks enumerated in the Central Government Account (Receipts and Payment Rules, 1983/ General Financial Rules). After payment, vouchers are again subjected to post-check. No payment should be made in excess of budget allotment. It is an important function of the Pay & Accounts Officer to examine contracts or agreements for works/supply of stores entered into by the departmental authorities on behalf of Government Bills relating to the classes of payments for which DDOs have been authorised to issue cheques, are checked by them with reference to the Central Government Account(Receipts & Payments Rules, 1983/ General Financial Rules).

Salient Features of the Scheme

- 3.2.1 The salient features of the scheme are briefly indicated below:
 - (a) The Secretary to the Department/Ministry shall act as the chief accounting authority and discharge this

responsibility through and with the assistance of the Integrated Financial Adviser of the Ministry/Department.

The Integrated Financial Adviser shall be responsible for:

- preparation of budget of the Department/Ministry, distribution of budget allocations to the various wings, departments/formations;
- (2) arranging payments directly to the bodies, corporations and authorities for grant in aid, loans, etc., as may be sanctioned by the Department;
- (3) arranging payments through Pay and Accounts Offices under him in various regions of the country, all pay and allowances, office contingencies, miscellaneous payments, all admissible loans and advances to Government servants including provident fund claims in accordance with prescribed financial and treasury procedures;
- (4) compilation and consolidation of the accounts of the Department/Ministry in accordance with the instructions issued by Central Government and/or the Comptroller and Auditor General and rendering the appropriation accounts;
- (5) introduction of a system of management accounting suited to the functions and requirements of the Department/Ministry;
- (6) installation of a sound system of internal inspection within the Department to ensure both accuracy in accounts and efficiency in operation as a part of the management.

- (b) **Payment** of and accounting functions the Ministry/Department is discharged through departmental Pay and Accounts Offices functioning at the headquarters Department/Ministry and regional Pay and of the Accounts Offices functioning in the various regions of the country. The formation of regional Pay and Accounts Offices will be determined with reference to the number and spread of field organisations in the various regions of the country.
- (c) The payments as well as receipt transactions relating to the Ministry/Department and its attached and subordinate offices will be transacted at the branches of the Reserve Bank of India and State Bank of India or its subsidiaries or at specified branches of the public sector bank accredited to the Department without intervention of the treasury.
- (d) The Regional Pay and Accounts Offices will compile the accounts of the region and render them to the central accounts office at the headquarters, which will be responsible for compiling the accounts of transactions directly paid for or received by the respective offices and consolidating the accounts of the Department as a whole on the basis of the compiled accounts received from the regional Pay and Accounts Offices and the office of the Financial Adviser.
- 3.2.2 The Financial Adviser who is also called the Integrated Financial Adviser, for and on behalf of the Chief Accounting Authority, that is, the Secretary of the Ministry/Department, is responsible for arranging all payments, compiling and consolidating accounts of the Department in the form prescribed and submitting them to the Comptroller and

Auditor General of India as well as arranging for internal inspection of accounts and records maintained by the various subordinate formations and Pay and Accounts Offices of the Department.

- 3.2.3 A Principal Accounts Office will function under a Principal Accounts Officer of the Ministry/Department concerned which shall be responsible for :-
 - (a) consolidation of accounts of the Ministry/Department in the manner prescribed by CGA (Controller General of Accounts);
 - (b) preparation of annual Appropriation Accounts of the Demands for Grants controlled by that Ministry/Department, submission of statement of Central transactions and material for the Finance Account of Union Government (Civil) to the Controller General of Accounts;
 - (c) payment of loans and grants of State Governments through Reserve Bank of India, and wherever this office has a drawing account, payment thereof to Union Territory Governments/Administrations;
 - (d) preparation of manuals keeping in view the objective of management accounting system if any, and for rendition of technical advice to Pay and Accounts Offices, maintaining necessary liaison with CGA's Office and to effect overall coordination and control in accounting matters.
 - (e) for opening bank account in favour of the PAO being newly constituted or of the DDO on whom cheque drawing powers are decided to be given, as long as the

account is to be opened in the accredited bank nominated for the Ministry/Department;

- (f) for opening account from a specified date, in a different branch of the accredited bank because of certain administrative reasons like proximity of the branch etc. and simultaneously closing the account in the earlier branch. In such cases, it should be ensured that the reference to the Reserve Bank of India, Bombay contains full particulars of the Pay and Accounts Officer under whose jurisdiction the cheque drawing DDO will function or other relevant details such as earlier account number and location/address of branch bank etc.
- (g) However, wherever (a) a branch of another bank is proposed to be utilized at the same station where a branch of the accredited bank is already handling the transactions of the Ministry i.e. two banks are proposed to handle the transactions at the same station and (b) the accredited bank is required to be changed, the proposal should be invariably referred to the Controller General of Accounts, Ministry of Finance who would process them further after necessary examination.
- (h) Under the Departmentalised Accounting System the payments of each Ministry/Department of Government of India are handled by the Reserve Bank of India or the Public Sector Banks (including State Bank of India and subsidiaries) its nominated for the particular Ministry/Department by the Reserve Bank of India. The Accounts Officer who is incharge of the Pay & Accounts Office is required to send to the Branch of the Bank in which the account has been placed, the specimen signature of the Accounts Officer/Officers who will sign

the cheques, duly attested by another officer whose specimen signature is already available with the Banks or by an officer of the Reserve Bank of India/State Bank of India or a subsidiary Bank. The Financial Adviser, in turn, obtains the supply of cheque books required for use by the Pay & Accounts Officer from the Central Stamp Store, Nasik Road and makes arrangements for their distribution to the Pay & Accounts Offices.

- (i) The Civil Accounts Manual provides in detail the broad features of the Departmentalised Accounting System. In order to streamline the Departmentalised Accounting System the Office of the Controller General of Accounts has been created in the Department of Expenditure of the Ministry of Finance by a Presidential Notification dated 27.9.1980. The Controller General of Accounts has been entrusted with the responsibility for establishing and maintaining a technically sound accounting system in the departmentalised accounts offices and on behalf of Ministries/Departments he liaises with the Budget Division of the Department of Economic Affairs and the Comptroller and Auditor General of India in accounting matters.
- 3.2.4 Pay and Accounts Offices make payments pertaining to respective Ministries/Departments and in certain cases payments are made by the departmental Drawing and Disbursing Officers (D.D.Os) authorised to draw funds, by means of cheques drawn on the offices/branches of Reserve Bank of India, State Bank of India and its subsidiaries or of the Public Sector Bank that may be accredited for handling the receipts and payments of the Ministry/Department. These payments are accounted for in separate scrolls to be rendered to the Pay and Accounts Offices of the Ministry/Department concerned.

- 3.2.5 Each Pay and Accounts Office or Drawing and Disbursing Officer authorised to make payments by cheques, will draw only on the particular branch/branches of the Reserve Bank of India/State Bank of India or its subsidiary or the Public Sector Bank with which the Pay and Accounts Office or the Drawing and Disbursing Office as the case may be, has placed its account. All receipts of the Ministry/Department shall also be finally accounted for in the books of the Pay and Accounts Office.
- 3.2.6 The specific approval of the C.G.A., Ministry of Finance would have to be obtained in connection with any proposal for creation (or reorganisation) of a new Pay and Accounts Office or for adding to the list of cheque drawing DDOs included in the Scheme of departmentalisation of accounts of a Ministry/Department. As regards opening of bank account, the Head of the Accounts Organisation of the Ministry/Department may directly approach the RBI, Central Office, Department of Government and Bank Account, Bombay (and not the accredited public sector bank).

Compilation and Consolidation of Accounts in Government of India

3.3.1 According to the Civil Accounts Manual, Government of India on receipt of the daily memorandum of pre-check payments (i.e. carbon copies of the relevant page of the register of cheques delivered) along with the vouchers from the Cheque Section, the Accounting Section should verify whether all the vouchers mentioned in the daily memorandum have been received and whether the amount and total are correctly entered (when a cheque is issued in lieu of a time barred cheque, the latter duly cancelled should be treated as the voucher bearing appropriate classification credit of cheques and Bills etc. thereon). After this verification, one copy of the daily memorandum shall be returned to the Cheque Section as acknowledgement for the vouchers received. Similar action should be taken when a copy of the list of payments along with paid vouchers is received from the Cheque Section , as per the procedure mentioned in para 3.5.2 of Chapter 3 of the civil Accounts Manual.

If any voucher is found to be missing, the fact should be entered in the relevant memo/list of payments and efforts should be made to trace it/obtain it. If it is not traced/obtained before the month's posting is completed, the relevant amount of the voucher should be posted against the sub-head "Challans/Vouchers Suspense" under the major/minor heads "858 Suspense Accounts suspense Account (Civil)".

- 3.3.2 The grand total of the amounts of Cheques delivered during the entire month as derived from the side memo/lists of payments for that month should be posted on the credit (receipt) side against the inner column 'Original' under the minor heads 'PAO Cheques' and 'Departmental Cheques' respectively under the major head '870-Cheques and Bills' in the classified abstract.
- 3.3.3 The vouchers should be compiled on the same day on which they are received from the Cheque Section. They should be posted in the Compilation Book or Compilation Sheet. Separate sheets should be used for the vouchers passed by the P.A.O. and for those passed by Cheque Drawing D.D.O.s The gross amounts indicated in the voucher against various units of should be posted against the concerned heads; appropriation etc. deductions/recoveries shown in payment vouchers will be compiled under each relevant head such as income tax, surcharge, house rent recovery of house building advance, motor car advance, G.P. Fund contribution etc. or P.A.O Suspense' head etc. where a credit is adjustable finally in the books of another accounts authority. The recoveries of over payments whether made in cash or by short drawal from a bill, shall be reckoned as reduction of expenditure under the concerned service head, irrespective of whether they relate to overpayment pertaining to the current year or to any previous year. The P.A.O. should also ensure each day that the total amount of cheques delivered during the day and the amounts appearing under the head 'PAO Cheques' in the compilation sheet agree and similarly that total amount of cheques issued by Cheque Drawing DDOs each week tally with the amounts appearing under the head 'Departmental Cheques' for that week. Correctness of posting of each voucher in the compilation sheet should be checked by tallying the total of the debits

under various detailed heads with the total of the credit which represents the deductions/recoveries plus the net amount of the voucher.

- 3.3.4 At the end of each month, it should also be ensured that the grand total of the debits for all the vouchers together in the compilation sheet(s) set apart for the PAO's vouchers (and separately for each Cheque Drawing DDO's vouchers)agree with the grand total of the credits therein.
- 3.3.5 The effect of payments of outstation pay bills by bank draft is that the bank would account for the payment of salary for March in its daily scroll for March itself on the day on which it issues the bank drafts. The debits on account of pay and allowances for March should be recorded in Government accounts in the accounts for April. Therefore, the debits on account of the bank drafts towards pay and allowances for March should be kept under a suspense head "Outstation pay bills for March" under the minor head "Suspense Account (Civil)" in the accounts of March in which the amount of the bank draft is debited by the bank to Government account. This suspense head should be cleared in the accounts of April by transferring the debits to the final heads concerned. To ensure prompt clearance of the suspense head the transfer entry should be prepared in the first week of April.
- 3.3.6 On receipt of the receipt scrolls from the bank(s) along with challans, the entries should be tallied with the individual challans and totals should be checked. If any challans are found to be wanting, the absence thereof should be specifically noted in the register in Form CAM-17 (I) for being obtained from the bank and (ii) for being exhibited in the accounts against the sub-head "Challans/Vouchers Suspense" under the major head '858-Suspense Accounts etc.' at the end of the month, if still awaited.
- 3.3.7 The receipts should be compiled in a Compilation Sheet(s) (separate sheet or portion being utilised for booking credit against each bank account) under the relevant major, minor and sub/detailed heads of accounts. At the end of each month, it should be ensured that the grand total of

the credit in the Compilation Sheet tallies with the grand total of the amount of all the receipt scrolls together as posted in the register (From CAM-17).

- 3.3.8 Notwithstanding the above instructions, separate procedure for compilation, if any, prescribed by CBDT/CBEC in regard to compilation of accounts for revenue collected under the provisions of their schemes would continue to be followed by them.
- 3.3.9 Transfer entries are to be prepared (i) to transfer an item from one head of account to another head if necessary, (a) in order to correct an error of classification in the original accounts, (b) in order to adjust by debit or credit to its proper head an item outstanding under debt, deposit, suspense or remittance head, and (ii) to effect periodical adjustments such as (a) annual adjustment to credit to the head '805-G.P.F'. an amount equal to total of interest accruing and afforded to various G.P.F. accounts by contra debit to the head '249 – Interest payments' etc. and (b) adjustment by Principal Accounts Officer to transfer amounts to the head "858- Suspense Accounts-P.S.B. Suspense". Transfer entries should be prepared in the form CAM-34. On one side of every transfer entry, there should be only one major head but there may be a debit or credit to various other heads or vice-versa. In a transfer entry all particulars explaining both the nature of the adjustment and the grounds for the correction clearly stated. A list of adjustments which have to be made must be periodically should be maintained in order to ensure that they are regularly made.
- 3.3.10 If an item which properly belongs to a revenue or expenditure head is wrongly classified under another revenue or expenditure head in the accounts the error may be corrected at any time before the accounts of the year are closed by proposing a transfer entry; but after the accounts are closed, no correction is admissible, it being sufficient to make a suitable note of error against the original entry. If however, the error affects the receipts and disbursements of another Government or the transactions of a commercial Department, it should be corrected by transfer in all cases as soon as the error is discovered.

- 3.3.11 Corrections or transfers affecting Capital major heads which do not affect the accounts of other Governments, should be effected without financial adjustment, by merely altering the progressive figures and on 'Proforma' basis for purposes of statement No. 12 of Finance Accounts, that is, without passing debit and credit entries through the accounts of the year's financial transactions. This would avoid unnecessary inflation of the actual expenditure appearing in the accounts of the year in which the misclassification etc. was detected.
- 3.3.12 An error which affects a debt, deposit, suspense or remittance head must be corrected by transfers, however, old and small it may be. If the accounts of the year in which the error takes place are not closed, the correction should be made by the removal (through minus entry) of the item from the head under which it was wrongly taken, to that to which it properly belongs. If the accounts of the year in which the error takes place are closed, then the following procedure may be adopted:
 - (i) an item taken to one debt, deposit, suspense or remittance head instead of another--the correction should be made by transfer from the one to the other;
 - (ii) an item credited to a debt, deposit, suspense or remittance head instead of to a revenue head; or debited to a debt, deposit, suspense or remittance head instead of to an expenditure head--the correction should be made by transfer to the head under which it should originally have appeared;
 - (iii) an item credited to a revenue head instead of to a debt, deposit, suspense or remittance head--correction should

be made by debiting refunds and crediting the proper head; and

- (iv) an item debited to an expenditure head instead of to a debt, deposit, suspense or remittance head--correction should be made by debiting the proper head and crediting the relevant departmental receipt head; (in the case of a Department not having a corresponding receipt head to the major head "0075-Misc. General Services".
- 3.3.13 However, when the correction affects a head for which budget provision is obtained, the correction/transfer may be effected by affording plus credit or minus credit under the head concerned, without affecting the actual expenditure (i.e. debit side of the head) for the year. All transfer entries prepared during a month should be entered in the Transfer Entry Number Book (Form CAM-35). The effect thereof should be reflected in the monthly accounts of that month after preparing a 'Summary of Transfer Entries' (Form CAM 36) as described in the next sub paragraph.
- 3.3.14 As and when approved, transfer entries should be posted individually into columns 1 and 2 of Form CAM-35 against the respective heads of account affected. After all the transfer entries for the month are, thus entered, the total effect against each head of account separately under debit and credit columns should be worked out and posted into money columns 5 and 6 respectively of that form. Thereafter the grand total under columns 5 and 6 should be worked out and agreed with the grand total under columns 1 and 2 respectively to serve as a cross check. The figures appearing in columns 5 and 6 against each head of account should be posted against the corresponding head of account in the departmental classified abstract in the appropriate column. In case a bound book is not used for entering each year's monthly summary of transfer entries, then at the end of the year the monthly sheets of the document should be arranged in the order of the months and bound into a convenient volume.

Preparation of Monthly Accounts by Pay and Accounts Offices

- 3.4.1 Each Pay and Accounts Office shall send, by the 10th of the following month, if it is located at Delhi and by the 15th of the following month, if it is outstation, to its Principal Accounts Office a monthly account in computer format prescribed by the Controller General of Accounts separately for each Ministry/ Department. The account shall show the monthly as well as progressive figures of receipts and payments against the final level of classification. The expenditure shall further be exhibited grant-wise against each primary unit of appropriation showing Plan and Non- Plan expenditure separately. At the end of the account, a proof sheet shall be attached showing grant-wise Major Head-wise totals (separately for Plan and Non-Plan expenditure) with grand totals to ensure that the total of receipts agree with the total of payments i.e. the account is balanced.
- On receipt of PAO's accounts in the Principal Accounts Office, they will be checked, especially to detect prima facie errors in classification. The Principal Accounts Office will post in an abstract, group minor head-wise totals for purposes of appropriation control and then send the PAO's accounts to the Controller General of Accounts for consolidation on computer. The Chief Accounting Authority of the Ministry/Department may require Principal Accounts Office/Pay and Accounts Offices functioning under him, to render accounts showing expenditure against grants/units of appropriations in such form as may be required.
- 3.4.3 A Statement of Central Transactions will be prepared by each Principal Accounts Office at the end of every financial year representing the progressive effect of all the transactions during the year up to and including March (supplementary) transactions and prepared only with minor head-wise details under different major heads concerned and showing charged, voted, Plan and Non-Plan expenditure distinctly. No alterations should be made in the classified abstract or consolidated abstract of any month after they have been

closed. When errors are discovered in the same year involving a correction by transfer of amounts from one minor head to another under the same major head or from one major head to another after the Statement of Central Transactions is prepared and submitted, necessary corrections termed Journal Entries (in short J.Es) should be proposed by using the same form as for transfer entry and supported by a "statement of effect of the corrections" wherein the amount of each correction and amount, after the correction, are to be indicated against the concerned heads. Corrections between detailed heads under the same minor head may be carried out by P.A.O.s by making plus and minus entries against the affected heads keeping a note of error in such cases in the relevant ledger.

- 3.4.4 All Journal Entries should be serially numbered for easy identification and signed by the head of the accounting organisation viz. C.C.A./C.A./Dy. C.A./A.G. as the case may be. Approval of the C.G.A. should be obtained for incorporation in the accounts. The Principal Accounts Office should also apprise the concerned P.A.O. of the details of Journal Entries accepted by the C.G.A. for incorporation in the accounts, in so far as they affect the figures held in the books of each such P.A.O. to enable the latter to prepare his ledger etc. on the basis of the updated data.
- 3.4.5 The monthly figures booked under various broad sheets pertaining to debt, deposit, suspense and remittance heads will have to be compared with the figures of that month's transactions under relevant heads in the monthly account for verifying that the two sets of figures tally and are correct; discrepancy if any, between the two should be analysed forthwith to set right any unposted item or misclassification.
- 3.4.6 The two heads of account" 768-Inter-State –Settlement' (Sector G) and '769- appropriation to Contingency Fund' (Sector H) are not of the nature of debt, deposit, suspense or remittance heads and are also to be closed to Government Account annually. Balance under debt, deposit, suspense and remittance heads are to be individually closed to balance except that balances under the head '880- Miscellaneous Government Account are to be closed to Government Account annually and those under '875-Deposits with

Reserve Bank' held in the books of Principal Accounts Offices should be closed annually to Government Account, but those in the books of the Controller General of Accounts are to be transferred to the head 899- Cash Balance', every month.

3.4.7 The 'Ledger' for Debt Deposit suspense and Remittance heads closing to balance viz., those under sectors E,F,I,J,K,L (excluding major heads 8675- Deposits with Reserve Bank' and 8680-Miscellaneous Government Account) and M of the List of Major and Minor Heads of Account may be prepared half-yearly for the first ;six months from April to September after the accounts of September are closed and thereafter quarterly from October to December and from January to March including March supplementary by using revised proforma--Form C.A.M. 40. It will be prepared by P.A.Os. up to sub/detailed heads, as may be necessary, based on the figures of first six months and subsequently for the two quarters, and sent to Principal Accounts Office so as to reach by 5th November, 5th February and 5th July of each year, respectively. Amounts of balances adopted/ transferred, if any, on 'Proforma' basis will be clearly indicated in the relevant columns of Forms CAM-40 & 41. Amounts adopted on transfer consequent on the departmentalisation of Accounts from the Accountants General would have to be exhibited similarly in the Ledger of the respective year in which the 'Proforma' transfer was effected. Principal Accounts Office will prepare a 'Ledger' comprising the transactions of all "P.A.Os." under his jurisdiction put together, with minor head-wise details only on the basis of figures furnished by the PAOs periodically. The ledger will be submitted to the respective Controllers of Accounts for review by 10th November, 10th February and 10th July of each year. A copy of the Periodical Statement together with the comments of the respective Controllers of Accounts with action initiated to liquidate huge outstanding balances and to wipe out adverse balances under various Debt, Deposit suspense and Remittance heads, should be sent to the Finance Accounts Section of the Controller General of Accounts by 15th November, 15th February and by 15th July respectively each year for regular monitoring. It may be ensured that the progressive figures appearing during the course of the year tally with those appearing in the Statement of Central Transactions including the effect of all Journal Entries incorporated therein. Balances under the head "Public Sector Bank Suspense" need not be included in the "Ledger" to be maintained by P.A.Os. since clearance against this head for adjustment against "Reserve bank Deposits" is carried out only in the Principal Accounts Office. A sector wise abstract of balance figuring in the 'Ledger' will be prepared thereafter by the Principal Accounts Office.

- 3.4.8 The Pay and Accounts Officers in the departmentalised system of accounts will not have any exchange or settlement accounts with another Accounts Officer/Authority. The system of issue of advice to Central Accounts Officer of Reserve Bank for inter-governmental adjustments will be applicable in respect of adjustments for which such a system of settlement is specifically prescribed. All other transactions are settled by cheque or bank draft.
- 3.4.9 Such transactions should be initially adjusted by the Pay and Accounts Office in whose books the transactions originate under the suspense head "858- Suspense Accounts-Pay and Accounts Office suspense transactions adjustable by..." (name of Accounts Officer/authority concerned)-such sub-heads may be opened to record distinctly transactions adjustable by different Accounts Officers/authorities. These transactions should be posted daily in the Outward Claims Register (Form CAM 53), separate folio being used for each Accounts Officer/Authority, by P.A.O. after daily compilation is completed. The closing should be done at the end of each month for the purpose of cash settlement except for transactions arising in March. In the case of P.A.Os of Department of Supply, however, they are required to maintain separate subsidiary registers as hitherto on account of the heavy volume of such transactions, and enter weekly totals in the outward subsidiary claims register for effecting weekly settlement. If the account closes with some amount due to the other party a bill should be prepared for the net amount due and sent to the cheque section for obtaining a cheque in favour of the Accounts Officer of the Government/Department concerned. (The classification on the bill will be shown as P.A.O. suspense minus credit. The original credit balance under the suspense head will be automatically cleared when this voucher is compiled in

the accounting section). The cheque will be sent to the other party concerned along with necessary schedules and vouchers in support of the transactions (Form CAM 54). The acknowledgement of the cheque by the other party should be watched and the acknowledgement when received should be noted in the register. In the converse case i.e., when payments on behalf of the other Government/Department are more than their receipts during the month, the schedules with supporting vouchers etc. should be sent to the other Accounts Officers and a cheque demanded from the latter. On receipt of the cheque from the other party, it will be sent to the bank for collection. The outstanding debit (original) under the suspense head will be cleared on receipt of the credit through the bank scroll by affording a minus debit (responding).

Procedure for settlement of transactions arising in the month of March

3.5.1 Normally, reimbursement of transactions arising during a month (last week of a month in the case of Pay and Accounts Officer of Supply Department) should be claimed by the first week of the following month. But in order to bring to account all the transactions arising in the month of March during the same financial year in the books of the concerned Accounts Officers, all and Officers/State Pay Accounts Accountants General/Railway/Defence/P&T Accounts Officers should endeavour to settle transactions arising during the first three weeks of March by raising debits (duly supported by vouchers/schedules etc.) at weekly intervals against the Accounts Officers concerned. The Accounts Officers, receiving the debits should ensure that such claims are responded to and settled immediately on receipt of the claims by issuing cheque. In respect of debit/payment arising on or after 25th of March of a year on account of services rendered/supplies effected, telegraphic intimation should be sent by the Accounts Officer in whose circle it arose; to the concerned Accounts Officer indicating the net amount of claim to be reimbursed, and briefly indicating the nature of the transaction and the latter shall immediately arrange to send cheque to the former, by placing the amount thereof under the Suspense head ("Suspense Account (Civil)-challans Vouchers suspense" in the case of departmentalised Pay & Accounts Officers) pending receipt of vouchers and documents in support of this debit. As payments against such telegraphic intimations are envisaged to be made even where details are not received by the responding Accounts Officers, the Accounts Officer who raises the telegraphic debit should take utmost care that the telegraphic advice is sent to the correct Accounts Officer for the correct net amount; and he should invariably ensure the dispatch of supporting vouchers/schedules etc. by the 10th of April of the succeeding financial year. On receipt of vouchers etc., the responding Accounts Officer should adjust the debits to the final heads of accounts concerned before the accounts for March (Supplementary) are closed, clearing the suspense head.

- 3.5.2 Inspite of adhering to the procedure indicated, there might be cases where the debits may not reach the concerned Accounts Officer well in time to enable him to issue Cheque/Demand draft on or before 31st March of the same year. In such cases where the debits supported by vouchers are received in the succeeding financial year but before March (Supplementary) accounts are closed, the Accounts Officer to whom the debits pertain shall accept and respond to the inward claim of debit by issuing a cheque and debiting the suspense head 'PAO Suspense in the accounts of the year in which the debit is received. Simultaneously a transfer entry shall be inserted in the March (Supplementary) Accounts of the preceding year to which it pertains by debiting the final head of expenditure concerned and minus debiting the head 'P.A.O. Suspense' So as to incorporate the expenditure in the accounts (including Appropriation Accounts) of the year in which the payment was made to the parties concerned by the outward claim originating Accounts Officer. This would avoid lapse of funds in the Demand for Grants of the consignee concerned.
- 3.5.3 The procedure as above would also be applicable for adjustment of miscellaneous receipts appearing in the books of an Accounts Officer but requiring final accounts in the books of an another Accounts Officer.

Settlement of Transactions between the Central Government and State Governments

- 3.6.1 In all cases of claims for an amount not exceeding Rs.1000 in each case for transactions on account of supplies made or services rendered by one Government to another, no monetary settlement will be resorted to. However, in respect of the following claims, monetary settlement should be made irrespective of the amount:-
 - (i) Claims relating to commercial departments/undertakings of a Government, which are required to work to a financial result, for services rendered or supplies made to or by them; and
 - (ii) Incidence of charges, viz. leave salary, pension, etc. arising out of inter –government deputations of individual Government servants, which will continue to be regulated by the rules laid down in Appendix 3-B to Account Code, Volume 1.
- 3.6.2 For transactions above the limit of Rs.1000 and where the supplies/services are to be paid for irrespective of any monetary limit, the settlement will be made through cheques supplied by the Government. The procedure to be followed for making the monetary settlements in these cases, in respect of supplies/services to a Central Government Department (including Defence, Railways and P & T Departments besides Civil) will be as indicated below:-
 - (a) The Department of the Central Government which received supplies/ services will present a bill along with the accepted invoice to its own Accounts Officer concerned who will make the payment by cheques drawn in favour of the officer concerned of the supplying Government, in settlement of its claims.

- (b) In the reverse case of supplies/services rendered by a Central Government Department other than Department of Supply or H.C.I., London, and I.S.M., Washington, the settlement will be in cash. The cheques received by it from the supplied State Government will be presented by it to its Accounts Officer for encashment and credit to the proper head of account. In case the departmental officer himself has an account with a branch of the bank, the cheque will be remitted by him to the bank with challan showing particulars of the head of account, for credit to Government account.
- Ministry of Finance, Department of Economic Affairs (c) O.M.No.F 1(57)-B/74 dated 12.10.1976 lays down the procedure to be followed for settlement of governmental transactions (i) between State Governments inter-se,(ii) between State Government on the one hand and Central Government-Railways, Defence, P&T, Ministries/Departments on the other and (iii) between Central civil on the one hand and Railways/Defence/P&T on the other. The provisions of this O.M. would be an additional permissible method of settlement available for the purpose in cases where the debit does not originate in the books of the Accounts Officers concerned. In all cases where the debit for the supply made and services rendered by a Central Government Department versus a State Government (referred to in (ii) above) and between a Central Civil Ministry/Department versus Railways or P&T, or Defence (referred to in (iii) above), originate in the books of an Accounts Officer, the Accounts Officer shall raise the debit against the Accounts Officer of the supplied Department who shall effect necessary settlement by issue of cheque. In such cases the procedure of cash

settlement only between the executive authorities concerned shall not be applicable.

- (d) The Union Territory Governments will also follow the procedure indicated as may be applicable to them for settlement of their inter-governmental transactions arising out of services rendered or supplies made by/to them.
- (e) Even at present some miscellaneous receipts and certain payment transactions (viz. payment of interest/repayment of principal on discharge of Central Government securities and pensions including pensions to freedom fighters etc.) take place at State treasuries. Miscellaneous receipt transactions as well as payment of interest/ repayment of principal on discharge of Central Government securities have to be accounted for by the treasuries in the State of accounts under the head- "PAO suspense Section transactions adjustable by the Pay and Accounts Officer, Department of...." below the major head "858- Suspense Accounts". The Accountant General of the State concerned is required to pass on debits for latter (i.e. payment of interest etc.) payment transactions supported by schedules, vouchers etc. to the Principal Accounts Officer of the Ministry of Finance (Department of Economic Affairs), for necessary cash settlement by issue of cheques in the usual manner. Payments on account of civil pension transactions at State treasuries are booked in the Central Section of the books of State Accountants General and adjusted against final heads of accounts by them after necessary scrutiny.
- 3.6.3 In regard to recovery of cost of stores procured through the Directorate General of Supplies and Disposal and initially paid for by Pay and Accounts Officer (supply) as well as cost of stores procured through India

Supply Mission, Washington and High Commissioner of India, London, are reflected in the books of Controller of Accounts, Ministry of External Affairs.

- 3.6.4 Ministries/Departments of Central Government will arrange payment of loans and grants -in-aid as well as payment of States' share of income-tax, Union excise duty, etc. through their Principal Accounts Officers. On receipt of sanction orders from the Ministry/Department, the Principal Accounts Officers will arrange to afford credit to the balance of State Governments (except Jammu and Kashmir & Sikkim) by debit to their Ministries/Departments accounts through the Reserve Bank of India (C.A.S.), Nagpur. The Principal Accounts Officer will pass an entry in his books debiting the appropriate final heads of account, (e.g. major heads 360, 362,760 etc.) and crediting "858 - Suspense Accounts- Central Accounts office Reserve bank suspense". A copy of the advice will also be sent to the A.G. concerned to enable him to make the necessary adjustment in the accounts of the State Government. On receipt of the clearance memo from the Central Accounts Section of the Reserve Bank of India, the suspense head mentioned above will be cleared by minus credit by per contra credit to "875-Deposits with Reserve Bank-Central Accounts Officer Reserve Bank". The Principal Accounts Officer should ensure that the amount shown and debited in the monthly account sent by the Reserve Bank of India tallies with the amount of the advice sent by him.
- 3.6.5 Repayment of loans and payment of interest thereon by the State Governments (except Jammu and Kashmir and Sikkim) in respect of loans received from the Government of India will be arranged by the State Accountants General, by issuing suitable advice to the Reserve Bank of India (C.A.S.), Nagpur to credit the account of the Ministry/ Department of the Central Government by debiting the State Balance.
- 3.6.6 When State Governments (except Jammu and Kashmir and Sikkim) have to refund unspent amounts of old loans, the payment thereof will be arranged by the State Accountants General by issue of advice to Reserve Bank of India (C.A.S., Nagpur) to credit the balances of the Central Ministry/Department by debiting the State balances. While State Accountants

General are not authorised to debit the Central Government by sending advices to the R.B.I., as an exception, they have now been permitted, to withdraw amounts erroneously credited to Central Government towards repayment of loans or interest in an earlier advice by sending another advice to R.B.I. (C.A.S.), Nagpur to debit the Central Government provided that such advice contains the following certificate:-

"Certified that this advice represents the withdrawal of an earlier erroneous credit to the Central Government, by debit to State Government and does not represent withdrawal of payments already made which were due to the Central Government by State Government. Necessary details of earlier erroneous advice(s) now being withdrawn are being furnished to the Controller of Accounts concerned separately".

3.6.7 The detailed accounts of the loans sanctioned by the Central Government to the State Governments, prior to Departmentalisation of Accounts, were maintained by the respective State Accountants General. Thus after the departmentalisation of accounts the Principal Accounts Officers of the Ministries/ Departments to whom the loans relate are responsible for maintaining the accounts of the loans and watch recovery of instalments of principal and interest. The Accountants General were directed by the Comptroller and Auditor General to intimate to the Principal Accounts Officers of the Ministries/Departments amount, full details in respect of outstanding loans indicating the amount of loan sanctioned, rate of interest, the terms of repayment, outstanding balance, the date on which next installment of principal and interest is due, reference to sanctions and other ancillary details. Supply of this information would have enabled the Principal Accounts officers to maintain detailed accounts of loans State-wise.

Problems likely to arise from Departmentalisation of Accounts

3.7.1 At present compilation of accounts is a process involving the concerned Treasuries, the Finance Department and the Office of the

Accountant General as well as the Controller General of Accounts, Government of India. Departmentalisation of the Accounting System will also involve further delegation of powers. At present there is a special dispensation available to the Schemes pertaining to the Rural Development Department, which are much more than what the Rules of Executive Business and the P.W.D. Accounts Code provide. The Rules of Executive Business provide that in nonrecurring new or ongoing Plan Schemes amounting to more than Rs.10 lakhs will require to be approved by the Cabinet. The limits for recurring plan and non plan Schemes is respectively more than Rs.5 lakhs and 2.5 lakhs. On the other hand, the Department of Rural Development has powers to approve schemes pertaining to Rural Development on the plan side amounting upto Rs.50 lakhs and the Divisional Commissioners and District Officers also have been given enhanced administrative powers. According to the Orders dated 25.2.97 of the Rural Development Department Divisional Commissioners and Superintending Engineers have respectively administrative and technical approval powers for Schemes of upto Rs.30 lakhs. The financial limits for the District Magistrate and Executive Engineers are respectively Rs.25 lakhs and for Sub-divisional Officers and Assistant Engineers it is Rs. one lakh. Rs. 8 lakhs is the upper limit which is available to the Deputy Development Commissioner for giving administrative approval to schemes.

3.7.2 In the Government of India, the Standing Finance Committee which is presided over by the concerned Secretary of a Department has powers to approve Plan Schemes up to Rs.15 crores and the Expenditure Finance Committee which has as its the Chairman the Secretary of the administrative Department has powers to approve schemes up to Rs.50 crore. Proposal before the Expenditure Finance Committee of more than Rs.50 crores and upto Rs.100 crores are cleared in meetings presided over by the Secretary, Department of Expenditure, Ministry of Finance. The Public Investment Board approves investments which are over Rs.100 crores. The State Government would have to take a view about whether to adopt these higher limits for approval of Schemes. Whereas in Bihar schemes above Rs.25 lakhs on the Plan side are approved by the Cabinet, the Central Cabinet approves schemes only beyond Rs.100 crores. Therefore, there is food for thought for the State

Government in respect of further delegation of powers because if the Central conditions of service are to be implemented then the powers exercised by the Officers of the Government of India should also be adopted.

- 3.7.3 We have stressed the need for further delegating financial powers because with departmentalization of accounts there has to be speedier financial sanctions and more de-centralisation. If this is not done the Departments themselves will continue to delay matters when speedier financial sanctions are required.
- 3.7.4 At present even in the Central Government with the Departmentalised Accounting System, some payments relating to other State Governments are also being made in various State Treasuries. Some Pension payments of Central Government still take place in various State Treasuries as well. Moreover, securities of both State as well as the Centre are presently getting discharged through Treasuries. If the Treasuries are to be abolished then how these payments which are routed through Treasuries are to be made will require to be worked out.

Benefits of Departmentalised Accounting System

3.8.1 Instead of going through the Treasury and subsequently to the Bank for payment as is the present practice, under the Departmentalised Accounting System all payments are to be made by the Pay & Accounts Offices of the Department after pre-check. Certain Drawing & Disbursing Officers of offices which are not located at the same station have also been vested in the Government of India with cheque drawing powers and for arranging payments. However, bills for all other kinds of payment like payment of long-term loans and advances and for withdrawal from Provident Fund (other than Group D staff), pension, gratuity, etc. are to be presented by these Drawing & Disbursing Officers located at different stations to the concerned Pay & Accounts Offices for pre-check and payment.

- 3.8.2 There are three types of Drawing & Disbursing Officers (DDO) according to the Manual for Drawing and Disbursing Officers issued by the Controller General of Accounts. The difference between a non-cheque drawing DDO and cheque drawing DDO is that the former submits a bill to the Pay & Accounts Office/another cheque drawing DDO for pre-check and payment whereas the cheque drawing DDO makes the payment and then submits the paid vouchers to the Pay& Accounts Office for post-check.
- 3.8.3 The Government of India also introduced the merged Drawing and Disbursing Office Scheme at Secretariat level with effect from 1.4.86. These Drawing and Disbursing Officers have been placed under the Chief Controller of Accounts/Controller of Accounts/Deputy Controller of Accounts, as the case may be under the overall charge of the Financial Adviser of the Ministry/Department concerned. These merged Drawing & Disbursing Officers are also responsible for expenditure control in regard to the Heads of Accounts operated by them. The creation of these Drawing & Disbursing officers led to doing away with the maintenance of various broad sheets of long term advances, short term advances and G.P.F. ledgers, etc. But the experience in the Central Government with the merged D.D.O. system has not been satisfactory. Hence this is not recommended for adoption. However, it is the Drawing & Disbursing Officer who is required to ensure that all monetary transactions in his office are entered in a Cash book in the prescribed form.
- 3.8.4 The Departmentalised Accounting System will also ensure better book keeping and consolidation of accounts. The System ensures payment of salaries and allowances etc. of non-gazetted servants by cheques if the non-gazetted government servants agree in writing to their salaries and allowances being paid by cheques. The option in this regard is exercisable in March every year for the ensuing financial year (s).
- 3.8.5 With the introduction of Departmentalised Accounting System there will be a drastic reduction in the number of Drawing and Disbursing Officers because instead of each gazetted officer in the prerevised scale of Rs. 3000-4500 being the Drawing & Disbursing Officer in

respect of their own salaries and allowances, the respective Pay & Accounts Offices will issue them cheques a few days prior to the end of the month with the endorsement that the amount will not be credited before the last day of the month/first working day of the subsequent month. With the reduction in the number of Drawing & Disbursing Officers the accounting system is also likely to improve.

- 3.8.6 With the gradual computerisation of accounts by the Banks and in the State Government, the Departmentalised Accounting System will ensure prompt payments without routing bills through the Treasuries.
- 3.8.7 The existing burden on the Finance Department will also subsequently come down and this will enable the Finance Department to devote more time to policy making rather than in clearing files of routine nature.
- 3.8.8 The Departmentalized Accounting System will also ensure greater accountability on the part of the Drawing & Disbursing Officers. Not only will the Drawing & Disbursing Officers become more responsible but will also enable Government servants to get their payments on time. For example, in the case of maintenance of G.P.F. accounts of Group D employees, the Central Government has laid down that each month the Drawing and Disbursing Officers should prepare a schedule of G.P.F. deductions for posting in the ledger accounts. The Class IV employees in the Central Government are no longer required to get their G.P.F. accounts updated by the General Provident Fund Directorate. For Class IV employees in the Central Government the Heads of Offices are authorised to make final payment of G.P.F. money without reference to the Accounts Officer concerned.
- 3.8.9 In matter of advances to Government servants the Central Government Rules provide that every payment of advance should be entered in the Pay Bill Register and the recoveries effected along with interest, if any, and is required to be noted in the relevant register. The detailed accounts

of all short term advances which are recoverable in less than sixty instalments is required to be maintained by the Head of the Office. Hence in the likelihood of adoption of the departmentalized accounting system in Bihar, it would become easier to keep track of recovery of advances.

Each Pay & Accounts Office compiles a monthly account of the transactions (receipt and payments) appearing in its own account and those reported by its drawing and disbursing officers and the Banks, duly classified under major, sub-major, minor sub-head and detailed heads. Each Pay & Accounts Office is required to send, by the 10th of the following month, if it is located at Delhi, and by the 15th of the following month if it is outside, to its Principal Accounts Office a monthly account in computer format prescribed by the Controller General of Accounts separately for each Ministry/Department. The account shall show the monthly and progressive figures of receipts and payments against the final level of classification. The expenditure is required to be further exhibited grant- wise against each primary unit of appropriation showing plan & non-plan expenditure separately.

3.8.11 On receipt of the accounts from the Pay & Accounts Officers in the Principal Accounts Office, they will be checked, especially to detect prima-facie errors in classification. The Principal Accounts Office will post in an abstract, group minor head-wise totals for purposes of appropriation control and then send the account of the Pay & Accounts Offices to the Controller General of Accounts for consolidation on computer. Thereafter, the Controller General of Accounts prepares a consolidated account based on accounts received from Pay & Accounts Offices, Accountant General and separately accounts organisations of Union **Territory** Government/Administration.

System to be adopted in Bihar

3.9.1 If in future the Treasuries are abolished and the Departmentalised Accounting System is adopted by the State Government then

there has to be a Pay & Accounts Office in each district. That Office will be the nodal office for payments of all staff situated in that particular district and depending on the distance there can be a system of cheque drawing DDOs in other places than the headquarters of that particular district. The Pay & Accounts Office could send the salary and other entitlement cheques to the respective Blocks within the district and similarly, bills and other payments could also be made through cheques after they are cleared and cheques prepared by the Pay and Accounts Office and despatched to the respective Block Development Offices. We do not anticipate problems or delays on this account because even now bills have to be cleared by Treasuries which are generally not located in blocks.

- 3.9.2 If there is a Pay & Accounts Office in each district then the Principal Accounts Office could either be located in the four old divisional towns of Patna, Bhagalpur, Ranchi and Muzaffarpur or in the new thirteen divisional headquarter towns. After compilation at these four Principal Accounts Offices, they could be sent to the Controller General of Accounts for the State of Bihar who will, in turn, compile the accounts like the Controller General of Accounts and submit them to the Finance Department who will in turn, ensure that these are also sent to the Accountant General.
- 3.9.3 The staff presently working in the Treasuries would need to be initially trained for this type of work. Perhaps it would be better to keep a mix of staff from the Treasuries and the staff from the office of the Accountant General to facilitate better implementation of the Scheme. A system has to be devised whereby delays and complaints would also need to be looked into because we are recommending a Departmentalised Accounting System so as to minimise delays and ensure expeditious payment.
- 3.9.4 According to Rule 720 of the Bihar Treasury Code, Volume I, Statutory Forms, Stamp Paper, Judicial and Non- Judicial Stamps are maintained in the Treasuries and issued either to vendors or to others. If in case under the Departmentalised Accounting System the Treasuries are abolished, a decision would have to be taken regarding custody of these

essential and statutory papers and stamps. Either they could be with the various Banks of the district where salary payments are made or a separate section in the Collectorate can be entrusted with these forms. The Pay & Accounts Office would obtain these forms from the respective destinations and then hand them over to the Banks on payment or to the concerned section in the Collectorate. There are certain States which have adopted the Departmentalised Accounting System and information could be obtained regarding the method of maintenance and disposal of these statutory papers and stamps.

3.9.5 The Accountant General as well as the Controller General of Accounts, Government of India would require to be consulted before the Departmentalised Accounting System with Internal Financial Advisers is adopted in this State.

3.9.6 We have highlighted above the basic features of the Departmental Accounting System and the limitations in our recommendations are obvious. After all, we are recommending a new accounting system to take the place of the old one which has been in operation for the past so many years, at least for more than half a century. The State Government could either adopt the Departmentalised Accounting System for the entire State or initially adopt it only for Departments of the Secretariat and the Ranchi Branch Secretariat. Depending on the success, the scheme could thereafter be extended to the districts and to other offices within the State. We will also recommend that the State Government should consult those States where the Departmentalised Accounting System has already been partially implemented. Needless to add, the Accountant General and the Controller General of Accounts, Government of India should also be consulted.

Recommendations

3.10.1 We have highlighted above how the Central Government compiles its accounts, consolidates them and over the last two decades the system has been find tuned. Initially, if departmentalization of accounts is

adopted in Bihar, the problems will appear manifold but the State Government would be well advised to keep a close touch with the Principal Accountant General as well as the Controller General of Accounts, Government of India to iron out any problem that may arise due to the adoption of the departmentalised accounting system. With the departmentalized accounting system it would also become necessary to have trained Accountants and Pay & Accounts Officers who will ensure that prompt payments are made. A system that prevails in the Government of India if superimposed on the State Government without delegation of powers and adequate training will not help in ensuring quicker financial approvals.

- 3.10.2 In view of the positive advantages in having a Departmentalised Accounting System, we recommend its adoption by the State Government. At present the State Government have done away with the Directorate of Treasuries and the number of staff in the Treasuries who are no longer working under the District Magistrates are also not very large. Perhaps once a decision is taken to have the Departmentalised Accounting System, these staff could be posted to the respective Pay & Accounts Offices and those who are available in the districts may be given assignments in the respective districts in which they are presently posted.
- 3.10.3 We have outlined the features and salient points of the system of departmentalization of accounts as prevailing in the Central Government. In Bihar a Principal Pay and Accounts Officer will need to be appointed in each department of the State Government. These Principal Pay and Accounts Officers will function under the overall guidance of the Integrated Financial Adviser to be appointed in each department. Initially the Finance Department would have to set up a cell for implementing the system and guide the departments for resolving problems that will arise at frequent intervals. Discussion with States which have partially done away with Treasuries will be fruitful and will help the Bihar State Government to partially adopt the departmentalized accounting system as prevailing in the Central Government.

At the initial stage perhaps the Works Departments and the Forest Department could be kept out of this Departmentalised Accounting System. As and when the Departmentalised Accounting System improves, the State Government may decide on whether the Works Departments and the Forest Department should also adopt the Departmentalised Accounting System. We quite realise that there may be some teething problems but that is inevitable in a system where some new system is being introduced by replacing a system which has weathered varying administrative systems for more than 50 years. We recommend to the State Government to give this Departmentalised Accounting System the consideration that it deserves and also adopt it for the benefit of all concerned and for expeditious payment. The only care that has to be ensured is to have Integrated Financial Advisers of requisite seniority, experience and uprightness to enforce the system and the rules irrespective of the fact whether a Departmental Secretary or a Minister desires otherwise.

04

MISCELLANEOUS MATTERS

During deliberations with various Departments and in course of ascertaining Central conditions of service, we came across many cases where State Government rules are at variance with those available in the Central Government or the issues have not been looked at by the State Government at all. We have tried to cover all these matters in our previous Reports concerning pay and allowances. Certain issues, which unfortunately we could not examine earlier and make appropriate recommendations on, are now being dealt with.

CONDITIONS REGARDING USE OF STAFF CAR

4.1.1 The Bihar Government have laid down rules for use of Staff Car which were notified initially on 3.10.1958. From time to time the State Government have revised the rates for use of Government Staff Car/Jeep for non-duty/private purposes/journeys. The last revision, according to our information, took place by Circular No.5645 dated 5.9.1985. According to that circular the rate is one rupee for every kilometre for use of Staff Car/Jeep,

for station wagon it is Rs. 1.50 per km. and the rate for the Impala car available in the Finance Department was notified as Rs. 3 per km. It has been further provided that the staff vehicle will not be used for commuting from residence to office (Letter No.9244 dated 30.9.1983) but will be made available at no cost for transporting a Government servant to his residence or the hospital if a Government servant falls ill or meets with an accident during office hours.

4.1.2 In the Central Government there are also elaborate Rules for use of Staff Car for non-duty purposes and journeys. One of the basic features of staff Car facility is that recently the Government of India have decided that no request for providing staff car for returning home at late hours will ordinarily be entertained from any officer or staff who is in receipt of Transport Allowance. We enumerate below the consolidated provisions regarding use of Staff Car facilities in the Government of India.

Control

4.1.3 Control and maintenance of staff car in any office will be done by an officer of the rank of Under Secretary or above.

Use for Official Purposes

- 4.1.4 Staff Car may be engaged for official duties within headquarters. The official duties include:-
 - (i) Proceeding to places of official meetings,
 - (ii) Attending parties, receptions by Deputy Secretaries and above in cases where they have been invited by virtue of their office,
 - (iii) Journeys of non officials for attending official meetings,
 - (iv) Picking up and dropping for meetings outside normal place of duty and/or outside normal hours of duty,
 - (v) On emergency cases of illness/accident taking an officer from office to hospital or his residence,

- (vi) Journey between 8 p.m. to 6 a.m. between office and residence for urgent office work(with permission of the concerned authority),
- (vii) Journey undertaken at the instruction of the Ministers/Members, Planning Commission by Private Secretaries/Personal Assistants/Gunmen of Ministers etc., from their residence to the residence of their Ministers etc., to the Railway Station/Airport and back to receive/see off their Ministers etc.,
- (viii) Journey performed at the instance of the Minister in the interest of public service by a member of his personal staff.

Note: Staff car can be used by the non-gazetted officials also for bonafide official purpose with prior approval of the controlling officers.

- 4.1.5 Joint Secretaries and above officers are allowed the facility of car from residence to office and back on payment of charges as under:
 - (i) Joint Secretaries Rs. 100 p.m.
 - (ii) Others Rs. 125 p.m.

The amount will be deducted from their salary and they will not be entitled to Transport Allowance.

Use of Staff Car Between Residence and Office by Senior Officers

4.1.6 In case of officers of the level of Joint Secretary and above, who have been provided with the facility of staff car for commuting between office and residence on prescribed payment basis under this Ministry's O.M.No.20(5) –E.11 (A)/93, dated 28.1.1994, an option may be given to them either to avail themselves of the existing facility or to switch over to the payment of Transport Allowance, as admissible under these orders. In case they opt for the latter, they may be paid the allowance at rates as applicable to them,

subject to the condition that the existing facility of staff car shall be withdrawn from the date they opt for the allowance. In case they opt for the former, the allowance shall not be admissible to them and they would not be required to make any payment for the facility of staff car between residence and office.

- 4.1.7 Staff car should not be taken for journey outside headquarters without the consent of the Secretary to the Ministry.
- 4.1.8 For journeys by staff car within headquarters no daily allowance is allowed. However if the officer travels in areas 8 kms. beyond the Municipal limits of headquarters by staff car, daily allowance is allowed for the entire absence from headquarters.
- 4.1.9 Officers of State/UT Governments on tour to any place may use staff car of Central Government at that place for journeys from Airport/Railway Station to residence/office and vice versa.
- 4.1.10 Offices of quasi Government/autonomous organizations having reciprocal arrangements with Central Government, while on tour may use the staff car of Central Government at that place for journeys from Airport/Railway. Station to office/residence and vice versa and for local journeys on official duty. However, in cases of no reciprocal arrangement, they may use the staff car of the Central Government office in whose connection they visit, on payment of charges as for non duty journeys.
- 4.1.11 Officers of Central Government while on tour to a place other than metropolitan cities can use staff car in that place for journeys from airport/railway station to office/ residence, but such officers should not be allowed to draw the mileage allowance.
- 4.1.12 Notwithstanding anything above, for journeys from residence to airport/railway station and back in Delhi, Mumbai, Calcutta, and Chennai use of staff car should not be permitted without written sanction of

the Secretary concerned. However use of staff car to and from Airport only may be permitted between 8 p.m. and 8.a.m.

Use for non official purposes

- 4.1.13 Staff Car generally should not be used for non-duty purposes. However, use of staff car by Deputy Secretaries and above for non-official journeys to a limited extent viz (i) journey from residence to office and vice versa or (ii) visiting hospitals due to unavoidable circumstances may be permitted.
- 4.1.14 Use of staff car is not permissible for entertainment, public amusement, parties, pleasure trips etc.

Taking family in the staff car on tour :-

4.1.14 An officer, proceeding on tour in a staff car with the approval of the competent authority, shall not take his family members with him unless permitted to do so in exceptional case by an officer not below the rank of Joint Secretary/Head of the Department. In such cases, the officer concerned shall pay for the use of the staff car at the rates prescribed below:-

Rs. 4.50 per km. for a small staff car (less than 16 hp.)
Rs. 6.00 per km for a big staff car (more than 16hp)
Rs. 3.00 per hour as detention charge.

4.1.15 For use of staff cars for non-duty purposes charges will be levied as follows:-

Sl.No.	Type of Car	Running Charges	Detention charges
1	Small (less than 16 H.P)	Rs. 4.50 per km.	Rs. 3.00 per hour
			detained
2	Big (More than 16 H.P.)	Rs. 6.00 per km.	Rs. 3.00 per hour
			detained

4.1.16 Secretaries and above can use staff car for private purposes up to 500 km. per month (on an average for April-Sept/Oct.-March) on payment of Rs. 350 p.m. for small cars and Rs. 450 p.m. for big cars.

T.A. to Chauffeurs/Drivers of Staff Car

- 4.1.17 In the case of chauffeurs of Staff Cars who cannot return to their headquarters the same day and the journey involves absence of at least one night from their headquarters they shall be entitled to draw daily allowance as admissible under the rules in addition to overtime allowance.
- 4.1.18 A driver who performs a local journey or journey on tour in a staff car in his charge, may draw travelling allowance under ordinary rules as admissible to other Central Government employees if the journey does not involve the absence of one night from his headquarters. But the drawal of T.A. by Staff Car drivers for the journey mentioned above will be subject to the condition that no OTA (Overtime Allowance) would be payable for the period with reference to which Daily Allowance has been drawn. The drivers will, however, have the option to draw either OTA or Daily allowance on any day on which such journeys have been performed.

Purchase, Maintenance and Disposal

- 1. Purchase of staff car should be made through DGS & D only with prior consent of Ministry of Finance.
- 2. Service and repair of staff cars can be done at the authorised service stations of the cars.

- 3. Particulars of all journeys will be entered in a log book in the manner prescribed.
- 4. Replacement of staff car can be considered only after a certificate of unfitness from prescribed authorities.
- 5. Old serviceable cars will be disposed off as per provisions in GFR and other Rules.
- 6. Contessa, Fiat NE 118 are not to be purchased as staff cars.
- 7. Staff cars are not to be provided with air conditioners except in the case of staff car of the Minister (when specifically desired by the Minister).
- 4.1.19 As the Rules mentioned above, are self-contained, we recommend that these Rules for use of staff car for private purpose should be adopted by the State Government.

OATH OF ALLEGIANCE

- 4.2.1 The Central Government has prescribed an Oath of Allegiance to be taken to the Constitution of India by all Government servants who join Government service. Conscientious objectors to oath-taking may make a solemn affirmation which is as follows:
- "Ido swear/solemnly affirm that I will be faithful and bear true allegiance to India and to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, and that I will carry out the duties of my office loyally, honestly and with impartiality."
- 4.2.2 In the State Government we have not been able to trace any circular or order which requires State Government servants to take the oath of allegiance to the Constitution of India. We recommend that the system prevailing in the Central Government should also be followed in this State.

SERVICE ASSOCIATIONS AND THEIR RECOGNITION

- 4.3.1 The Central Civil Service (Recognition of Service Association) Rules, 1993 provide that a Service Associations should fulfill the following conditions for recognition by the State:-
 - (a) An application for recognition of Service Association has to be made to the Government containing Memorandum of Association, Constitution, Bye-laws of the Association, Names of Office-bearers, total membership and any other information as may be required by the Government.
 - (b) The Service Association has been formed primarily with the object of promoting the common service interest of its members.
 - (c) Membership of the Service Association has been restricted to a distinct category of Government servants having common interest, all such Government servants being eligible for membership of the Service Association.
 - (d) The Association represents a *minimum of 35 percent* of total number of a category of employees provided that where there is only one Association which commands more than 35 percent membership, although less than 35 percent may be recognized if it commands at least 15 percent membership.
 - (e) Government employees who are in service shall be members or office bearers of the Service Association.

- (f) The Service Association shall not be formed to represent the interests, or on the basis of any caste, tribe or religious denomination or of any group within or section of such caste, tribe or religious denomination.
- (g) The Executive of the Service Association has been appointed from amongst the members only; and
- (h) The funds of the Service Association consist exclusively of subscriptions from members and grants, if any, made by the Government, and are applied only for the furtherance of the objects of the Service Association.
- 4.3.2 The verification of membership for the purpose of recognition of a Service Association is required to be done by the check-off system in pay rolls at intervals and in such manner as the Government may by order prescribe. The check-off system means that a Government servant may subscribe to only one association and this is a means to verify membership of an Association on the basis of deduction of subscription from the pay rolls. The concerned Government employee who is a member of an Association is required to apply, in writing, to the Drawing and Disbursing Officer or any other designated authority, his consent, for the deduction of annual subscription for the financial year from the pay roll in favour of a particular association. On receipt of application of the concerned Government servant, the Association is required to confirm membership and thereafter pass on the application to the Drawing and Disbursing Officer for effecting recoveries. Consent for deduction of annual subscription remains valid till altered or withdrawn.
- 4.3.3 Concerned rules also provide that a federation or confederation of Associations cannot be recognized under present rules. One Association that is the first association, must have 35% membership before the second Association with minimum of 15% membership from the same Department, can be recognized. The Associations are to be recognized centrally

or on an all Ministry/Department basis. An Association which is only of a particular caste or of Scheduled Castes/Scheduled Tribes cannot be recognized and the periodicity of election of Office Bearers would be as per the Constitution of each Association and subsequent to the period mentioned election of office bearers are required to be held. The Office Bearers should have a fixed term not exceeding two years and the total number of office bearers/members of the Executive Committee should not be disproportionate to the total membership of an Association and keeping in view the functioning/working requirement of an Association.

4.3.4 In Bihar such elaborate rules regarding Service Associations are yet to be framed. Only a handful of Associations which have been recognized exist at present and the rest are off shoots because of the fight in the leadership or are so called branches/splinter groups of the recognized Association. This Committee is of the view that since in the last 20 years elections have not been held in most of these Associations and neither have the Government laid down rules for recognition of such Associations afresh, the Central rules should be adopted and election of office bearers according to Rules should be insisted upon. There are many Associations whose office bearers utilize the post in the Association only to remain at a certain place of posting. It is time that Bihar Government rules were amended and re-framed on the pattern of the Rules of the Central Government. We recommend that the State Government should adopt the rules and clarifications thereon as prevalent in the Central Government regarding recognition of service associations.

QUALIFYING SERVICE FOR PROMOTION

4.4.1 For the various posts in cadres and services as well as individual ones in Bihar the State Government have laid down what the minimum qualifying period for promotion will be. According to the instructions issued by the Department of Personnel and Administrative Reforms in a Resolution dated 20.10.82, the personnel of the Scheduled Castes and Scheduled Tribes were given the benefit of a set off of a maximum period of

one year in order to enable them to come within the zone of consideration of promotion. Subsequently, the Department of Personnel and Administrative Reforms issued a Letter No. 74 dated 9.8.89 that to the extent possible set off would be granted for promotion to reserved posts but in which case the orders of the Chief Minister would be obtained by the Department of Personnel & Administrative Reforms. In effect, no such relaxation in the fixed qualifying period of service for promotion is presently available to the members of Scheduled Castes and Scheduled Tribes.

- In Bihar as we have seen from the various circulars issued by the Department of Personnel and Administrative Reforms from time to time, the fixed qualifying service for promotion varies between two to eight years. For example a super time grade Typist can be promoted as Superintendent in the Type Section from the scale of Rs.1640-2900 to Rs.2000-3500 after two years and an Assistant is required to put in at least eight years of regular service before being promoted as selection grade Assistant. Similarly, a Village Level Worker and a Panchayat Sewak are also required to put in eight years before being promoted as, respectively, selection grade Village Level Worker and selection grade Panchayat Sewak.
- In the Government of India the qualifying service for promotion from one grade to another was laid down earlier prior to revision of the pay scales with effect from 1.1.96. The guidelines mention the period of qualifying service and depends upon the scale of pay and the experience required for manning the higher posts. Subsequent to the last amendment by the Department of Personnel and Training on 7.8.92, the Government of India have again amended the fixed qualifying service after the orders on pay revision were issued on 13.9.97. The Office Memorandum dated 25.5.98 of the Department of Personnel and Training is enclosed as Annexure I to this Chapter. These are guidelines and suggest fixed qualifying service varying from two years to ten years. In many cases, the fixed qualifying service now recommended in the Centre runs counter to the existing provisions. For example, the fixed qualifying service for promotion from the scale of Rs.5500-9000 to the scale of Rs.6500-10500 is now prescribed as three years but an Assistant in the Central

Secretariat in the scale of Rs.5500-9000 is only eligible for promotion as Section Officer after a minimum of eight years of regular service. In view of such discrepancies between what already stand provided in the Rules and what has now been suggested, the Department of Personnel and Training indicated in the Circular of 25.5.98 to all the Ministries/Departments that they should complete the review regarding amending the Recruitment Rules/Service Rules within a period of two months of the date of issue of the Office Memorandum of 25.5.98 and furnish proposals to the Department of Personnel /Union Public Service Commission. Proposals are to the U.P.S.C. only in the case of Group 'A' and 'B' posts. We are not aware of whether the exercise has been completed and whether all Departments/Ministries of the Central Government have responded.

4.4.4 In Bihar, no such general orders have been issued. Instead, each Department proposes the fixed qualifying service and according to the prevalent practice in the Department of Personnel and Administrative Reforms separate orders are issued in respect of each cadre/post/ service in each Department. We would recommend that wherever we have indicated the qualifying service required for promotion based on the Central pattern these should be adopted by the State Government. Wherever these have not been indicated based on the Office Memorandum dated 25.5.98 of the Department of Personnel and Training, Government of India, the State Government should appropriate decisions considering the fixed qualifying recommended for similar posts in the Government of India. It is also possible that all recruitment rules are not amended suitably in consonance with the Office Memorandum of 25.5.98 of the Government of India. In that eventuality, the qualifying period of service for State Government employees will be what is provided in the gazettes of the Central Government notifying the recruitment and promotion rules. As a result, the existing fixed qualifying service for posts/cadres in the State Government would undergo large scale changes. But this is an inevitable consequence of accepting Central Service conditions.

PROMOTION FROM RETROSPECTIVE DATE

- 4.5.1 It is not uncommon in Bihar to find promotions getting delayed inordinately for apparently no fault of the employee concerned. Such delays could be attributed to apathy in the administrative Department, Committee Departmental Promotion not having been convened recommendations of the Departmental Promotion Committee not having been approved by the competent authority or the Bihar Public Service Commission not having the time to hold the Departmental Promotion Committee meeting or some other bottleneck having arisen like the Minister not approving the proposal of the Department.
- Rule 74 of the Bihar Financial Rules categorically mentions that retrospective effect should not be given to financial sanctions except in exceptional circumstances without the special approval of Government in respect of revision of pay or grant of concessions to Government servants. Rule 58 of the Bihar Service Code provides that a Government servant shall begin to draw pay and allowances of a post with effect from the date on which he assumes the duty of the post. Because of the provisions of the Bihar Financial Rules and the Bihar Service Code employees have for the last 20-25 years been suffering financially on assuming posts on promotion. But the fact of the matter is that relief have been granted to individual Government employees either by the Finance Department or by orders of the High Court.
- 4.5.3 To improve the impediments lying in the path of employees getting promotions in time, the detailed provisions of the practice available in the Central Government should be adopted in this State. In the Centre, the meetings of Departmental Promotion Committees are convened at regular annual intervals to draw panels which could be utilised on making promotions against vacancies occurring during course of a year. The Ministries/Departments are required to lay down a time schedule for holding Departmental Promotion Committees under their control and one of the officers is held responsible for monitoring and keeping a watch over the various cadre

authorities to ensure that the meetings of the Departmental Promotion Committees are held regularly. The panels for promotion drawn up by the respective for Departmental Promotion Committees are normally valid for one year and cease to be in force on the expiry of 18 months or when a fresh panel is prepared, whichever is earlier. In the Central Government appointments from the panel recommended by the respective Departmental Promotion Committees are made in the order of names appearing in the panel for promotion. It is also provided by the Central Government that the proceedings of the Departmental Promotion Committee shall be legally valid and can be acted upon notwithstanding the absence of any of its Members other than the Chairman, provided the Member was duly invited but he absented himself for one reason or the other and there was no deliberate attempt to exclude him from the deliberations of the Departmental Promotion Committee and provides further that the majority of the members constituting the Departmental Promotion Committee are present in the meeting. Generally, promotion of Officers included in the panel is regular from the date of validity of the panel or the date of their actual promotion, whichever is later. The Central Government also provides the detailed procedure if the appointing authority finds it necessary to disagree with the recommendations of the Departmental Promotion Committee.

4.5.4 We have only highlighted the salient features of the Rules of the Central Government in regard to ensuring timely promotions. We recommend that the State Government should take steps to adopt the Central Rules in this regard so that the limiting provisions of Rule 74 of the Bihar Financial Rules do not come in the way of the State Government employees getting promotions whenever vacancies arise.

PRINCIPLE OF NO PAY FOR NO WORK

4.6.1 State Government employees regularly abstain from duty though the frequency of such strike from work have come down in the last five years. Even in this year one faction of the Government employees went on strike and a decision has only been taken recently by the State Cabinet after

prolonged deliberation that though such Government employees have violated the provisions of the Conduct Rules, Government have allowed them to draw their pay during the strike period by relaxing the provisions of the Conduct Rules.

- 4.6.2 The Bihar Service Code does not contain the explicit provisions of Fundamental Rules 17(1) and Fundamental Rule 17-A regarding denial of pay and allowances during the period of absence without authority as well as interruption or break in service if there is unauthorized absence due to strike which has been declared illegal in respect of staff working in industrial establishments or during strike by other employees. The Central Rules are dealt with in detail below and these should be adopted by the State Government in the interest of administration. However, before a break in service is entered in the Service Book of the concerned Government employee to enable the Government to forfeit past service because of participation in strike, an opportunity of representation should be given to the concerned Government employee(s) before making entries in the Service Book.
- 4.6.3 Fundamental Rule 17(1) provides that an officer who is absent from duty without any authority shall not be entitled to any pay and allowances during the period of such absence.

F.R. 17-A provides "without prejudice to the provisions of Rule 27 of the Central Civil Services (Pension) Rules, 1972, a period of an unauthorized absence--

- (1) in the case of employees working in industrial establishments, during a strike which has been declared illegal under the provisions of the Industrial Disputes Act, 1947, or any other law for the time being in force;
- (2) in the case of other employees as a result of action in combination or in concerted manner, such as during a

strike, without any authority from, or valid reason to the satisfaction of, the competent authority; and

(3) in the case of an individual employee, remaining absent unauthorizedly or deserting the post,

shall be deemed to cause an interruption or break in the service of the employee, unless otherwise decided by the competent authority for the purpose of leave travel concession, quasi permanency and eligibility for appearing in departmental examinations, for which a minimum period of continuous service is required."

Explanation 1- For purposes of this rule, "strike" includes a general, token, sympathetic or any similar strike, and also participation in a bundh or in similar activities.

Explanation 2- In this rule, the term "competent authority" means the "Appointing Authority".

- 4.6.4 Government employees who indulge in strike meaning refusal to work or stoppage or slowing down of work by a group of employees acting in combination violate Rule 7 (ii) of the Central Civil Services (Conduct) Rules, 1964 and disciplinary action can be taken against them. The Conduct Rules 1964 provide that no Government servant shall resort to or in any way abet any form of strike in connection with any matter pertaining to his service or the service of any other Government servant.
- 4.6.5 We recommend that the Bihar Service Code should be forthwith amended and the specific provisions of the Fundamental Rules should be included. Central service conditions also include the discipline of Central Government employees where employees do not go on strike and matters regarding service conditions are resolved through the machinery of joint Consultation and arbitration. After all, the Government, whether it be the Central Government or the State, has to promote harmonious relations and elicit

the maximum amount of cooperation from the employees to achieve greater efficiency and productivity. Important decisions affecting the staff in the Central Government are required to be discussed in the Departmental Council meetings. Along with Central pay and conditions of service the Joint Consultative Machinery as is available in the Centre must be formed in the State which ,however, is subject to regular elections having taken place in the respective recognized Associations. The Fitment cum Pay Revision Committee had recommend in its final report in May, 1990 that specific issues or decisions of dispute regarding emoluments as cannot be resolved within a reasonable time limit (say six months) by discussion between the State Government and the employees association concerned, should under statutory provisions be referred to a Standing Tribunal whose decision should be binding on both parties.

4.6.6 We recommend that the State Government should not only go ahead by constituting the Joint Consultative Machinery but should also include in the Bihar Service Code provisions of the Fundamental Rules that we have discussed above so as to prevent employees from going on strike as and when they consider expedient to do so.

ADJUSTMENT OF ADDITIONAL EMOLUMENTS DRAWN BY EMPLOYEES PROMOTED AFTER 31.12.95

A.7.1 Paragraph 11 of the Finance Department Resolution No.660 dated 8.2.1999 mentions that a decision will be taken subsequent to the submission of the Fitment Committee's Report on Promotion Policy regarding adjustment of such additional emoluments drawn by employees who have been given promotions after 31.12.1995 subsequent to the submission of the Fitment Committee's Report on Promotion Policy. Time bound promotions and selection grades have been abolished with effect from 1.1.1996 but orders have been issued prospectively from 8.2.1999, published in the Extraordinary Bihar Gazette of 13.2.1999. Though the Finance Department has not requested for any clarification from this committee in this regard, we have deliberated over the matter. We recommend that the promotional opportunities that have been

discussed in this Report should be given effect to from 1.1.96 in revised pay scales, actual payment being made from 1.4.1997 onwards, in respect of employees who have been promoted before the issue of the Finance Department orders revising pay scale of employees with effect from 1.1.96. The correct decision would have been to revise pay scales and give financial benefit from the same day but then the Employees Associations and the State Government had already agreed upon that the benefits of the revised pay scales would be applicable from 1.4.97 onwards. In the Central Government pay scales are revised from a particular date and actual benefits are also given from the same date. But in Bihar this has not been the practice in the post This time it is late by 15 months and in 1989 the actual benefits were given effect to after notional pay scale revision by as late as 38 months.

4.7.2 In the process of adjusting additional emoluments drawn, problems may arise if an employee cannot be adjusted against the promotional post in between 1.1.96 to January,1999. Fortunately, the Assured Career Progression Scheme has been notified by the Central Government and we have also recommended its adoption earlier as well as in this Report. This Scheme would take care of such cases because there is only a two years difference between the State and the Centre in respect of the first promotion under the Assured Career Progression Scheme and of one year in respect of the second promotion under the Scheme. Ideally, the State Government should have abolished selection grade and time bound promotions with effect from 9.8.99, the day the orders on the Assured Career Progression Scheme of the Central Government was issued. Had this been done probably many of the complications that may arise could have been avoided. We would not like to dwell on this further as that would mean opening a Pandora's Box.

Annexure I

No.AB-14017/2/97-Estt. (RR) Government of India Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training)

North Block, New Delhi 110001 May25,1998.

OFFICE MEMORANDUM

<u>Subject:- Fifth Central Pay Commission's recommendations-Revision of pay-scales - Amendment of Service Rules/Recruitment Rules.</u>

The undersigned is directed to invite attention to the Central Civil Services (Revised Pay) Rules,1997 notified by the Ministry of Finance (Department of Expenditure) on the 30th September, 1997 containing the decision of the Government in regard to the revised scales of pay, etc. The Government has decided that Ministries/ Departments etc. are required to take the following consequential steps to amend the existing Service Rules/Recruitment Rules on a priority basis:-

(i) Substituting the existing scales by revised scales

The existing pay scales may be substituted by the equated revised pay scales now prescribed, straightaway, without making a reference to the Department of Personnel and Training (DOP &T)/the Union Public Service Commission (UPSC). In cases where deputation is also one of the methods of recruitment, the field of deputation which includes various posts should also reflect the revised scales of pay, in case there is no change in the eligibility service as per the revised guidelines. In cases where there is change in the eligibility service/field of deputation, amendment to the rules should be undertaken.

(ii) Merger of pay-scales

From Part 'A' of the first Schedule to the CCS (Revised Pay) Rules, 1997, notified by the Ministry of Finance on the 30thy September, 1997, it may be seen that pre-revised scales have been merged into a single revised scale in respect of Grades S-5, S-6,S-7,S-8,S-9,S-12,S-13, S-15, S-19, S-21,S-24,S-26,S-29 and S-32. In such cases the recruitment rules will have to be amended so as to provide for promotion from the feeder grade to the merged grade according to the revised qualifying service as per ANNEXURE-'A'.

(iii) Where there is an upgradation of posts

some cases the Fifth Pay Commission has recommended a higher pay-scale and not equated revised scale. Further, in certain cases the recommendations of the Pay Commission are subject to fulfillment of specific conditions e.g. changes in Recruitment Rules, restructuring of cadres, redistribution of posts, etc. As per guidelines issued by the DOP&T, whenever it has been decided to upgrade any post action should be taken by the Administrative Ministry/Department concerned to reframe the Recruitment Rules therefor. As the eligibility criteria for direct recruitment or promotion or deputation, etc. to the higher post will be different from those prescribed for a post on a comparatively lower scale, it will be necessary to review the relevant columns of the existing Recruitment Rules for the post for which an upgraded revised scale has been approved and to prescribe age limits, qualifications, experience and eligibility service for promotion/deputation appropriate to the higher level. Such revision should, however, be undertaken in respect of only those pay-scales which have already been approved by the Government and notified or the eligibility as prescribed has undergone a change. Pending revision of the Recruitment Rules with reference to the pay scales as approved by the Government, the existing rules for the lower pay-scale may not be operated.

(iv) Consequential Changes

It will be necessary to make consequential changes in the Recruitment Rules/Service rules so as to prescribe eligibility conditions with reference to the revised pay-scales. It will also be necessary to review other columns of the Recruitment Rules/Service Rules where some minimum service in a particular pay-scale is prescribed for consideration on deputation etc.

(v) Departmental Promotion Committees (DPC)

It has also been decided that where the scales have been merged, the existing DPC for the higher grade will be the DPC for the integrated merged grade.

- (vi) The method of recruitment of 'transfer' indicated in paragraph 3.12.1 of the DOP&T guidelines dated the 18th March,1988 may be substituted to read as 'ABSORPTION' instead of 'transfer'. Accordingly, the word 'transfer', wherever it occurs in the various instructions, guidelines etc on Recruitment rules, may be replaced by the word 'absorption'. The method of deputation may also be referred to as 'DEPUTATION' only and not as 'transfer on deputation'.
- (vii) In the DOP&T Office Memorandum (O.M.) dated the 18th March,1988, column 5 of Annexure-1 reads as "Whether Selection posts or Non-Selection posts". However, in terms of the DOP&T O.M.No. 22011/5/91 Estt.(D) dated the 27th March, 1997 the method of 'Selection' in the aforesaid column has now to be shown as "Selection-cum-Seniority or Selection by merit". Necessary changes to this effect may be incorporated in the Recruitment Rules/Service Rules.
- 2. The Supreme Court in its judgment in R. K. Sabbarwal's case has ruled in favour of a change-over from the existing "vacancy" based reservation roster to "post"-based roster. Under the existing policy the determination of different quotas for recruitment is vacancy-based. In order to

comply with the aforesaid Supreme Court judgement, which has been implemented vide the DOP&T O.M.No.36012/2/96-Estt.(Res) dated the 2nd July, 1997, it will be necessary to amend the existing Service Rules/Recruitment Rules under Column 11 of Annexure-1 in the DOP&T guidelines dated the 18th March, 1988 to replace the words "percentage of the "vacancies" to be filled by various methods" by "percentage of the 'posts' to be filled by various methods".

- 3. The DOP & T vide its Office Memorandum of even number dated the 10th February, 1997 had imposed a temporary ban on framing/amendment/relaxation/modification/notification of Recruitment Rules/Service Rules in respect of Group 'A' 'B' C' 'D' posts/services/.cadres till necessary orders to this effect are issued by the Government. The revised Pay Rules, 1997 have since been notified by Ministry of Finance vide their notification dated the 30th September, 1997. As a sequel to this, Government have decided lift to the aforesaid temporary ban on framing/amendment/relaxation/modification/notification of Recruitment Rules/Service in respect of Group 'A', 'B'.C'.'D' posts/services/cadres with immediate effect.
- 4. The Recruitment Rules/Service Rules are of statutory nature. Therefore, the changes brought out by other relevant instructions have to be incorporated in the Recruitment Rules/Service Rules by suitable amendments so that necessary steps like holding of DPC etc. are taken to fill the posts carrying the revised scales, particularly merged scales, on regular basis. All the Ministries/Departments are, therefore, requested to effect necessary amendments to the Recruitment Rules/Service Rules notified by them after following the normal procedure of furnishing proposals to the Department of Personnel and Training and the UPSC in the format (Aannexure III) prescribed in the general guidelines in recruitment rules circulated vide the DOP&T O.M.No.14017/12/87-Estt.(RR) dated the 18th March 1988 and also in consultation with the Legislative Department.
- 5. In view of the urgency for amending the Recruitment Rules/Service Rules on the above lines, it is expected that

Ministries/Departments would complete the review in this regard and furnish necessary amendment proposals to the Department of Personnel and Training/the Union Public Service commission in the case of Group 'A' and 'B' posts within two months from the date of issue of this Office Memorandum. Simultaneously, they will, no doubt, be taking similar action for amending the recruitment rules for Group 'C' and 'D' posts, which is within their competence under the delegated powers.

6. Hindi version will follow.

Sd/- Harinder Singh

Joint Secretary to the Government of India.

To

All Ministries/Departments of the Government of India.

Copy to:-

- The Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi 110011 with refrence to their communication No. F 2/14/97-RR dated April 17, 1998.
- The Comptroller and Auditor General of India, 10 Bahadur Shah Zafar Marg, New Delhi 110002
- 3. The Manager, Government of India, Press, Mayapuri, Ring Road, New Delhi.

ANNEXURE- A

Sl.No.	From	То	Fixed Qualifying
			Service
			(in years)
1	2550-3200	2610-3540	2
2	2610-3540	2650-4000	2
3	2650-4000	2750-4400	2
4	2650-4000	3050-4590	4
5	2750-4400	3050-4590	3
6	3050-4590	3200-4900	3
7	3200-4900	4000-6000	5
8	3050-4590	4000-6000	8
9	4000-6000	4500-7000	5
10	4000-6000	5500-9000	10
11	4500-7000	5000-8000	3
12	4500-7000	5500-9000	6
13	4500-7000	6500-10500	8
14	5000-8000	5500-9000	3
15	5000-8000	6500-10500	6
16	5500-9000	6500-6900	2
17	5500-9000	6500-10500	3
18	5500-9000	7500-12000	7
19	5500-9000	8000-13500	8
20	6500-6900	6500-10500	2
21	6500-10500	7450-11500	2
22	6500-10500	7500-12000	3
23	6500-10500	8000-13500	5
24	6500-10500	10000-15200	8
25	7450-11500	7500-12000	2
26	7450-11500	8000-13500	3
27	7450-11500	10000-15200	7
		1	1

28	7500-12000	8000-13500	2
29	7500-12000	10000-15200	6
30	8000-13500	10000-15200	5
31	9000 (FIXED)	9000-9550	Nil
32	9000-9550	10325-10975	Nil
33	10000-15200	12000-16500	5
34	10000-15200	12000-18000	5
35	10000-15200	14300-18300	10
36	12000-16500	14300-18300	5
37	12000-18000	16400-20000	6
38	12000-18000	16400-20900	6
39	12000-18000	14300-22400	5
40	14300-18300	18400-22400	3
41	14300-18300	16400-20000	2
42	16400-20000	18400-22400	2
43	18400-22400	22400-24500	3
44	22400-24500	22400-26000	Nil
45	22400-26000	24050-26000	Nil
46	22400-26000	26000 (FIXED)	2
47	24050-26000	26000 (FIXED)	2
48	22400-24500	26000 (FIXED)	2
49	26000	30000 (FIXED)	3

05

COMMON CATEGORIES

Many posts in the State Government carry similar designations and scales which stand created in several departments. These posts may loosely be termed as posts of Common Categories. We discuss below the promotional prospects of such posts though we cannot claim that the following are the exclusive and complete list of posts belonging to common categories.

Peons and other Class IV posts

5.1.1 In the State Government Peon/Farash/Orderly Peons/ Sweeper/Choukidar/ Darwan/ Night Guard/ Khalasi /Mazdoor in the Secretariat as well as in Mufassil establishments have been grouped together in the same pay scale of Rs. 2550-3200 and from 1.1.86 their pre- revised scale was Rs. 775-1025. In the Bihar Service Code, Appendix IV there is mention of posts in inferior service and in superior service. The Department of Personnel & Administrative Reforms have categorised State Government employees into four classes depending upon their pay scales and with effect from 31.3.86 those

posts whose maximum pay stood at Rs. 480 were in Class IV. According to that classification Daftaris and Jamadar/Jamadar Peons were also in Class IV. However, according to Appendix IV of the Bihar Service Code Daftaris of the Patna High Court were considered to be in superior service.

5.1.2 With effect from 1.4.1981 instead of regular promotions, time bound promotions and selection grades have been introduced. This has resulted virtually in the stoppage of regular promotions, specially in Class III and IV. However, Class IV employees are entitled to promotion as Record Suppliers and Treasury Sarkars, the promotion facilities depending upon the number of posts. Even Daftaris are promoted from Class IV posts. Subsequent to the recommendations of the 3rd Pay Revision Committee, the State Government decided that 25% posts of Routine Clerks should be filled from non-Matriculate Record Suppliers and Treasury Sarkars on the basis of a limited competitive examination and 25 percent from matriculate Record Suppliers and Treasury Sarkars on the basis of another limited competitive examination.

Promotional Rules in the Central Government

5.1.3 In the Central Secretariat posts of Peons, Choukidars, Farash, Safai Karamcharis are in the lowest scale of Rs. 2550-3200. The age limit is 18 to 25 years and for Choukidar, Safai Karamchari and Farash, it is desirable to pass primary school standard and for Peons the essential qualification is middle school standard pass. It is desirable that the candidate should know cycling and has knowledge of English. 75 percent of posts of Peons are to be filled by direct recruitment and 25 percent by promotion, failling both by transfer. The 5th Central Pay Commission had noted at paragraph 53.3 that as on 31.3.1994, out of 12.38 lakh Group D employees in the Central Government, including those deployed in workshops, 6.01 lakh posts were in the pay scale of Rs. 750-940 and the remaining 6.37 lakhs posts were in two scales of Rs. 775-1025 and Rs. 800-1150 or in the merged scale of Rs. 775-1150. Therefore, the ratio of Group D posts in the lowest scale and in

the higher scales is roughly 1: 1. However the 5th Central Pay Commission does not anywhere note the percentage of promotional levels for either Senior Peons or equivalent posts in higher scales than Peons. Moreover, there is also a mention that in August, 1982, the Central Government earmarked 15 percent of the posts in the clerical cadre to be filled by promotion of educationally qualified Group D employees. The 5th Central Pay Commission have recommended at paragraph 53.17 that the entire 15 percent of the vacancies should be filled only on the basis of the results of a limited departmental examination so as to ensure that only those fulfilling certain minimum standards are promoted to the clerical cadre. The Recruitment Rules of the Ministry of Chemicals & Fertilizers of the Government of India notified on 18.11.98 mentions that for promotion to the posts of Senior Peons and Daftari Peons candidates will be eligible provided they have put in minimum of three years service in the grade of Peons. There is also a provision in the said Recruitment Rules regarding direct recruitment of Peons that 2 out of every 3 posts in Group D cadres will be filled up from out of the casual workers conferred temporary status under the Temporary Status Scheme, 1993, wherever available. The same is also applicable for direct recruitment in case of Choukidar, Safai Karamchari and Farash. In the Department of Agriculture of the Government of India, posts of Jamadar are in a scale higher than Peons and available for Peons/Packers of the Department who have put in three years of service in that regular appointment. However, we have been informed that grade after Jamadars have been redesignated as Senior Peons in the Central Government from December, 1991 onwards.

- 5.1.4 In the Centre, the Departmental Promotion Committees for such Group D posts are headed by the Under Secretary incharge of the establishment and consists of two Section Officers of the same Department, one of whom is required to be a Scheduled Caste member. In this State the Departmental Promotion Committee should be constituted on similar lines.
- 5.1.5 This Committee has recommended forthwith abolition of time bound promotion and selection grades in the present form,

that is, three selection grades for each post/service cadre. It has been apprehended that with the stoppage of all such promotions, employees will continue to stagnate indefinitely and their pay scale will be fixed at the basic level whereby they will be denied increments, dearness allowance, house rent allowance and city compensatory allowance at higher rates because these are linked to only basic pay. This is a well founded fear and the only way to solve such problems would be to adopt the promotion policy that is available in the Centre. In the Central Government reservation at 15 percent and 7.5 percent of vacancies for Scheduled Castes and Scheduled Tribes, respectively, is available for promotion by selection in Groups B,C and D; by selection from Group B to A and by seniority cum fitness provided the element of direct recruitment does not exceed 75 percent. However, the Central Government have decided that reservation will continue in order to maintain the representation of SC/ST in each cadre to the extent of prescribed percentages for each category. After the Supreme Court judgement in the Indira Sawhney case, the Constitution was amended in 1995 and Article 16 (4-A) was incorporated in the Constitution. Hence the State Government would also have to amend its rules regarding reservations in promotion on the pattern of what the Central Government rules are. For Scheduled Castes and Scheduled Tribe candidates there is also an age relaxation of 5 years provided the upper age limit is not more than 50. But this age relaxation is not available for posts which have arduous duties or are meant for operational safety and to posts in para military organisations. The Centre's Department of Personnel have laid down that for promotion from the lowest scale of Rs. 2550-3200 to the next higher scale of Rs. 2610-3540 the minimum qualifying service should be two years and all Departments were required to suitably amend their Recruitment Rules.

Recommendations

5.1.6 We recommend that for Class IV personnel like Peons posts of Senior Peons and Daftaris in the scale of Rs. 2610-3540 should be the next tier of promotion. In the Centre there are selection grade Daftaris constituting 15% of the cadre of Daftaris in the scale of Rs. 2650-4000. The

creation of this grade would also provide promotional opportunities. We also recommend that as in the centre posts of Record Sorters should be treated as selection grade for Daftary and the number of Record Sorters that will be created will be fixed at 15 % of the total number of permanent posts of Daftary. Moreover, there are posts of Treasury Sarkars in the scale of Rs. 2750-4400 which are also available to Peons provided they are selected for the job. It is recommended that a well laid down procedure should be formulated for promotion of Treasury Sarkars from competent and well educated Peons .Then there are posts of a Record Suppliers in the scale of Rs. 2650-4000 which should also be filled by promotion from Peons. The Department would have to work out the exact number of promotional posts for the Class IV personnel.

- 5.1.7 The Personnel and Administrative Reforms Department of the State Government in its Letter No.3577 dated 25.4.1997 laid down that for appointment in Class IV posts in field offices, panels would be prepared in all districts which would be valid for one year. Appointment in Class IV will be made from such panels. The principle for preparing the respective panels are as follows:
 - (i) registration in Employment Exchange,
 - (ii) minimum qualification of Class VIII pass,
 - (iii) sound health
 - (iv) ability to ride a bicycle,
 - (v) all matters being equal, the candidate who is senior in age would be given preference, and
 - (vi) the personnel on daily wages in the previous panel would be given preference according to seniority.

5.1.8 We do not want to comment on the existing recruitment policy of the State for Class IV because the minimum qualification laid down by the Central Government is fulfilled. These employees have promotion opportunities against posts of Daftary, Record Supplier, Treasury Sarkar as well as in Class III against posts of Typist and Routine Clerks after passing a limited departmental examination. In Letter No.540 dated 20.9.1984 it was mentioned that the qualifying period for promotion of a Peon to the post of Record Supplier /Treasury Sarkar would be 5 years. However, in the field offices according to the Circular No. 11243 dated 6.12.1995 of the Department of Personnel and Administrative Reforms, 50% of the posts in Class III in the field offices will be filled by Class IV personnel who have to qualify in the limited departmental competitive examination to be organized by the Bihar Public Service Commission. According to this circular Class IV personnel who have put in 5 years regular service will be eligible and the Bihar Public Service Commission will organize in each district a departmental examination on one particular day. It was earlier indicated in the Circular No.5939 dated 18.6.1993 of the Department of Personnel and Administrative Reforms that except for posts like Typist, Steno Typist and Clerk in mufassil offices and other such technical posts for which technical skill is required, appointment would be made without conducting any written examination or an oral examination and the marks obtained in school and college in various examinations will be the yardstick for preparation of the merit list. But this Circular was superceded by the Circular of December, 1995. According to another Circular of 11.2.1985 posts of Routine Clerks in the Secretariat are filled to the extent of 50% through limited departmental examination from matriculate and non-matriculate Record Suppliers and Treasury Sarkars and 25% of the posts of Routine Clerks are filled from Class IV personnel who have the requisite qualification and pass the limited departmental competitive examination. The rest 25% of the posts are filled by direct recruitment. Class IV personnel also have avenues of being promoted to posts of Typists, provided they pass in the limited departmental competitive examination and have the required qualification.

5.1.9 The Secretariat Manual of Bihar provides at paragraph 2.8 that Jamadars will be selected from amongst the senior

intelligent Peons of the Department. We have been informed that according to Circular No.2361 dated 10.4.1982 the eligibility period for promotion to Daftary from Peon is 8 years.

5.1.10 We are also providing below the eligibility of Peons in various offices of the Central Government : -

SL.NO.	OFFICER	SENIOR PEON	PEON
1	Cabinet Minister	1	4
2	Minister of State	1	3
3	Deputy Minister	1	1
4	Secretary	1 Or	1
5	Special Secretary	1 Or	1
6	Additional Secretary	1 Or	1
7	Joint Secretary or	1 Or	1
	Officer of equivalent		
	rank		
8	Deputy Secretary or	1 Peon for two Deputy	Occupying same
	Officer of equivalent	Secretaries	or adjacent
	rank		rooms.
9	Under Secretary or	1 Peon for two Under	Occupying same
	Officer of equivalent	Secretaries	or adjacent
	rank		rooms.
10	Section (other than	1 Peon and 1 Daftary for	
	special Sections like	two sections located in	
	Cash, Central	same or adjacent rooms	
	Registry etc.)		
11	Special Section (like	Strength of Peon and	
	Cash, Central	Daftary to be fixed on	
	Registry etc.)	ad-hoc basis in	
		consultation with SIU of	
		the Finance Ministry.	

5.1.11 We are not aware of the staffing norms for Peons in mufassil/ field offices under the Central Government. For the Secretariat and attached offices the State Government should adopt the Central norms as mentioned above. For field offices it is recommended that District Magistrates and Executive Engineers and officers of similar rank and who are the senior most in a district in their respective departments should be entitled to one Senior Peon while the remaining officers will be entitled to 1 Peon for two officers if they are occupying same or adjacent rooms. As no Staff Inspection Unit stands created in Bihar, special Sections like Cash or Central Despatch and Issue Sections should have two to three Peons and one Daftary provided there is sufficient workload.

Cook

5.2.1 The Fitment Committee while discussing the pay scale of the Head Cook in the Patna Medical College Hospital at paragraphs 38.42.1 and 38.42.2 of Part-II, Volume II of the Report had pointed out that the 5th Central Pay Commission discussed the pay scales of Cooks in paragraphs 55.22 to 55.33 and then again at paragraph 83.269 when deciding the pay scales of Cooks under the Ministry of Railways. In this State Cooks are in various scales of Rs. 775-1025, Rs. 800-1150, Rs. 825-1200 as well as in the scale of Rs. 950-1400 and Rs. 975-1540. The Head Cook in the Governor's Secretariat is in the scale of Rs. 975-1540. At paragraph 55.22 (ii) the 5th Central Pay Commission recommended for posts of Cook and Assistant Halwai in the canteens of the different Departments of Central Government the pay scale of Rs. 950-1500 which now stands revised to Rs. 3050-4590. However, while discussing the pay scales of Cooks under the Ministry of Railways, the 5th Central Pay Commission recommended no change in the scale of Rs. 800-1150 applicable to Assistant Cook and Rs. 950-1500 for Cooks. pay scale recommended was Rs. 1320-2040 provided there was 33.3 % direct recruitment from amongst those who are Class X pass with certificate of Craftsmanship in Cooking so as to maintain parity with the personnel in the Catering Department under the Ministry of Railways. For

Master Cooks the pay scale recommended by the Pay Commission was Rs. 1400-2300. The Central Government notified the pay scale of Rs. 3050-4590 for Cooks and Assistant Halwai and for Tea/Coffee Maker the pay scale is Rs. 2610-3540, the same pay scale that has been recommended for Bearers.

Promotion Facilities under Central Government

We have with us several notifications of the Central Government Departments regarding recruitment rules for Cooks. The Cooks are in the Ministry of Health and Family Welfare, Department of Health, various printing presses of the Ministry of Urban Affairs and Employment as well as Security Paper Mill, Hoshangabad of the Department of Economic Affairs, Ministry of Finance. In the Printing Presses of the Ministry of Urban Affairs and Employment the Assistant Cook is in the scale of Rs. 750-940 and the recruitment age is between 18-25 years, relaxable up to 35 years for departmental candidates for appointment by direct recruitment. The required qualification is Middle Standard pass with two years experience in cooking. The Cook is in the scale of Rs. 825-1200 and is required to be VIIIth standard pass with 7 years experience in cooking and the desirable qualification is a certificate regarding cooking from Foodcraft/Catering Institute. The Assistant Halwai is in the same scale as the Cook and the recruitment qualifications are the same.

5.2.3 Under the Ministry of Health and Family Welfare, Department of Health, according to S.R.O. No.1048 dated 7.9.1974 the Head Cook has been shown to be in a scale which now stands revised to the scale of Rs. 2650-4000. The Head Cook was entirely a promotion post for Cooks with three years service after regular appointment to the grade. The Cook is shown in the scale of Rs. 70-80 which now stands revised in the scale of Rs. 2550-3200 and the recruitment qualification was Middle standard pass with two years experience in cooking. On the other hand in the Ministry of Irrigation and Power according to GSR.No. 682 dated 14.3.1972 the Cook is in the scale of Rs. 60-75 and the recruitment qualification states that mere literacy with experience in Cooking is required.. The post of Cook as well as other posts were

provided under the Farakka Barrage Project in the Ministry of Irrigation & Power. The Cook in the Ministry of Finance, in the Hoshangabad Printing Press is in the scale of Rs. 1200-1800 and the Head Cook is shown in the scale of Rs. 1320-2040. The essential qualification for the Cook is VIIIth standard pass and three years experience in cooking in a Government Undertaking/reputed Company. According to the present revised pay scales both the Cook and the Head Cook will be in the revised scale of Rs. 4000-6000. The recruitment rules for Head Cook provide that promotion will be made from Cooks in the scale of Rs. 1200-1800 with 3 years regular service in the grade. These recruitment rules stand notified in GSR. 23 dated 26.12.1996 in view of two scales getting clubbed in one revised scale, and there may be some changes in the pay scales in order to provide promotional opportunities to Cooks after pay revision which were notified in September,1997.

Comparison with Centre

- 5.2.4 What now emerges on comparison of the pay scales of Cook in the Central Government and the State Government are as follows:-
 - (a) Given the designation of Cook in the State Government the notified scale is Rs. 800-1150 and this is the appropriate scale considering what is available in the Ministry of Railways. We do not know what the recruitment rules of Cooks in Bihar are because no Department has specified them. A Cook in the Hoshangabad Security Press under the Ministry of Finance is in the scale of Rs. 1200-1800 is not only required to be Class VIII pass but have experience in preparing food and snacks and making Coffee in any Hotel/Canteen/Guest House/ Lodge in Government/ Government Undertaking/ reputed Company. The desirable qualification is Matriculation and provides for

promotion opportunities from Stall Boys in the scale of Rs. 975-1540. The required educational qualification of Stall Boys is VIII the standard pass and two years' experience in keeping accounts of sale at a counter under a Government undertaking/reputed Company. Stall Boys can become Cooks after four years regular service and after 6 years regular service if they do not have the requisite qualification. The age limit is 30 years for recruitment as Cooks and relaxable up to 35 years for Government servants 40 years for S.C./ S.T. and 38 years in the case of other Backward Classes provided they are Government servants.

- (b) Considering the features in the Central Government. we had recommended for the Head Cook in the Patna Medical College Hospital the pay scale of Rs. 3050-4590 and that is the scale which the Government have accepted for the post of Head Cook in the Governor's Secretariat as well as in the State Guest House.
- (c) For appointment of Cooks in the Printing Presses of the Ministry of Urban Affairs and Employment, the Departmental Promotion Committee consists of the Manager of the Press as Chairman with two Assistant Managers as Members and an outside Member from the Department familiar with the work of Cooks. In the absence of staffing norms for Cooks we are unable to recommend any higher pay scale at present for the Cooks who have now been sanctioned the pay scale of Rs. 3050-4590.

Recommendations

- 5.2.5 The Cooks in the pre-revised scale of Rs. 975in Bihar cannot be given anything higher than Rs. 3050-4590. We 1540 recommend that the Bihar Government should lay down specific rules for recruitment of Cooks based on the specified rules in the Central Government .The best option would be to lay down that Cooks who are recruited in the scale of Rs. 2650-4000 will have to be Class VIII pass with at least 3 years experience in cooking. If the experience is of a Government undertaking/reputed Company then preference is to be invariably given to such candidates. Provided such experience is not available, the DPC may devise rules or take a suitable test for selecting the best available person. The next promotion will be in the scale of Rs. 2750-4400 and thereafter in the scale of Rs. 3050-4590.
- 5.2.6 In the Presses under the Ministry of Urban Affairs and Employment, recruitment is made in the scale of Rs. 2750-4400 from candidates who are VIII standard pass and having 7 years experience in Cooking and the desirable qualification is a certificate from Food Craft/Catering Institute and also provides for promotion from Assistant Cook /Tea Maker having 5 years regular service in the grade. The Assistant Cook and Tea Maker are in the scale of Rs. 2550-3200.
- 5.2.7 The Departmental Promotion Committee should also be properly constituted so as to select and promote only those who are skilled in their trade and have the requisite qualification with satisfactory experience. At present the age of direct recruitment is 35 years in Bihar and in line with the Centre this has to be suitably brought down to 30 years.

Staff Car Drivers

5.3.1 The 5th Central Pay Commission while discussing the pay scale of Drivers of motor vehicles at paragraphs 55.53 and 55.56

recommended that Drivers in the Secretariat as well as in subordinate offices should be placed, on their initial entry, in the scale of Rs. 3050-4590 .It was also recommended that the three replacement pay scales for Drivers should be Rs. 3050-4590 for ordinary grade drivers, Rs. 4000-6000 for Grade II, Staff Car Drivers and Rs. 4500-7000 for Grade I Staff Car Drivers. It was further recommended that the benefits of these scales will accrue to individual drivers completing the period of residency separately recommended by the Pay Commission in their Chapter on Promotion Policy. In Chapter 22, the 5th Central Pay Commission recommended that the first financial upgradation will be available to Group C employees on completion of 10th year of service provided the employee fulfils all the conditions for promotion to the higher grade and the employee has not got the benefit based on functional promotion during this period. The second financial upgradation has been recommended after 10 years for Group C employees and after 12 years for Group B employees. As the Staff Car Drivers are in Group C, promotion subsequently to Grade II and Grade I if based on Assured Career Progression should not be before 10 years of service in each grade. This Committee had also recommended that the pay scale of Staff Car Drivers should be Rs. 3050-4590 irrespective of what vehicle they drive, and if a driver is to be given the pay scale of a heavy motor vehicle, this has to be determined with reference to the unleaden weight of the vehicle which that particular Government employee is required to drive. According to the Central Motor Vehicles Act, 1988, a heavy motor vehicle means any goods carrier or a tractor or a road roller, the unleaden weight of either of which exceeds 12,000 kgs.

Recruitment and Promotion Rules of Central Government

5.3.2 The Department of Personnel & Training of the Government of India in their Office Memorandum dated 1.6.98 have recently revised the pay scales of Staff Car Drivers and laid down that with effect from 1.1.96 ordinary grade Staff Car Drivers will be in the scale of Rs. 3050-4590, Grade II will be the scale of Rs. 4000-6000 and Grade I will be in the scale of Rs. 4500-7000 . In November, 1993 the Department of Personnel & Training

introduced a promotional scheme in pursuance of an order of the Board Bench of the Central Administrative Tribunal at New Delhi. According to the prescription of the Department of Personnel & Training, made effective from November, 1993 and as noted in paragraph 55.52 of the 5th Central Pay Commission Report, the distribution in the three grades is in the ratio of 55:25:20. Those recruited in ordinary grade are eligible for promotion to Grade II on completion of 9 years service and to Grade I after six years in Grade II. We presume that the conditions for promotion introduced in November,1993 still hold good. However, these promotions are dependent on availability of vacancies.

- 5.3.3 The 5th Central Pay Commission was aware that the promotion scheme introduced in November, 1993 has not benefited the Staff Car Drivers in smaller offices because these offices have only one or two staff cars and hence, only a limited number of posts of Drivers. The attempt of the Department of Personnel & Training to provide promotional opportunities by allowing clubbing of different offices and units and operating a single cadre on a nodal basis for Staff Car Drivers has not been possible in all offices. Moreover, in larger offices the prescribed percentage and adequate vacancies have failed to accommodate all drivers fulfilling the eligibility criteria. A similar situation has also happened in Bihar because three selection grade posts of 20 percent, 12.5 percent and 2.5 percent have benefitted only where there are sufficiently large number of Staff Car Drivers and individual offices where the number of staff car drivers is very small, the drivers have naturally not been benefitted.
- 5.3.4 This Committee was able to procure a General Statutory Rules notifying the Recruitment Rules of Drivers of the Central Board of Excise & Customs, Customs, Excise and Gold (Control) Appellate Tribunal of the Ministry of Finance and the Directorate General of Health Services of the Ministry of Health & Family Welfare. All these G.S.Rs. are of April, 1996 or January or February,1997 and are before the 5th Pay Commission recommended scales became applicable. The ordinary Staff Car Drivers are required to be within the age group of 18 to 25 years, relaxable up to 40 years in case of

Government servants and 45 years in case of Scheduled Caste and Scheduled Tribe Government servants. The candidates are required to possess a valid driving license for motor car, have knowledge of motor mechanism and experience of driving a motor car for at least 3/5 years. In case of the Health Department, the prescribed experience is 5 years whereas it is 3 years for the Ministry of Finance offices. Among the desirable qualification is a Pass in the 8th Standard/Middle Standard pass of a recognised school as well as three years service as Homeguard /Civil volunteer but the qualifications are relaxable at the discretion of the Director/Deputy Secretary (Administration) in the case of candidates otherwise well qualified. For promotion as Driver Grade II, a Driver is required to have put in at least 9 years regular service as an ordinary Staff Car Driver and have passed a test which includes:-

- (a) must be able to read English numericals and figures,
- (b) must have good knowledge of traffic regulations,
- (c) must be able to locate faults and carrying about minor running repairs, and
- (d) must be able to change wheels and correctly inflate tyres as well as pass a practical test based on the above.
- 5.3.5 For promotion from Grade II to Grade I Staff Car Drivers the minimum period is six years regular service in Grade II or combined regular service of 15 years in Grade II and in ordinary grade put together and only those having passed the trade test are eligible. In the Central Board of Excise & Customs for appointment as a Driver in ordinary grade driving proficiency is to be tested through a driving test. All these G.S.Rs. further provide that Staff Car Drivers can be appointed by transfer on deputation/transfer from regular Despatch Riders and Group D employees of the Board Office/Ministry or from outside who fulfil the necessary qualifications or through ex-servicemen by transfer on deputation or re-employment as well as

from Armed Forces personnel due to retire or who are transferred to reserve forces within a period of one year subject to their having the requisite experience and qualification.

5.3.6 For each category the probation period is two years and in the Directorate General of Health Services the Departmental Promotion Committee for promotion to Grade II and Grade I Staff Car Drivers is constituted with the Chairman being the Director (Administration) and an Under Secretary and Deputy Director (Admn.) being Members. Rules for appointment of Staff Car Drivers in the Central Board of Excise & Customs mentions that if in the Departmental Promotion Committee there is no member belonging to Scheduled Caste/Scheduled Tribe, then a Group A officer from outside the Department and belonging to the SC/ST category shall also be associated as a member of the Departmental Promotion Committee.

We have not yet been furnished with the Recruitment Rules for appointment of Staff Car Drivers by any State Government Department. We only have an order of the Department of Personnel and Administrative Reforms stating that for promotion from junior selection grade to the senior selection grade in the category of Staff Car Drivers the minimum eligibility period will be a particular number of years. The eligibility period for promotion from the junior selection grade to the senior selection grade will now have to change because for the State Government employees the provision of selection grades have been abolished.

Recommendations

5.3.8 We recommend as follows:

(a) In whichever office it is possible to have a formulation of 55:25:20 which will depend upon the strength of Staff Car Drivers, promotion as per the Central yardstick is recommended. Instead of only one grade, there will be

three grades and the first promotion will be due not before nine years and the second not before six years depending on the availability of posts.

- (b) Wherever this yardstick cannot be adopted because the strength of Staff Car Drivers is small, offices could be clubbed together. Wherever there are field offices, the number of Staff Car Drivers could be pooled together and their promotion may be either at the State level or at the level of a jurisdiction which is headed by a Divisional Commissioner.
- (c) Wherever such clubbing is not possible, the Department of Personnel & Administrative Reforms may frame suitable rules for clubbing of departments/offices and notifying a nodal department.
- (d) Recruitment Rules should be framed according to what is prevailing in the Central Government and similar promotion Rules should be prescribed based on the Central pattern.
- (e) The Departmental Promotion Committee should be reconstituted with a Special Secretary being the Chairman of the D.P.C. because the pay scale of a Director corresponds with that of a Special Secretary in the State. If a Special Secretary is not available then an officer not below the scale of Rs. 14,300-18,300 should be appointed as the Chairman, with two other members, one of whom has to be an S.C./S.T.
- (f) A probation period of two years should be laid down for each grade and a trade test including a practical test

should also be devised for promotion to the two higher grades above the Ordinary grade.

- (g) Beyond the scale of Rs. 4500-7000 no post should be created unless in view of the opinion of the Finance Department as well as the Department of Personnel & Administrative Reforms supervisory posts need to be created.
- (h) The scheme of Assured Career Progression as notified by the Centre will mutatis-mutandis apply in the State.
- (i) If the posts are to be filled by transfer on deputation or by transfer, a driving test should be conducted based on Central rules.

Barber

- 5.4.1 There are posts of Barbers in the Health Department and Department of Primary, Secondary and Adult Education. In both these departments Barbers are in the revised pay scale of Rs. 2610-3540. We have with us the recruitment qualification for the post of Barbers in the Farakka Barrage Project. The Barbers are required to have knowledge of their trade. According to the GSR No.943 dated 18.11.1988 the pay scale of the Barber is Rs. 2550-3200. The posts are filled by direct recruitment. As we do not have any information regarding the number of Barbers in these two State departments we are unable to frame any promotion policy for them. At best we may recommend that in case there are a large number of Barbers then there should be posts of Senior Barber and Head Barber. If there are less Barbers then there is no justification for creation of promotional posts of Barbers.
- 5.4.2 In the Home Guard organization there are 35 Barbers against a sanctioned strength of 41. Hence out of these 9 Barbers will

be in the scale of Rs. 2650-4000 in the 'B' Category Home Guard districts and 4 in the scale of Rs. 2750-4400 to be designated as Head Barbers in the three special Battalions and at Bihta Training Centre.

5.4.3 We recommend that specific promotion and recruitment rules should be framed for Barbers in this State. A practical test could be devised to select Barbers from out of those who are Primary Standard Pass. Unless there are seven to eight Barbers in an organization, no post of Senior or Head Barber seems justified.

Washerman (Dhobi)

5.5.1 In Bihar posts of Washerman or Dhobi are in the Departments of Home, Health, Medical Education and Family Welfare as well as Cabinet Secretariat and Coordination Department (Governor's Secretariat). They are all in the pay scale of Rs. 2650-4000. This pay scale was recommended by the Fitment Committee on the basis of the recommendation of 5th Central Pay Commission at paragraph 63.306. The 5th Central Pay Commission recommended that the Washerman under the Ministry of Defence should be granted the uniform pay scale of Rs. 750-940 as the starting pay scale and higher scales under the Assured Career Progression Scheme recommended for the auxiliary staff but noted that existing incumbents may be granted replacement scales as personal to them. According to GSR No.943 dated 18.11.1988 in the Farakka Barrage Project of the Ministry of Water Resources, the Washerman is in the pay scale of Rs. 750-940. The age limit is 18-25 years and they are required to be literate and be able to read Hindi or English or any regional language. All the posts of Washermen in the Centre are filled by direct recruitment. Therefore, we recommend that in future the Dhobi should be recruited in the pay scale of Rs. 2550-3200 with the same qualification as mentioned for the Farakka Barrage Project. The existing incumbents will continue in the revised pay scales sanctioned for them but in future the Washermen should be in the pay scale of Rs. 2550-3200 and the promotional posts would be in the scale of Rs. 2650-4000.

5.5.2 We do not have the total number of Washermen under the Home Department, in the Cabinet Secretariat and in the Department of Health and hence we are unable to specifically mention what should be the number of promotional posts for them. However, on the basis of what we have mentioned above the promotional posts should be worked out in the pay scale of Rs. 2650-4000 for the existing Washerman/ Dhobi. In the Home Guard Organization there are 39 Washermen though the sanctioned strength is 44. Posts of Senior Washermen could be at the units where there are more trainees and posts of Head Washermen in the scale of Rs. 3050-4590 would be at the Training Centre at Bihta and in the three special battalions. Hence there will be 4 Head Washermen and 9 senior Washermen in the 'B' Category Homeguard Districts (Patna, Nalanda, Gaya, Saran, Motihari, Madhubani, Samastipur, Ranchi and Chaibasa). However, in future the Washermen will be appointed in the basic grade of Rs. 2550-3200 and will have promotional posts in the scale of Rs. 2610-3540 and Rs. 2650-4000, respectively.

Cobbler

There is a post of Cobbler in the Netarhat Public School under the Department of Primary, Secondary and Adult Education. The pay scale of the Cobbler is Rs. 2650-4000. We have with us the recruitment rules for the post of Cobbler as mentioned in the S.R.O. 1048 dated 7.9.1974 of JIPMER, Pondicherry under the Ministry of Health and Family Planning. The Cobbler is required to be a professional Cobbler and the desirable qualification is Primary Standard pass and the then pay scale was Rs. 75-95 which has now got revised to Rs. 2550-3200. We recommend that the existing Cobbler will be in the pay scale of Rs. 2650-4000 but whenever the Bihar Government recruits Cobblers they would be in the pay scale of Rs. 2550-3200. As the post of Cobbler in Netarhat Public School is a solitary post, we are not recommending any promotional post for him. The provisions of the Assured Career Progression Scheme will apply in his case.

Tea Makers

5.7.1 There are posts of Tea Makers in the Labour and Employment Department in the pay scale of Rs. 800-1150. The revised pay scale for this post is Rs. 2610-3540 as has been mentioned in Finance Department Resolution No.660 dated 8.2.99. According to GSR 88 dated 1.3.99 of the Delhi Milk Supply Scheme (Canteen Employees) of the Department of Animal Husbandry & Dairying, the Tea Maker is in the scale of Rs. 2610-3540 and is required to be a Primary Standard pass in the age group of 18 to 25 years and the post is filled by direct recruitment. The Tea Maker in the Canteens of the Delhi Milk Supply Scheme is eligible for promotion as Halwai/Cook in the pay scale of Rs. 3050-4590 and the feeder grade includes other than Tea Maker the posts of Bearer, Wash Boy and Sweeper who have put in 8 years of service in the grade. We recommend that the same promotion policy and recruitment qualification should be adopted by the State Government in respect of Tea Makers. But a Tea Maker will only be promoted as Cook/Halwai after judging his ability and proficiency as a Cook.

Barkandaz

5.8.1 In the Survey Office at Gulzarbagh in the Department of Revenue and Land Reforms, there are posts of Barkandaz in the scale of Rs. 2650-4000. According to GSR No.943 dated 18.11.1988 in the Farakka Barrage Project in the Ministry of Water Resources there are posts of Barkandaz numbering 14 in the scale of Rs. 2550-3200. The Barkandaz in the Central Government is required to be Class VIII pass . As the pay scale of Barkandaz is higher in this State this post should be a promotional post for Mates and Class IV employees working in the Survey Office, Gulzarbagh and nobody who is less than Class VIII pass will be eligible for promotion as Barkandaz.

Chargeman / Foreman

5.9.1 There are posts of Chargeman in the Agriculture Department, Chargeman (Chemist) under Water Resources Department and Chargehand Foreman in the Industries Department. All are in the scale of Rs. 5000-8000. Then there are posts of Foreman in the Department of Agriculture, Tourism, Road Construction, Water Resources, Industries, Science and Technology and Energy. All these Foremen are in the scale of Rs. 5000-8000. There are also Foreman (Night Shift) in the Finance Department and Foreman (Machine Shop) and Auto Foreman in the Information and Public Relations Department but are in the lower scale of Rs. 4500-7000.

Promotion Rules of the Central Government

5.9.2 According to GSR No.11 dated 27.12.1995 there are posts of Chargeman (Mechanical) as well as Chargeman (Boiler) in the scale of Rs. 5000-8000 in the Security Paper Mill, Hoshangabad under the Department of Economic Affairs, Government of India. The Chargeman (Mechanical) is required to be a diploma holder in Mechanical Engineering with 3 years experience in repairs and maintenance of mechanically operated machines. 75% of the posts are filled by promotion and 25% by direct recruitment. Shift Fitter Grade I, Mechanic Grade I, Welder Grade I and Auto Mechanic Grade I are eligible for promotion as Foreman provided they have put in four years regular service in the pay scale of Rs. 1400-2300, are Matriculates and posses National Trade Certificate in Fitter/ Turner/ Machinist, etc. The Chargeman (Boiler) is required to be Higher Secondary or equivalent, have Boiler Attendant Class I certificate of proficiency with five years experience of running and repairing of steam boilers. The posts are filled entirely by promotion from the Boilerman Grade I with 4 years regular service in the scale of Rs. 1400-2300.

5.9.3 According to GSR No. 548 dated 18.11.1992 the post of Senior Foreman (Civil) Grade II in the office of Chief Engineer and

Administrator, Andaman & Lakshadweep is in the scale of Rs. 4500-7000. The Senior Foreman is required to have a certificate in Civil Engineering from a recognized institution with five years experience in civil construction work/hydrographic survey or matriculation with 8 years experience in civil construction work/hydrographic survey. Foreman (Civil) Grade I with 5 years service are eligible to be promoted as Senior Foreman.

There are also posts of Foreman in the scale of Rs. 5500-9000 who are required to be diploma holders with four years experience in Paper Mills. According to the recruitment qualification in the Security Paper Mill at Hoshangabad most of the posts of Foremen are promotional posts. For example, a Senior Foreman is promoted from Foreman (Production) with two years regular service in the scale of Rs. 5500-9000. Then again posts of Foreman (Electronic and Instrumentation) are filled 25% by promotion and 75% by direct recruitment. Chargemen (Electronic and Instrumentation) with 2 years regular service in the scale of Rs. 5000-8000 are eligible for promotion in the scale of Rs. 5500-9000. The Foreman is required to have a Diploma in Electronics / Radio Engineering /Instrumentation or B.Sc. in Physics as well as five years experience in any factory.

Recommendation

5.9.5 In Bihar Foremen should be at least diploma holders in the concerned trade and as these posts are in the scale of Rs. 5000-8000, they can be filled from those having experience of three years in the relevant trade. For promotion as Foreman in the scale of Rs. 5000-8000 the specific experience has to be in the scale of at least Rs. 4500-7000. In the absence of information we are unable to suggest what the specific feeder cadres are for promotion to the grade of Foreman. Wherever information has been provided, we have spelt them out. But the presumption is that without a diploma in the concerned trade the Foreman will not be entitled to the scale of Rs. 5000-8000.

Labourer

5.10.1 In Bihar the Labour /Labourer/Unskilled Labour is in the scale of Rs. 2550-3200. According to GSR No. 652 dated 26.6.1991 in the Postal Printing Press at Bhuvaneshwar (Orissa) the Labourer is in the pay scale of Rs. 2550-3200 and he is only required to be a Middle pass or equivalent. Hence in Bihar Labourers/ Labour/Unskilled Labour will have to be Middle pass or equivalent before they are recruited. We have mentioned in other Chapters that such posts will have promotional facilities to other posts in higher scales if they have the requisite training/skill as well as educational qualification.

Security Attendants

5.11.1 In the Central Government, Security Attendants like Choukidar and Watchman are generally in the scale of Rs. 2550-3200. In the State, a Watchman is in various scales of Rs. 2550-3200, Rs. 3050-4590 and the Head Watchman is generally in the scale of Rs. 2610-3540. The Treasury Guard is generally in the scale of Rs. 2610-3540. The pay scale of Rs. 2550-3200 is available to a variety of designations who generally have to do the work of Security Attendants. These posts in the lowest pay scale have been designated variously as Choukidar, Night Guard, Darwan, Guard, Servant cum Wathchman, Security Guard, Prahari, Record Guard, Store Choukidar, Choukidar cum Sweeper, Darwan cum Choukidar and there may be one or two other designations. There is not only a need to standardize designations but also to rationalize the pay scales. It is only in the Cabinet Secretariat and Coordination Department that the Watchman is in the scale of Rs. 3050-4590. As the Watchman in the Cabinet (Vigilance) Department is in this scale we should not treat this to be a general scale for Watchman/ Choukidar/ Darwan. The Watchman in this higher scale is recruited with the same qualification as in case of a Constable and as he is required to keep watch, maintain vigil and perform other functions that are expected from him in the Cabinet (Vigilance) Department.

5.11.2 According to GSR 682 dated 14.3.72 in the Farrakka Barrage Project, under the then Ministry of Irrigation and Power, Choukidars were required to be only literate. In Security Organisations the Choukidars were required to be literate and the desirable qualification was Class VIII pass certificate/ Middle School standard or ex National Volunteer Force / Home Guard/ex-Police personnel or a NCC trained certificate holder. In the same organisation, the Head Watchman was required to have the essential qualification of Middle School Standard/Pass Certificate in Class VIII and preference was to be given to personnel of the ex-Military/Police personnel/ National Volunteer Force/ Home Guard trained. According to the revised Recruitment Rules of the Farrakka Barrage Project as in GSR 943 dated 18.11.88 the Darwans were required to be literate and to be able to read and write either in English or Hindi or in a regional language. The Head Watchman or the Head Choukidar in a higher scale of Rs. 775-1025 was required to be a Primary School (Class V) pass with certificate of Home Guard/ Night Guard/ Ex-Police/ Ex-Military personnel/ National Volunteer Force.

Recommendations

5.11.3 In view of the above, we recommend that all such personnel with various designations should henceforth be called either Watchman or Choukidar or Night Guard and they will all be in the scale of Rs. 2550-3200 and should be at least literate with ability to read either Hindi or English. From the post of Choukidar they would be entitled to be promoted to the post of Head Choukidar or Head Watchman or Head Night Guard in the pay scale of Rs. 2610-3540 and depending upon the number of Choukidars, posts of Head Choukidars could be suitably created.

Cleaner

5.12.1 Cleaners are in various departments under the State Government and generally most of them are in the scale of Rs. 2550-3200.

The exceptions are the post of Sweepers and Cleaners in the scale of Rs. 3050-4590. The Typewriter Cleaner is in the scale of Rs. 2650-4000 and Jeep Driver cum Cleaner is in the scale of Rs. 3050-4590. Posts of Cleaner in the Central Government are available in various Organisations. We have with us GSR 47 dated 9.1.97 wherein recruitment rules for the post of Cleaners has been mentioned in respect of Border Security Force (Air wing, non-combatised, Group B & C) under the Ministry of Home Affairs. The Cleaner in the scale of Rs. 2550-3200 is required to be a matriculate or equivalent with a certificate from a recognized Institute in repair or overhaul of Petrol/ Diesel/ Electrical generators and is required to have knowledge of distribution and wiring. The Safaiwala in the Prime Minister's Office according to GSR 83 dated 11.3.1999 is in the pay scale of Rs. 2550-3200 and is required to be Primary School standard pass. According to GSR 120 dated 27.2.1988, there are Cleaners under the Department of Light Houses and Lightships of the Ministry of Surface Transport. These Cleaners are in the higher scale of Rs. 2610-3540 and the posts are filled by personnel from other Central Government Offices working in similar / equivalent grade possessing the qualification to read and write in Hindi besides a regional language. The probation period specified in the concerned GSR is two years. As some opportunities will have also to be provided to Cleaners on promotion, the higher scale will be applicable provided the Cleaners have put in at least three years of service and there are senior posts of Cleaners or Head Cleaners in that Organisation.

Recommendation

5.12.2 We realise that no yardstick has been prescribed in Central Government Offices for promotion in the cadre of Cleaners and, therefore, we are unable to recommend anything specific. We would only like to recommend that if there are at least five to six Cleaners working in an Organisation, there should be a post of Head or Senior Cleaner. If the number of Cleaners are small then these Cleaners should be considered with other Class IV personnel for promotion in higher Class IV grades in the pay scale of Rs. 2610-3540. We would also like to recommend that the Khalasis should be considered

with the Cleaners for future promotions. Generally Khalasis are only required to have physical fitness for handling work but then if the number of Khalasis are very small then these people should be considered together with Cleaners for future promotions.

5.12.3 The Typewriter Cleaner who is in the scale of Rs. 2650-4000 is required to have intimate knowledge of typewriters and hence he has been placed in a higher scale than other normal Cleaners. We recommend that Cleaners will have to be Primary School standard pass and recruitment has to be made from the age group of 18 to 25 years.

Helpers

- 5.13.1 There are various categories of Helpers in the Bihar Government who are in the scales of Rs. 2550-3200, Rs. 2610-3540 ,Rs. 2650-4000 as well as Rs. 3050-4590. The Technical Bearer and Helper is in the scale of Rs. 2610-3540, the Pern Winder Helper and Store Helper are in the scale of Rs. 2650-4000 and the Drill Helper/Helper Machineman for Platen Machines and the Helpers in the Home Department are in the scale of Rs. 950-1400 and Rs. 950-1500, respectively, which has been revised to Rs. 3050-4590. Obviously these Helpers in the Home Department are required to have the recruitment qualification of Matriculation as they are generally Constables and even if they are not Constables, they are required to be matriculates. Hence these Helpers cannot be the reference point for determination of recruitment or promotional post of Helpers.
- According to GSR 645 dated 19.6.81 of the Office of the Development Commissioner, Ministry of Industry Helpers are in Grade I and II. Helpers Grade II are now in the scale of Rs. 2550-3200 and they are required to have experience in workshop for a period of not less than one year and the desirable qualification is Middle School pass. The Helper Grade II are eligible for promotion as Helper Grade I who are also required to have experience in workshop for a period of not less than two years and all posts of

Helpers Grade I are filled by promotion from Helper Grade II. According to GSR 83 dated 11.3.99 in the Prime Ministers' Office, Helpers are in the scale of Rs. 2550-3200 and they are required to have a pass at the Primary School level. Hence the Helpers in Bihar will be in the scale of Rs. 2550-3200.

Recommendation

5.13.3 Posts of Senior Helpers could be created depending upon the number of Helpers and the scale will be Rs. 2610-3540. As the Helpers in the Home Department and Drill Helpers as well Helper Machineman for platen machines are required to have special skill they will require to be matriculates with knowledge of English & Hindi as well as have skill/training/certificate from ITI. Further, the Helpers in the Home Department have to be matriculates and fulfil all the physical standards laid down for the post of Constable. The Pern Winder Helper will continue to be in the scale of Rs. 2650-4000 provided they are experienced and should not be only Primary School standard pass.

Record Supplier/Daftary cum Record Supplier/Daftary

Daftary cum Record Keeper in the scale of Rs. 2610-3540 and these posts in the Central Government are filled cent percent by promotion from Peons who have rendered at least three years regular service in that capacity and have passed VIIIth Standard. There are Record Keepers in the Department of Heavy Industry, Ministry of Industrial Development, Government of India in the pay scale of Rs. 2750-4400. The posts of Record Keepers are filled by promotion from amongst Daftaris (selection as well as ordinary grade) and Record Sorters (Group D) having the qualification of middle pass with minimum service of six years as Daftary (Ordinary grade) or four years as selection grade Record Sorter (Group D). The desirable qualification is capability of handling routine clerical jobs in English or Hindi.

5.14.2 In Bihar, the Record Sorters and Record Suppliers are in the scale of Rs. 2650-4000. The 5th Central Pay Commission at paragraph 53.12 had specifically mentioned that the functions of Daftary and Record Keeper are distinct and, therefore, there is no justification for upgradation of the scale of pay of the former post to that of the latter. The Fitment Committee would also recommend that in future Record Keepers should not be separate posts and the relevant functions should be entrusted to anyone of the Group D personnel in an office. As Record Sorters are not the same as Record Keepers, this Committee did not extend the pay scale of Rs. 2750-4400 to the Record Sorters and recommended for them the scale of Rs. 2650-4000. In the Central Government the post of Record Sorters are available and now they are to be treated as Selection Grade Daftary, viz. in the scale of Rs. 2650-4000 because the Daftary is in the scale of Rs. 2610-3540. The Central Government also allowed 15% of the total number of permanent posts of Daftary to be treated as selection grade posts and this will be the number of posts to be made available for Record Sorters.

Recommendations

- 5.14.3 If in any Department of Bihar there is a need of Record Keeper above that of Record Sorter or Record Supplier then the pay scale would be above that of Record Supplier who are in the scale of Rs. 2650-4000. But the post of Record Suppliers will be promotional posts for Daftary. Therefore, in any office given the number of Class IV personnel, there will be a post of Daftary in the scale of Rs. 2610-3540, posts of Record Sorter/ Record Supplier or selection grade posts of Daftary in the scale of Rs. 2650-4000 and according to work load posts of Record Keepers could be created in the scale of Rs. 2750-4400 subject to the candidates fulfilling the qualification that we have mentioned above.
- 5.14.4 Treasury Sarkars in the scale of Rs. 2750-4400 will also be promotional posts for either Record Keepers or Record Suppliers or Daftaris.

It would be more appropriate to promote the senior-most in the feeder grade as Treasury Sarkar provided he fulfills the qualification.

Cutter

5.15.1 There are various types of Cutters in the various departments of the State Government. They are Block Cutter and Cutter Binder in the pay scale of Rs. 2650-4000, the Senior Cutter and Block Cutter in the pay scale of Rs. 3050-4590 and Saw Miller cum Wood Cutter in the pay scale of Rs. 4000-6000. We do not have the exact numbers in each grade of Cutters in the various Department of the State Government. This is a draw-back which we have been facing regularly in devising promotional opportunities for the State Government employees and we have to lay down the promotion policies in spite of this constraint.

5.15.2 In the Planning and Development Department the Cutter Binder and the Block Cutter in the Industries Department are in the scale of Rs. 2650-4000 and the latter post with the same designation is available in the Science and Technology Department but in the pay scale of Rs. 3050-4590. The Cutter in the Home Department is in the pay scale of Rs. 3050-4590. According to the GSR No.880 dated 1.9.1988 in the Central Power and Research Station, Pune (Workshop Staff), Craftsman Grade D in the pay scale of Rs. 2650-4000 are required to be VIIIth standard pass with 5 years experience in the relevant trade. In case a candidate is having a National Trade Certificate or a Certificate from an Industrial Training Institute he will not be required to have the stipulated five years experience. Therefore, the Block Cutter and Cutter Binder in the scale of Rs. 2650-4000 will have to have this qualification. In the same organisation in the Centre the Craftsman Grade C in the pay scale of Rs. 3050-4590 is required to have a National Trade Certificate or a certificate of an Industrial Training Institute in the relevant trade and 3 years practical experience, those with National Apprenticeship need to have two years practical experience in the relevant trade. All these posts of Craftsman Grade C in the Centre are filled 90% by direct recruitment and 10% by promotion from Craftsman Grade D in the pay scale of Rs. 2650-4000 with 3 years regular service in the grade. Therefore, in the Bihar Government departments if there is any necessity of having posts of Block Cutter in the pay scale of Rs. 3050-4590, then similar promotional opportunities with appropriate technical qualification as indicated above would need to be devised.

- 5.15.3 Craftsman Grade B in the same organisation are in the pay scale of Rs. 4000-6000 and all the posts are filled by promotion from Craftsman Grade C who are in the pay scale of Rs. 3050-4590 and have put in 8 years regular service in the grade. The Saw Miller cum Wood Cutter in the Industries Department will be a promotional post for the Block Cutter who is in the pay scale of Rs. 3050-4590, on lines similar to what is prevalent in the Central Government.
- 5.15.4 We have no information regarding the number of Cutters who are having various designations. Therefore, we cannot lay down any yardstick for promotions of these Cutters. The suggestions made above will help the various departments to devise promotional opportunities for Cutters.

Caretaker

5.16.1 We had discussed the pay scale of Caretaker in the context of the post of Caretaker in the Moinul Haque Stadium, Patna under the Department of Youth, Art and Culture in paragraph 13.2.4. We had recommended that in case the qualification of the Caretaker is a diploma in Civil Engineering, the revised scale should be Rs. 5000-8000. For the Assistant Caretaker as well as Caretaker in the Secretariat Building Establishment of the Finance Department, we recommended the pay scales of Rs. 5000-8000 and Rs. 6500-10500, respectively. We had also recommended in the chart containing recommended revised pay scales that the scale of Rs. 6500-10500 would be available to the Caretaker if the recruitment qualification is an Engineering Degree. Our recommendation follows the recommendations of the 5th Central Pay Commission at Paragraph 55.38 wherein it was recommended that up to

2000 sq. metres of the floor area of a building no separate Caretaking staff needs to be sanctioned and an allowance for Caretaking should be recommended @ Rs. 200 and Rs. 100 per month for Group C and Group D posts, respectively. The Commission had recommended that for upto 7000 sq. metres and above 2000 sq. metres of floor area there should be one post of Caretaker in the scale of Rs. 3050-4590 and a post in a higher scale should be created on the basis of floor area that needs caretaking and the 5th Central Pay Commission recommended revision in the norms evolved by the Ministry of Finance, Department of Expenditure in 1990.

5.16.2 We have with us the Recruitment Rules of post of the Caretaker of Department of Expenditure's Institute of Government Account and Finance notified vide GSR No.205 dated 10.4.97 and of the National Institute of Sugar Cane and Sugar Technology, Mau of the Ministry of Food & Consumer Affairs notified vide GSR No.140 dated 20.7.98. In both the cases, the pay scale of the Caretaker is Rs. 4000-6000 and the minimum age is 18 years, relaxable up to 30 years for Government servants. In the Ministry of Finance, the essential qualification is a Degree of a recognised University or equivalent and three years' experience in handling Stores and maintenance of building and the post is to be filled by transfer on deputation/transfer, failing which by direct recruitment. Those eligible for transfer are required to hold in the Central Government analogous posts on regular basis or have put in 5 years service in posts in the Central Government in the pay scale of Rs. 950-1500 or equivalent and possessing qualification and experience prescribed for direct recruits. In the Institute at Mau, the Caretaker is required to have a 12th Standard pass in any of the disciplines from a recognised University/Board as well as years experience in Government Organization/Commercial Organisation as a Caretaker. The post in Mau is filled by absorption/deputation, failing which by direct recruitment. Deputationists are required to hold analogous posts on regular basis, have 8 years regular service in the scale of Rs. 3050-4590 and possess the qualification and experience prescribed for direct recruits. The Departmental Promotion Committee in the case of a Caretaker in the Department of Expenditure is presided over by the Controller General for Accounts and there are two other Members who are Assistant Controller Generals. In the case of the Caretaker at Mau, the Director (Extension and Training) of the Institute is the Chairman with two other members from the same Institute.

5.16.3 The 5th Central Pay Commission had recommended that as a general rule posts of Caretakers should not be separately created and the responsibilities of Caretaking should be entrusted to the existing personnel in Group D and Clerical cadres. It is only since 1980 that the post of Caretaker is treated as isolated ex-cadre ones to be filled by personnel from regular establishments on deputation. In the CPWD Manual, 1992 Edition there is no mention of a separate post designated as Caretaker and the job of caretaking is done either by a L.D. Clerk or the U.D.Clerk depending upon who is assigned the task and at times the work is also entrusted to Class IV/Group D staff.

It is quite clear from the above that the job of caretaking is not something for which specific recruitment procedures need to be laid down. We recommend that in future no post of Caretaker be specifically designated in any office. Wherever work of Caretaker is taken from an employee, the Central rates of allowance may be sanctioned. The 5th Central Pay Commission had while discussing the case of Caretakers recommended that Group C personnel should get Rs. 200 per month and Group D personnel Rs. 100 per month. We accordingly recommend that as and when the Central Government decides on this allowance, the same should be extended to such personnel who are entrusted with the job of caretaking provided the floor area of the building is up to 2000 sq. metres. If the area is more than 20,000 sq. metres then a post in the scale of Rs. 5000-8000 would require to be created in addition to a post in the scale of Rs. 3050-4590.

Typists

5.17.1 The Secretariat Instructions which were last revised in 1952 January refer to only posts of Typists and Head Typists. The Head Typists are required to type and compare as well as distribute work among

Typists under them, determine the priority in which work of Typists should be done in the Section, ensure Log Books are maintained properly by the Typists and send requisition and obtain stationery articles and distribute them among the Typists. In addition, they are supposed to carry out duties assigned by the Registrar or Office Supervisor. Chapter 2, Section 1 of the Secretariat Instructions mention that a Typist shall be allowed on the basis of 15 full scap pages or 4,500 words in typing and comparing every day. It has further been provided that where the number of Typists is between 3 and 9, one of the Typists will be eligible for the higher pay scale of Head Typist or the due charge allowance. Thereafter from amongst every 6 additional posts of Typists in a Department or Office one of them will be designated as Head Typist and will be allowed higher scale of pay and charge allowance.

Recruitment Qualification & Promotional Avenues in the Past

5.17.2 The minimum qualification for initial recruitment to the post of Typist as mentioned in the Secretariat Instructions is Matriculation and typing at a test for not less than 10 minutes at an average speed of 30 words per minute in Hindi from printed matter with mistakes not exceeding 1 and half percent. Earlier when the Secretariat Instructions were revised in 1952 there were also Class I Typists who were promoted from Class II Typists on the basis of seniority and merit. With effect from 1.3.1977 the posts of Class II and Class I Typists were merged and the pay scale of Rs. 296-460 was extended to both the categories of Typists. The Finance Department vide its order dated 11.12.1974 created posts of Head Typists, selection grade Typists and Head Typists in senior selection grade, also known as Typing Superintendent with effect from 1.4.1974. The number of posts of Head Typists in selection grade was fixed at 5% of the posts of Typists, reduced by the number of Typists. The number of Head Typists in the senior selection grade known as Typing Superintendent is fixed at 2% of the total of Typists reduced by the number of Head Typists. Subsequently the Finance Department by its Order No.5015 dated 5.5.1981 provided that posts of selection grade Head Typists will be 7% of the total number of Typists in various grades and the posts in the senior selection

grade Head Typists (Superintendent) will be provided to 3% of the cadre of Typists. This rationalisation was made effective from 1.5.1980.

- 5.17.3 Department of Personnel and Administrative Reforms had notified on 1.3.1985 the minimum period of 6 years for promotion to the grade of junior selection grade Typists, 5 years for promotion from junior selection grade to senior selection grade and 2 years for promotion from senior selection grade to Superintendent.
- 5.17.4 We have already recommended on the lines of the Central Secretariat Clerical Service that a Bihar State Clerical Service needs to be constituted with the Bill Clerks, Routine Clerks and if necessary Typists forming part of the Bihar State Secretariat Clerical Service. From this Service there could be avenues of promotion to the Bihar State Secretariat Service consisting of the cadre of Assistants and above as is in the Central Government.
- 5.17.5 In the Central Government there are 4789 Assistants, 2190 Section Officers, 488 Under Secretaries and 137 Deputy Secretaries who constitute the Central Secretariat Service and the respective strength of each cadre as indicated is as on 1.7.1994. In the Central Secretariat Clerical Service the strength of the L.D. Clerk and U.D. Clerk as on 1.7.1994 was, respectively, 5615 & 5380. The ratio of Lower Division and Upper Division Clerks in the Central Secretariat Clerical Service was revised to 50:50 with effect from April, 1994 whereas earlier in 1978-79 the cadre was restructured in the ratio of 60:40. 80% of the vacancies in the cadre of L.D.C. are filled by direct recruitment on the basis of a competitive examination held for the purpose by the Staff Selection Commission, 15% are filled by promotion from Group D employees and the rest 5% are filled from amongst outstanding sportsmen to be recruited on the basis of selection to be done by the Staff Selection Commission. The 15% promotion from the posts of Group D/Class IV are filled to the extent of 10% through qualifying examination held for the purpose by the Staff Selection Commission and 5% are filled on the basis of seniority subject to rejection of unfit, from amongst the Group D personnel whose

length of service is as prescribed by the Department of Personnel and Training of the Government of India provided the candidates are at least Matriculates.

5.17.6 The 5th Pay Commission in paragraph 45.49 have noted that Class IV personnel who have at least put in more than 5 years service are eligible to sit in the competitive examination. At paragraph 45.54 they have mentioned that the vacancies in the grade of U.D.Clerk are filled 75% by promotion on seniority cum fitness basis from amongst L.D.Clerks with 8 years service and the remaining 25% are filled through a limited departmental competitive examination in which L.D.Clerks with 5 years service are eligible to appear. Those who are promoted to the post of U.D.Clerk on seniority cum fitness basis have to successfully complete probation and appear in a type writing test and pass the examination in accordance with the procedure laid down. The age for direct recruitment of L.D. Clerks is a minimum of 18 years and maximum 25 years.

Formation of Bihar State Clerical Service and inclusion of Typists

5.18.1 As the State Government have decided in principle to constitute a Bihar Secretariat Clerical Service on the pattern of the Central Secretariat Clerical Service it would now be necessary to make recruitment in the grade of L.D. Clerks. As is in the Centre 80% of the posts will have to be filled by direct recruitment by either the Bihar Public Service Commission or another Commission organised on the pattern of the Staff Selection Commission to be set up by the State Government. While appreciating the work that is being done by the Bihar Public Service Commission the fact is that a single body cannot recruit personnel right from Class I to Class IV and hence the State Government would have to consciously take a decision to constitute a separate Commission or create a body for making recruitments to Class II, Class III and Class IV. Though in the Central Government recruitment in Class IV are generally done not through the Staff Selection Commission but made by the Departments as well as by the respective appointing authorities, 5% of the posts should be filled from amongst outstanding sportsmen and 15% of the posts would then be filled in the manner as is laid down in the Central Government.

For appointment to the post of L.D. Clerk in the pay scale of Rs. 3050-4590, the Treasury Sarkar, Record Supplier, Orderly Peon, Jamadar Peon, Jamadar Orderly could be made eligible for filling 15% of the posts. Other Class IV and III could be included in the eligibility list provided they are Matriculates. 5% of the vacancies will be filled on the basis of seniority and 10% through a qualifying examination. The Treasury Sarkars and Record Suppliers will be prime beneficiaries of this promotion policy because they will not only be senior among the Group D employees who will occupy 5% posts of L.D. Clerk but by virtue of their ability of being better educated should also qualify for 10% of the remaining posts. But these 10% posts would be open to all Class IV employees who may be interested in qualifying for the post of L.D. Clerks.

5.18.2 The minimum eligibility period for promotion to the post of U.D. Clerk is 8 years in the Central Government provided the promotion is on the basis of seniority -cum- fitness basis. Hence in the foreseeable future the direct recruit L.D. Clerk appointed through an examination will be eligible to fill up the posts of U.D.C. Hence it will be necessary to make some interim arrangement. If the State Government want to have the same set up as is prevailing in the Centre then the Bill Clerks, Routine Clerks and the Typists could be designated as Upper Division Clerks. The total strength of Typists, Bill Clerks and Routine Clerks would be above 1500 but there is a problem in designating the Typists as Upper Division Clerks because the Head Typists are in a higher revised pay scale of Rs. 5000-8000. The other alternative is to designate the Typists as U.D. Clerks and the Head Typists as U.D.C. will be in the revised scale of Rs. 5000-8000 which will be available to all such Typists who stand promoted in the scale of Rs.1400-2600. The third alternative is to continue with the Typists and Head Typists and make no fresh recruitments in these two categories so that in future there will be appointments in the grade of L.D. Clerks who will be required to do the work of Typists. The Typists are also in a selection grade in the scale of Rs. 1640-2900 and the proposal of designating them as Assistant could be considered as there are not many. Then these Typists could be considered for promotion as Section Officer. Some problem is anticipated in fixing inter -se- seniority and then a decision could be taken on the basis of existing rules. If that is not acceptable to the State

Government then selection grade and super time scale Head Typists could be in a separate seniority list and then could be considered for promotion in the grade of Section Officers provided they have the same years of service as other Assistants who are considered for promotion to the grade of Section Officer. 43 Type Superintendents can be designated as Section Officers and apart from the better ones, the rest could be given lighter sections. However, posts of Section Officers would be personal to these Type Superintendents as the posts would only be available to them till they retire. We have been given to believe that in the cadre of Assistants and Section Officers there are a large number of vacancies which would allow such adjustments to be made.

Alternatives to consider

5.18.3 The Bill Clerks and Routine Clerks to be designated as U.D. C.s will not get any promotion as Assistants on the basis of seniority but will have to compete for direct recruitment with others for the 50% of the posts. The State Government could consider relaxing the age limit for departmental candidates up to the age of 52. The other option is to have a separate cadre of Assistants in the attached offices who will be in the scale of Rs. 5000-8000 as is prevalent in the Central Government offices. Then these Bill Clerks, Routine Clerks and Typists could be considered for promotion as Assistants but only in attached offices. At present there is no distinction in Bihar among Assistants in the Secretariat and attached offices—though in the Central Government such a distinction exists. The qualifying service, educational recruitment qualification and Departmental Promotion Committee could be laid down on the pattern of what are prevalent in the Central Government.

Accountant

5.19.1 We have with us several Recruitment Rules for the post of Accountant under the Directorate of Marketing Inspection of the Department of Rural Development, in the North Eastern Council Secretariat at Shillong under the Ministry of Home Affairs and in the Ministry of Law, Justice and

Company Affairs. While the post of Accountant in two organisations are in the scale of Rs. 1640-2900 now revised to Rs. 5500-9000, the pay scale of the Junior Accountant in the Ministry of Law is Rs. 4500-7000. In the Ministry of Law, Justice and Company Affairs the post of Accountant is filled on deputation basis from Upper Division Clerks of the Central Secretariat Clerical Service with 5 years regular service in the grade or persons working in Central Government in the scale of pay of Rs. 4000-6000 on regular basis with 5 years regular service in the grade or persons working in Central Government in the scale of pay of Rs. 4000-6000 on regular basis with 5 years regular service in the grade and possessing experience of 2 years of handling cash in any Government of India office or Upper Division Clerks who have successfully undergone training in cash and accounts at the Institute of Secretariat Training and Management.

5.19.2 The Accountant in the Rural Development Department and in the Ministry of Home Affairs are in the pay scale of Rs. 1640-2900. While the post in the Ministry of Home Affairs is filled by promotion, failing which by transfer on deputation, the Accountant's post in the Rural Development Department is filled by transfer on deputation. In the Ministry of Home Affairs the post is available to Assistants with 5 years regular service in the grade and if filled by transfer on deputation Upper Division Clerks of Central Secretariat Service with 8 years regular service in the grade are also eligible provided they have undergone training in cash and accounts work in the Institute of Secretariat Training and Management (IST & M) or equivalent and possess 3 years experience of cash and accounts and budget work. Officers of the Central Government who have a pass in the Subordinate Accounts Service or equivalent examination conducted by any of the Accounts Departments of the Central Government are also eligible if they have put in 8 years service in the scale of Rs. 1200-2040 or 5 years regular service in the scale of Rs. 1400-2300/2600. The recruitment rules for the post of Accountant in the Rural Development Department lays down that an Assistant of the Central Secretariat Service holding the post on a regular basis or Upper Division Clerks with 10 years regular service and those who have undergone training in cash and accounts in IST & M are eligible to be appointed on transfer on deputation.

Incidentally, the pay scales of the Assistants of the Central Secretariat Service and that of the Accountant are now the same.

Pay Scales of Staff in Accounts in Bihar

5.19.3 The Secretariat Manual of the Bihar Government provides at paragraph 2.6 the designations of the staff of the Finance Department's Accounts Branch. The Secretariat Manual (1952 edition) mentions that there are Junior Bill Clerks, Senior Bill Clerks and Treasury Sarkars. Junior Bill Clerks, according to the Manual are directly recruited and the minimum qualification is Matriculation with at least 60% marks in Mathematics. Posts of Senior Bill Clerks are filled by promotion from the Junior Bill Clerks on the basis of merit and seniority. At that time i.e. in the year 1952, the Treasury Sarkars were in the scale of Rs. 28-40, Junior Bill Clerks in the scale of Rs. 50-90 and the Senior Bill Clerks in the scale of Rs. 80-120. Subsequently in 1977 the posts of Junior and Senior Bill Clerks were merged and the pre-revised pay scale of the Bill Clerks is Rs. 1200-1800. The same is the scale of Accounts Clerks in Secretariat and attached offices as well as that of the Cashier in Mufassil establishments. The pre-revised pay scale of Treasury Sarkars is Rs. 950-1400 and recently after pay revision the pay scale stands notified as Rs. 2750-4400.

Accounts Staff of the Central Government

5.19.4 We also have with us the recruitment rules of the Auditors in the office of the Accountant General. Auditors who are now in the revised pay scale of Rs. 4000-6000 are required to be graduates and recruitment is made through the Staff Selection Commission. The Auditors are promoted to the posts of Senior Auditors after passing the departmental confirmatory examination provided they have put in 3 years continuous service as Auditors. The ratio between Auditors and Accountants is 80:20. However, Auditors in the Office of the Accountant General unlike their namesake in the State Government are not required to prepare bills and keep accounts. This reference

has been given only to indicate that the pay scale of even a graduate in the Centre who is recruited through the Staff Selection Commission is only Rs. 4000-6000. But in Bihar the pre-revised scale of Rs. 1200-1800 is comparable to the pre-revised pay scale of Auditors though the recruitment qualification of the Clerical staff in Bihar who are in that scale is only Matriculation. The Manual of Office Procedure of the Government of India as provided by the Ministry of Personnel, Public Grievances and Pension, does not anywhere mention which functionary is in charge of the accounts. But after the separation of audit and account functions in Government of India, the Pay and Accounts Officers of the respective departments of the Central Government maintain accounts. In the Central Government, the departmentalised accounting system was introduced in 1976 and the departmental Pay and Accounts Officers are entrusted with the duties of making payments relating to the Ministry / Department. Hence it is quite clear that the Pay and Accounts Officers are responsible for preparation of all bills and the Controller of Accounts for each Department is responsible for consolidating the accounts, preparation of departmental manuals and rendering of technical advice to Pay and Accounts Officers.

As the Bihar Government has the Bill Clerks in the Departments at the Secretariat for preparation of bills, the pay scale of such Bill Clerks is required to be the same as those employees who are entrusted with similar work in the Central Government's departments. Chapter 10 of the Secretariat Manual of the Bihar Government mentions that the Accounts Branch of the Finance Department prepares all bills of gazetted and non –gazetted staff and draws the salaries of the office establishment of the Civil Secretariat. Public Works Secretariat is required under the Manual to make its own arrangement and disburses the salary of its personnel.

Recommendations

5.19.6 While discussing how the Bihar Secretariat Clerical Service should be constituted and the pay scales that will be admissible we had observed that the pay scale of the Bill Clerks and the Accountants should be that of the Upper Division Clerks because that is what we have recommended in Volume II, Part II of our Report. The next promotion in the scale of Rs. 4500-7000 would be available to those who have put in 5 years service and have two years experience of handling cash or those who have undergone training in cash and accounts from a recognised Institute. So far we do not have any system of training for Accountants in Bihar. If a decision is taken by the State Government to include the post of Bill Clerks and Accountants as well as Routine Clerks in the Bihar Secretariat Clerical Service then the Bill Clerks and Accountants will be eligible for promotion to the post of Assistants against 50% of the vacancies along with Upper Division Clerks. As a Select List would have to be prepared of the Upper Division Clerks from time to time depending on vacancies in the grade of Assistants, the above mentioned categories would also benefit. However, we are aware that hardly any Bill Clerk has been appointed from amongst Matriculates who have obtained 60% marks in their Mathematics paper. Therefore, the Government would have to relaxe the Rule in this regard or else promote only such of the Bill Clerks to the grade of Assistants who have got 60% marks in Mathematics papers. So far as we are aware, the State Government have not modified the mode of recruitment of Bill Clerks from what has been stated in the Secretariat Manual. We are also not aware whether after the merger of junior and senior Bill Clerks any changes have been made in the recruitment rules for appointment of Bill Clerks.

5.19.7 We are not going into the question of promotion to the post of Accountant in the scale of Rs. 1640-2900 as these posts are only available generally to Assistants who have the requisite training. The State Government would have to devise a training programmes and set up an appropriate training institution for Accountants, Clerical cadres and Cashiers as

well as for the Bihar Secretariat Service on the pattern of the Centre's Institute of Secretariat Training and Management. Post of trained Accountants are generally not available in Bihar and the Divisional Accountants in the works departments in the offices of the Executive Engineers are on deputation from the office of the Accountant General. Hence it would be more appropriate to have trained Accountants recruited from amongst graduates as is the system prevalent in the office of the Accountant General. These Accountants recruited in the pay scale of Rs. 4000-6000 will then have to qualify in the accounts examination before being promoted next to the scale of Rs. 5000-8000. The detailed recruitment and promotion rules have been discussed in detail while dealing with the case of Auditors in the Finance and Cooperative departments.

Librarian

5.20.1 We have with us the Recruitment Rules for the post of Junior Librarian as notified in GSR No.90 dated 12.3.99 in the Office of the Authority for Advance Rulings, Department of Revenue, Ministry of Finance. The post of Junior Librarian is in the scale of Rs. 5000-8000 and this post is filled by promotion failing which by deputation as well as by absorption. Lower Division Clerks with 16 years regular service in the scale of Rs. 3050-4590 having experience of library management are eligible. If the post is filled by deputation/absorption from personnel of Central Government statutory bodies then those holding analogous posts on regular basis for 8 years in the post in the scale of Rs. 4000-6000 or with 16 years regular service in posts in the scale of Rs. 3050-4590 with experience of library management are eligible. The Departmental Promotion Committee consists of Additional Commissioner, Income Tax or Joint Commissioner and two other members are Joint Commissioner of Income Tax as well as the Section Officer concerned.

Promotional / Recruitment Rules of Central Government

5.20.2 We also have with us the Recruitment Rules for the post of Librarian in the Lady Hardinge College and Smt. Sucheta Kripalani Hospital,

New Delhi in the Ministry of Health and Family Welfare. The Recruitment Rule is for the pay scale of Rs. 1640-2900 and the age limit is not exceeding 30 years and the essential qualifications are as follows:

- (a) Degree of a recognised University or equivalent.
- (b) Bachelor Degree or equivalent diploma in Library Science of a recognised University/Institute or equivalent, and
- (c) professional experience in a Library of standard or Certificate in Computer Application from a recognised Institute.
- 5.20.3 In case the post is to be filled by promotion or transfer on deputation 5 years regular service in posts in the scale of Rs. 1400-2300/2600 or equivalent and educational qualification and experience prescribed for direct recruitment will also be required. The departmental Assistant Librarian with 8 years service will also be considered along with outsiders and if selected for appointment then it will be deemed that the post has been filled by promotion. The Departmental Promotion Committee consists of Additional Director of Health Services or Deputy Director General (Medical) as Chairman and three other members are Director (Administration and Vigilance), Assistant Director General, Health Services and Deputy Director (Administration). The probation period has been prescribed as two years for direct recruitment and promotion.
- 5.20.4 The 5th Central Pay Commission in paragraph 55.162 and 55.164 have pointed out that the Library Clerk will have to have a Certificate in Library Science with Matriculation and the pay scale recommended is Rs. 3050-4590. The basic pay of Rs. 4000-6000 will be available on promotion. These Library Clerks in the next grade of Rs. 5000-8000 would be 50 percent direct recruits and 50 percent through promotion from graduates with Bachelor in Library Science and the scale of Rs. 1640-2900 will be available on promotion. The posts in the next scale of Rs. 6500-10,500 will be filled 50 percent by direct

recruitment from Post Graduates with Bachelor in Library Science and Graduates with Masters in Library Science and 50% by promotion. The next higher scale of Rs. 8000-13500 and still higher scales are promotional posts. The 5th Central Pay Commission recommended that the Department of Culture should evolve norms for staffing pattern of each category of Librarian in consultation with the Work Study Unit of the Department of Expenditure, Indian Bureau of Standards and Professional Bodies of Librarians. In paragraph 55.170 the Pay Commission recommended that the pay scale of Junior Library Attendant will be Rs. 750-940 that of Library Attendant Rs. 775-1025 and the Senior Library Attendant will be in the scale of Rs. 825-1200.

Categories of Library Staff in Bihar

5.20.5 In Bihar there are various types of staff in Libraries who are in varying pay scales which are as follows:-

SL.NO.	PAY SCALES (IN RS.)
a	2550-3200
b	2610-3540
С	3050-4590
d	3200-4900
е	4000-6000
f	5000-8000
g	5500-9000
h	6500-10,500

Ranging from Library Attendant in the scale of Rs. 2550-3200 and Rs. 2610-3540, there are Assistant Librarians in the pay scales of Rs. 3050-4590, Rs. 3200-4900, Rs. 4000-6000 and Rs. 5500-9000. There are Librarians in the scale of Rs. 3050-4590, Rs. 4000-6000, Rs. 5000-8000, Rs. 5500-9000 as well as Rs. 6500-10,500. The Librarian in the Rural Development department is in the scale of Rs. 3050-4590 whereas Librarians of the State

Libraries at the five towns of Ranchi, Chaibasa, Dhanbad, Dumka and Purnea are in the pay scale of Rs. 5500-9000. The different pay scales do not have any reference to the number of books in a library or to the number of readers or to the importance of the library which may be containing very important manuscripts or books. For example, the Secretariat Library has a large number of books and journals but the pay scale of the Librarian is only Rs. 5500-9000. But the Librarian of a much smaller library in terms of books is also in the same pay scale.

5.20.7 We have also seen that even if a library is important and Librarians are in a higher scale they do not have an Assistant Librarian to assist them whereas Librarians elsewhere in a much lower scale of Rs. 4000-6000 or Rs. 5000-8000, may have an Assistant Librarian as well as Library Attendant. This Committee found themselves unable to rationalise the promotional opportunities of Librarians of the State because we do not have with us the wherewithals or the professional expertise required for the task.

Recommendations

5.20.8 The Fitment Cum Pay Revision Committee had recommended in 1989 that an expert body should be set up to assess the work of Librarians and also categorise the various Libraries in Bihar. Unfortunately even after a lapse of 10 years the State Government have not taken up the work. Without this preliminary work getting done it is very difficult to assess the number of books and journals, need for upgrading the Libraries and the level and number of staff that should be in a Library to cater to the needs of the readers/users. Hence wherever in our Report on pay scales we have recommended revised scales for Librarians we have done so on the basis whether promotional scales are available or not and the recruitment qualification. A time has perhaps now come to ponder whether promotional facilities will be available to the Librarians or not depending on the category of the Library, number of available books and journals, number of readers/users and the importance of the Library to the State Government.

Cashier

- 5.21.1 The Fitment Committee had recommended at paragraph 36.12.4, Volume II, Part II that special pay should be admissible to Cashiers at Central rates as indicated at paragraph 36.12.2 to those Cashiers who have not been recruited specifically as against that post. Moreover, we have recommended that Cashiers in the pay scale of Rs. 975-1540 would be entitled to the revised pay scale of Rs. 3050-4590, those in the pay scale of Rs. 1200-1800 or Rs. 1320-2040 are entitled to the pay scale of Rs. 4000-6000 and those in the scale of Rs. 1400-2300 will be in the revised scale of Rs. 4500-7000. We have with us the recruitment rules of Cashier in the National Institute of Sugarcane and Sugar Technology, Mau in the Department of Sugar and Edible Oils, Ministry of Food and Consumer Affairs of Government of India. According to GSR 140 dated 20.7.1998 the Cashier is in the pay scale of Rs. 4000-6000 and is required to be between the age of 18-25 years. The essential qualification is a Degree from a recognised University or equivalent and two years experience of maintenance of Cash Books and handling Cash. The post is filled by promotion from Lower Division Clerks with 8 years of regular service in the grade. Therefore, those Cashiers in the State Government in the pay scale of Rs. 3050-4590 would be entitled to the pay scale of Rs. 4000-6000 on promotion provided they have put in at least 8 years of service in the grade and vacancies exist in the higher scale. Depending upon the requirements of a particular Government Department and depending upon the number of Cashiers, senior posts could be created in the pay scale of Rs. 4500-7000.
- 5.21.2 In the Ministry of Railways there are Shroffs in the scale of Rs. 950-1500 in the Office of the Cash and Pay Officer. These vacancies are filled 33.3 % from amongst specific grade D staff and 66.6 by direct recruitment through the Railway Recruitment Board. From Shroff the next higher channel of promotion is of Senior Shroff or Cashier Grade II in the pay scale of Rs. 4000-6000. In the Railways 15% of those posts are filled from amongst Senior Clerks in the pay scale of Rs. 1200-2040 and Clerks in the scale of Rs. 950-1500 in the

Cash and Pay Department having a minimum of 3 years service. 85% of the posts are filled by selection from amongst Senior Shroffs in the pay scale of Rs. 1200-2040 and Shroffs in the pay scale of Rs. 950-1500 with 2 years service, Clerks and other Group C Staff in Cash and Pay Department with 3 years service and staff of Accounts department and other departments having a minimum of 5 years service are eligible and selection is on the basis of competition. Chapter 5 of the Indian Railway Establishment Manual Volume I (revised edition) provides that the percentage of Shroffs in the three scales of Rs. 3050-4590, Rs. 4000-6000 and Rs. 4500-7000 will be in the ratio of 40:40:20.

5.21.3 We may suggest this ratio to the State Government provided there are that many Cashiers available. It is recommended that the foregoing may be adopted in Bihar.

Computer Professionals

5.22.1 There are many Departments of the State Government where there are computers but there are few posts of computer professionals or even Data Entry Operators. In the GSR No.31, 32 and 33 dated 21.1.1999 the recruitment and promotion rules for the Data Entry Operators of the Department of Industrial Policy and Promotion of the Government of India have been laid down. The Data Entry Operator Grade A are in the pay scale of Rs. 4000-6000 with the age limit being 25 years and relaxable up to 40/45 years in respect of SC/ST candidates being Government servants. The educational qualification is 12th standard pass or equivalent and speed of not less than 8000 key depressions per hour. For data entry speed is to be judged by conducting speed test on the E.D.P. machine by the competent authority. These posts are filled by direct recruitment and probation period is two years. The Data Entry Operator Grade A are eligible for promotion as Data Entry Operator Grade B after 6 years service in the grade. The pay scale of Grade B is Rs. 4500-7000. The post of Data Entry Operator, Grade B is filled 50% by promotion and qualification is degree of a recognised university, diploma/certificate in Computer application/Programmer from a recognised University as per the Department of Electronic norms or from a recognised University and speed of not less than 8000 key depressions per hour. Preference is given to a graduate in Science, Mathematics, Commerce, Economics, Statistics or Computer Application. If the post is filled by deputation then the deputationist will have to have the qualification prescribed for direct recruitment. The post of Data Entry Operator Grade C is in the scale of Rs. 5000-8000 and the posts are filled by promotion failing which by deputation. The Grade B Operator with 3 years service in the grade are eligible for promotion. The Departmental Promotion Committee consists of Director (Administration) as Chairman, Under Secretary of the Department of Industrial Policy and Promotion and Under Secretary (Administration) Department of Heavy Industry as member.

5.22.2 While discussing the recruitment qualification of Data Entry Operators in the Science and Technology Department we had suggested that the post of Programmer who are required to have a degree in Computer Science or an Engineering Degree or having a Masters in Computer Application with 3 years experience in data processing would be in the scale of Rs. 2000-3500. The Data Entry Operator Grade C could be promoted to the post of Programmer in the scale of Rs. 2000-3500. The 5th Central Pay Commission have recommended at paragraph 55.70 that the Senior Console Operator should be in the scale of Rs. 2000-3200/6500-10500 and should have the same qualification as has been mentioned for the Programmer. The Assistant Programmer, if any, as well as the Programmer should be in the scale of Rs. 7500-12000 and they would be required to have a degree in Computer Science/Computers or Masters in Computer Application with 3 years experience in Data processing. For the Senior Programmer in the scale of Rs. 3000-4500/ 10,000-15,200 the experience of 3 years/5 years after, respectively, M. Tech. or B. Tech have been prescribed if recruitment is to be made directly. In case the Programmers are to be given promotion to this scale then according to the suggestion given 8 years qualifying period should be prescribed.

Recommendations

5.22.3 The qualification required for computer professionals and their promotions could be discussed by the State Government with either the National Informatics Centre (N.I.C.) or with the Department of Electronics keeping in mind the needs of the State Government. At this point we propose that the Government could either directly recruit computer professionals or keep the existing personnel provided they have the requisite qualification and then the latter can be appointed against specific posts. For example, if Lower Division Clerks or Upper Division Clerks in the Mufassil establishment have the requisite qualification of Data Entry Operator, Grade A then they can be appointed in the pay scale of Rs. 4500-7000 instead of being appointed in the scale of Rs. 4000-6000 as there is provision of 50% promotion in posts of Data Entry Operator Grade B. The Clerk thus appointed could be counted against the promotional post. This Committee has personnel knowledge of several persons working in the Transport Department but without their services having been regularised. Similar situation may be prevailing in many of the Mufassil establishments and several departments of the Secretariat but then the posts would have to be created. If the State Government is hesitant in creation of that many posts of Computer professionals then these posts of Computer professionals could be in lieu of the Clerical cadre who could then be gainfully employed if they have knowledge of Computers.

At paragraph 55.80 the 5th Central Pay Commission recommended that one time opportunity should be granted to Electronic Data Processing personnel for acquiring the additional qualification. For example, if a Data Entry Operator competes in diploma/certificate course in a relational data base management system then he should be given incentive of Rs. 4000/- and on becoming Master of Computer Application from a recognised University then the incentive could be increased to Rs. 6000. If a Programmer acquires Ph.D. or M. Tech or M.C.A. or B. Tech. then incentive money has been recommended as Rs. 10,000 provided these are in any one essential recruitment

qualification. The higher level information technology professionals have been recommended to Rs. 15,000 as incentive if they acquire a Ph.D. or equivalent in advanced areas of Software/Hardware/Communication Technology provided these are not prescribed for recruitment. Adoption of this incentive money provided the Central Government have notified them may be fruitful in encouraging State Government servants to acquire professional qualification. It is extremely unlikely that while the rest of the world and the rest of the country gradually become computer literate, Bihar can remain in the wilderness or refuse to have computer professional in the Governmental administrative system.

Photographers

5.23.1 According to GSR 485 dated 3.7.1990 in the All India Institute of Hygiene and Public Health, Calcutta under the Ministry of Health and Family Welfare there is one post of Photographer in the pay scale of Rs. 1400-2300, now revised to Rs. 4500-7000. The post of Photographer is available as a promotional post for Technician cum Artist with 5 years regular service in the grade. The Technician is in the scale of Rs. 1320-2040 and the Artists in the scale of Rs. 1200-1800. The post of Technician is filled by promotion from the post of Laboratory Assistant and Animal Caretakers who have put in 5 years service in the grade. The posts of Laboratory Assistant and Animal Caretaker are in the scale of Rs. 3200-4900 and the minimum qualification is Higher Secondary with Chemistry/Biological Science with 2 years experience in a recognized laboratory or Science Graduates with Chemistry/Biology Science. The Artist is required to be a matriculate and have diploma from a recognized College of Arts in Fine Arts or equivalent. The post of Photographer is filled 50% by direct recruitment and 50% from Museum Assistants and Assistant Senior Technicians who have put in 3 years regular service in the grade and possess educational qualification as mentioned. The Museum Assistant is required to be a Matriculate with diploma from any recognized college of Arts and Crafts in Fine Arts, Commercial Arts or equivalent.

Recommendations

5.22.2 There are various types of Photographers under various Departments of the State Government and they are in various scales ranging from the Photo Assistant in the Revenue and Land Reforms Department in the pre-revised scale of Rs. 825-1200. The Photographer in Industries and Education Department are in the revised pay scale of Rs. 5000-8000. The 5th Central Pay Commission recommended for the Photographers the entry scale of Rs. 4000-6000 at paragraph 55.188 of their Report. 90% of these posts are filled by direct recruitment and 10% by promotion from Photography Attendant having the same qualification as a direct recruit. For direct recruits the qualification laid down is Matriculation with diploma in photography and two years experience. For Cinematographer the entry scale that we recommend is Rs. 5000-8000 provided direct recruits have diploma in Cinematography with 5 years experience. In our Report we have already mentioned the basic recruitment qualification if in future recruitments are to be made, according to the recommendations of the 5th Central Pay Commission, which has been accepted by the Central Government. Hence the existing Photographers who are in the scale of Rs. 4000-6000 will have to continue in their scale and promotions will not be given unless they have the requisite qualification.

5.22.3 The 5th Central Pay Commission have further recommended that the Photography Attendant will be in the pay scale of Rs. 2650-4000 and he should be at least VIIIth Class pass with two years experience and he will be promoted in the next scale of Rs. 3050-4590. For Photographers the promotional posts are in the scale of Rs. 4500-7000 and Rs. 5000-8000 and there will be two further promotional levels for Senior Photographers in the scales of Rs. 5000-8000 and Rs. 5500-9000. Then there is a post of Chief Photographer in the Centre. But in no case will a Photographer in the pay scale of Rs. 4000-6000 or Rs. 5000-8000 be given the scale of Rs. 6500-10,500 on promotion and they have to go through the prescribed pay

scales before they can aspire for the highest post of Chief Photographer in the scale of Rs. 6500-10,5000.

Checker

5.23.1 There is a post of Checker in the Agriculture Department in the scale of Rs. 850-1150. According to GSR No.235 dated 15.12.1975 there are post of Junior Checker, Senior Checker and Head Checker in the Bank Note Press, Dewas in the Department of Economic Affairs, Ministry of Finance. The revised pay scale of Junior Checker is Rs. 2750-4400 and the Senior Checker is in the pay scale of Rs. 3050-4590. The Junior Checker is required to have a certificate in Printing or Binding and one years industrial experience or National Apprenticeship Certificate in binding or training or matriculation with Arts or up to 8 years experience with 1 year's industrial experience or Higher Secondary with Arts or VIIIth standard pass with knowledge of binding and printing trade. The posts of Junior Checker are filled by Examiner or Counter in the scale of Rs. 2650-4000. Counters are required to have I.T.I. certificate in training or binding trades or 8 or 9 standard pass with counter training or industrial experience of one year in binding or printing trade. The post of Senior Checker is filled by Junior Checker who are having I.T.I. certificate in trade and industrial training or graduate with Arts at Higher Secondary level or Matriculates with English and Arithmetic as subjects. In the Bihar Government's Press there are Counters in the scale of Rs. 2650-4000 and they should be recruited with the same recruitment qualification as has been mentioned above. Wherever posts of Checkers or Counters stand created in departments of the Bihar Government, the recruitment and promotional qualification of the Central Government should be adopted.

Telex/Teleprinter Operator

5.24.1 There are posts of Teleprinter Operators in the Department of Revenue and Land Reforms, Home Department and Information & Public Relations who are now in the revised pay scale of Rs. 5000-8000.

Telex Operators are in the Cabinet Secretariat & Co-ordination Department also in the pay scale of Rs. 5000-8000. We had recommended at paragraph 2.6.3, Volume II, Part II that the Telex Operators should be declared a dying cadre and no further appointments should be made in consonance with the observations made by the 5th Central Pay Commission.

5.24.2 According to GSR 140 dated 20.7.98 in the National Institute of Sugarcane and Sugar Technology, Mau the Fax/Telex/Telephone Operator is in the scale of Rs. 4000-6000 and is required to be a Matriculate with ability to handle the concerned instruments. We have discussed in detail the promotion opportunities of Telephone Operators in the Chapter on Cabinet Secretariat and Coordination Department. Then again according to GSR 75 dated 26.2.99, the Telex Operators in the Ministry of Industry, Department of Heavy Industries are in the pay scale of Rs. 3050-4590 and are required to have a Matriculation certificate with a minimum typing speed of 30 words per minute. The desirable qualification is one year's experience regarding Telex machinery operation. However, we had allowed Telex Operators the pay scale of Rs. 5000-8000 on the basis of that being the pay scale for the Communication Assistant in the Directorate of Co-ordination (Police Wireless). As this is going to be a dying category further promotional avenues are not being recommended and instead they should acquire skill which will enable them to be absorbed in different grades and them get promotion benefits of the cadre in which they get absorbed.

Technical/ Skilled Personnel

5.24.1 Technical posts requiring skill are spread over a large number of Departments in this State. The pay scales of the various posts are neither the same nor can this be said about designations, hierarchical levels or recruitment qualification. The only way that appears possible in resolving this confusion is to follow the Central scales and adopt the educational qualification as well as pay scales of the promotional posts. We take up one by one various posts of skilled personnel.

5.24.2 We have with us GSR No. 548 dated 18.11.1992 of the office of Chief Engineer and Administrator, Andaman, Lakshadweep Harbour Works (work charged posts) under the Ministry of Surface Transport, GSR No. 44 dated 21.9.1987 of the Department of Telecommunication (Civil wing maintenance and operative staff) and GSR No.23 dated 26.12.1996 of the Security Paper Mill Hoshangabad (unspecified industrial cadre posts) of the Department of Economic Affairs, Ministry of Finance.

Carpenter

5.25.1 We first take up the recruitment rules and promotional posts of Carpenters. Carpenters in the Department of Telecommunication are in the pay scale of Rs. 950-1500, have to be within the age group of 18-25 with relaxation up to 35 years for Government Servants and he requires to be well conversant with carpentry work including knowledge and use of tools, read simple sketches and drawing, knowledge of various kinds of wood works and preparation of approximate estimate of material required in the various kinds of work. The posts are filled 50% by direct recruitment and 50% by promotion from Assistant Carpenters in the pay scale of Rs. 800-1150 who have put in at least 5 years regular service in the grade. The post of Assistant Carpenters are filled 100 % by promotion from amongst Khalasis and Beldars who are attached to the Carpenters and have 5 years regular service in the grade of Khalasi and Beldars. The latter are in the pay scale of Rs. 2550-3200 while Assistant Carpenters in the Department of Telecommunication as well as in the Department of Light House and Light Ships of Department of Surface Transport are in the pay scale of Rs. 2650-4000. These Assistant Carpenters are required to read and write simple Hindi and English besides the regional language, know the names and use of different types of carpentry tools and be able to work in stores, possess experience in use of root squares at work, able to plan, mark and in making frames of board and window work and read and interpret simple sketches and drawings.

5.25.2 The Departmental Promotion Committee for Carpenters and Assistant Carpenters consist of the Superintending Engineer as Chairman, Executive Engineer and Assistant General Manager of the District being other two members. Khalasis and Beldars of the Department of Telecommunications are required to have general fitness and suitability for unskilled jobs.

5.25.3 Carpenter Grade VII in the Security Paper Mill at Hoshangabad is required to have a National Trade Certificate in Carpentry or pattern making from any Institute recognised by the Government and 3 years experience as a semi-skilled Carpenter in any organisation, preferably a Paper Mill under Government/Government Undertaking/Reputed Company or Mazdoors in mechanical section with three years regular service in the grade. The Mazdoors are in the pay scale of Rs. 2650-4000 and they are generally required to have a National Trade Certificate in the relevant trade before they can be promoted as Carpenters. Then there is another category of Mazdoor in the pay scale of Rs. 2550-3200 who only have to be Vth standard pass from any recognised school. This category is in the Security Paper Mill at Hoshangabad. Such Mazdoors are also in the Canteens or assist the Cooks. Carpenter Grade VII is promoted as Carpenter Grade V in the pay scale of Rs. 1150-1660. These Carpenters are required to have National Trade Certificate as well as 3 years experience. Higher grade Carpenters are in the scales of Rs. 4000-6000 and Rs. 4500-7000 in the Security Paper Mill at Hoshangabad. Senior Foreman Carpenter in the scale of Rs. 4500-7000 are also in the Ministry of Surface Transport in Lakshadweep and Andaman Nicobar Harbour. This is a selection post. Trade certificate with 8 years experience in all types of Carpentry work in industrial establishment or reputed factory/work shop is the essential qualification. Foreman Carpenter with 7 years service in the grade are eligible for promotion. Though we do not have the scale of this Foreman Carpenter we presume he would be in the scale of Rs. 4000-6000.

Painter

5.26.1 Painters in the Department of Telecommunication are in the pay scale of Rs. 3050-4590 and Assistant Painters with 5 years regular service in the grade who are in the pay scale of Rs. 2650-4000 are promoted against 50% of the posts while the rest are filled through direct recruitment. In the Harbour no specific qualification is laid down either for Assistant Painters The post of Assistant Painters are filled by promotion from or Painters. Khalasis and Beldars attached to the Carpenters with 5 years regular service in the grade. In the Security Paper Mill at Hoshangabad, Painters are in the pay scale of Rs. 4000-6000. Painters are in the lower scale of Rs. 4000-6000 and required to have passed VII standard from recognised School with 5 years experience in painting and lettering work and should have ability for compacted designs, monograms and able to write in a beautiful handwriting Hindi and English with experience of Oil painting. The Painters in the scale of Rs. 4500-7000 are required to have 6 years experience and the same qualification is prescribed as for the Painter in the scale of Rs. 4000-6000. Painters in the scale of Rs. 4000-6000 are eligible for promotion in the next higher grade of Painter after 4 years of regular service in the grade. The Assistant Painter in the Department of Light House and Light Ships in the pay scale of Rs. 2650-4000 do not require any specific qualification but be able to read and write in simple Hindi and English and one regional language with knowledge of different method of cleaning oil painted surfaces, know application of putty and standard print and possess experience in writing letters in one language and have knowledge required for the job.

Mason

5.27.1 The Mason in the Department of Telecommunication according to GSR No.44 dated 21.9.1987 is in the pay scale of Rs. 3050-4590. According to the qualification laid down for direct recruitment the Mason is required to be conversant with all kinds of masonry work including R.C.C. work, Cement, Mosaic, Tiles, Flooring, dressing of stones, brick walls and

knowledge of various kinds of mortar. The posts are filled in equal proportion 50% by direct recruitment and 50% by promotion from Assistant Mason with 5 years regular service in the grade. Assistant Masons are in the pay scale of Rs. 2650-4000. The posts are entirely filled by promotion from Beldars who are attached to Masons and have 3 years regular service in the grade. In the Security Paper Mill, Hoshangabad there are Masons in the pay scale of Rs. 1200-1800 as well as in the pay scale of Rs. 1350-2200, now revised to Rs. 4000-6000 and Rs. 4500-7000, respectively. The Mason in the lower scale is required to be VIIth Standard pass from a recognised Board and can do simple drawing of furniture and is required to be proficient in his work and worked as skilled Mason for 5 years in any organisation in Government/Government Undertaking/Reputed Company. The posts are filled by direct recruitment. These Masons are then promoted to the next higher grade in the scale of Rs. 4500-7000 after having put in 4 years regular service in the grade.

5.27.2 We also have with us the recruitment qualification of Masons in the scale of Rs. 950-1400 in the Department of Light House and Light Ships. According to GSR No.120 dated 27.2.1988 these Masons are required to be Middle School standard pass in the pay scale of Rs. 3050-4590 and experience in several jobs are required. Posts are generally filled from Assistant Masons who are in the pay scale of Rs. 2650-4000 and they do not require any specific educational qualification. The Senior Foreman (Masonry) in the Lakshadweep Harbour Work in the scale of Rs. 4500-7000 and the Foreman (Masonry) with 7 years experience in the grade are eligible for promotion. Another requirement for the post is knowledge of reading and writing of any Indian language with 10 years experience in all types of masonry work. In the Department of Telecommunication there are 96 Masons and 53 Assistant Masons and 495 Beldars. The Beldars and the Khalasis are promoted against the posts of Assistant Mason, Assistant Welder, Assistant Plumber/ Fitter, Assistant Painter and Assistant Carpenter. This proportion in the Department of Telecommunication facilitates promotion of untrained personnel and direct recruitment against posts of Masons ensures that trained personnel are available as and when required for execution of work of higher order.

Plumber

5.28.1 Plumber Fitter cum in the Department of Telecommunication according to GSR No.44 dated 21.9.1987 is in the scale of Rs. 3050-4590. The posts are filled in equal proportion of 50% through direct recruitment and 50% by promotion from Assistant Plumber who have put in at least 5 years regular service in the grade. Directly recruited Plumbers are required to pass Plumbers course from a recognised technically trained institution with two years practical experience or having 5 years practical experience in the trade, including knowledge to make leak proof joints in pipes made of stoneware/earthen ware/Cast Iron/lead, knowledge of simple science and sketches, knowledge of overhauling and working, etc. The posts are filled from Assistant Plumber/Fitter who are in the scale of Rs. 2650-4000 and these posts are filled cent percent by promotion from Beldar and Lineman, Associate Plumbers/ Assistant Plumber with 5 years regular service in the grade. The Beldars are in lowest scale of Rs. 2550-3200 and require to have general physical fitness and be suitable for skilled jobs. In the Security Paper Mill at Hoshangabad, the Plumber is in the scale of Rs. 4000-6000. The recruitment qualification includes Matriculation or equivalent. They require to have a trade certificate from an Institute and 5 years experience in job of Plumber and Certificate from any Organisation/Government Undertaking/Companies of repute. Posts are filled by transfer from Fitter grade who have the educational qualification prescribed or workmen with 4 years regular service in the grade who possess the qualification.

Against 67 posts of Plumber- cum- Fitter in the Department of Telecommunication the feeder cadre of Assistant Plumber/Fitter consists of 55 persons. This means that 34 Plumber –cum- Fitter are recruited from 55 Assistant Plumber / Fitter .The Departmental Promotion Committee consists of Superintending Engineer as Chairman with Executive Engineer and Assistant General Manager, Staff/Administration is Members.

Blacksmith

5.29.1 Blacksmiths in the Department of Light House and Light Ships, according to GSR No.120 dated 27.2.1988 are in the scale of Rs. 3050-4590. The essential qualification is either Middle School standard pass with experience in several jobs which have been outlined and includes experience in drawing, split tools, control of fire and furnace, bending of pipe, knowledge of correct work temper for smithy work, do soldering and ability to work with pneumatic tools and also work with sketches when they are supplied. The posts of Blacksmith are filled by promotion from the Assistant Blacksmiths with 3 years service in the grade and those who have qualified /passed in departmental test. Assistant Blacksmith is in the pay scale of Rs. 2650-4000 and should be able to read and write simple Hindi and English besides regional language as well as use and maintain tools and appliances used by the Blacksmith. In addition experience in certain specified jobs have also been laid down.

Wireman Grade I, II and III & Electrician

We have discussed the pay scales of various grade of Wireman in the Department of Energy (Chapter 22 of Volume II, Part II) of our earlier Report. We have recommended that till such time the State Government is in a position to decide which posts require I.T.I. diploma or some alternative technical certificate, Wireman Grade II and I will continue in their replacement scale of Rs. 2750-4400 and Rs. 3050-4590, respectively. If for the post of Wireman, I.T.I. certificate is specified in the recruitment rules or the candidates are required to have a National Trade Test Certificate then the lowest grade of Wireman in the Department of Energy can start in the scale of Rs. 3050-4590. Pending that decision we had recommended for the Wireman Grade III the pay scale of Rs. 2650-4000. Subsequent to the State Government taking specific decisions on prescribing educational and other qualification the Wireman Grade III can be in the scale of Rs. 4000-6000 in keeping with the recommendations of

the 5th Central Pay Commission Report in paragraph 54.18 and the Wireman Grade I will then be in the scale of Rs. 4500-7000.

5.30.2 The pay scale recommended by us have been notified and we have to undertake the task of recommending promotional posts. In the Department of Telecommunication according to GSR No.44 dated 21.9.1987 the Electrician is in the scale of Rs. 4000-6000 and is required to be Matriculation pass with I.T.I. diploma in Electrician trade, possess Electrical Supervisory Certificate of competency and have at least 5 years in erection and running and maintenance of different types of both H.T. (High Tension) and L.T. electrical installation including underground cable system. Posts are filled to the extent of 25% by direct recruitment and the rest by promotion. Those eligible for promotion are Wireman and Armature Winder as well as Lineman with at least 5 years regular service in the grade. The Wireman are in the pay scale of Rs. 3050-4590 but Armature Winder is in the pay scale of Rs. 2650-4000. The Wireman is required to have a Electrical Workman permit/workman competency certificate/Electrical workman with licence (certificate of competency, Class II) or any other equivalent certificate with at least 2 years experience in the line. The post of Wireman is in the scale of Rs. 3050-4590 and posts are filled 25% by direct recruitment and 75% by promotion from amongst Assistant Wireman with 5 years regular service in the grade. The Assistant Wireman is in the pay scale of Rs. 2650-4000 and is required to possess Wireman's Licence Grade II. 25% of posts of Assistant Wireman are through direct recruitment and 75% by promotion from Electrical Khalasi with 5 years regular service in the grade. These Khalasis are in the scale of Rs. 2550-3200 and require to have physical fitness for unskilled work. All these Khalasis are directly recruited. Armature Winder in the pay scale of Rs. 2650-4000 are required to have practical experience of 5 years after 2 years training in a recognised Industrial Institute in the grade . 50% of Armature Winders are directly recruited and 50% are promoted from Assistant Armature Winders with three years regular service in the grade.

5.30.3 In the Department of Telecommunication against two posts of Electrician in the pay scale of Rs. 4000-6000 there are five posts of

Wireman in the scale of Rs. 3050-4590, 33 posts of Assistant Wireman in the scale of Rs. 2650-4000 and 65 posts of Khalasis. This means that 65 Khalasis are eligible for promotion against 25 posts of Assistant Wireman but 33 Assistant Wireman are eligible only for four posts of Wireman as only 75% of the posts are filled by promotion. Five Wireman are eligible for one post of Electrician in the scale of Rs. 4000-6000.

In the Security Press at Hoshangabad under the Ministry of Finance, there are Shift Electricians numbering 7 in the scale of Rs. 4500-7000. 19 Electrician Grade II in the scale of Rs. 1350-2200 revised to Rs. 4500-7000, 48 Electrician Grade III in the scale of Rs. 4000-6000, 12 Electrician Grade IV in the scale of Rs. 1200-1800 now revised to Rs. 4000-6000, Electrician Grade V in the scale of Rs. 1150-1660. Mate to Electricians numbering 23 are in the scale of Rs. 3050-4590 and Mazdoors numbering 7 are in the scale of Rs. 2650-4000.

5.30.5 Mazdoors are required to have National Trade Certificate in Electricity trade from an institute recognised by Government and posts are filled by transfer from unspecified workman or Group D employees who have the education qualification for recruitment. Mazdoors after 3 years regular service in the grade are eligible for promotion as Mate to Electrician. 50% of these posts of Mate Electricians are filled by promotion and 50% by direct recruitment. Essential qualification is National Trade Certificate in Electrician or Wireman(industrial and domestic) permit issued by Licensing Board of any State Government and 2 years experience as worker. These Mate to Electricians are then eligible for promotion to Electrician Grade V after 4 years regular service as all these posts are filled by promotion with the essential qualification being a National Trade Certificate. Electrician Grade V after 3 years regular service are eligible for promotion against the posts of Electrician Grade III, previously in the scale of Rs. 1320-2040. At this level of Electrician Grade III there is 50% direct recruitment and 50% promotion. These Electrician Grade III are then eligible for promotion as Electrician Grade II. Apart from National Trade Certificate, 5 years experience as skilled worker in the above trade is laid down. These Electricians Grade III who have the educational qualification are eligible for promotion after 2 years regular service in the grade to the post of Electrician Grade II. The latter are then eligible for promotion as Shift Electrician after 2 years of regular service in the grade.

Recommendation

5.30.6 We have outlined above the promotional facilities available to Wiremen and Electricians in the Centre. The position in respect of Wiremen is quite clear and the Department of Energy would only have to take a decision on the recruitment qualification. As the number of Electricians available and their qualification are not known, we have not been able to specify the promotional posts. On the basis of the qualifications laid down and the mode of recruitment in the Central Government, the Department of Energy should work out the promotional prospects. These then will be the benchmark for other Departments of the State Government.

Mechanic (Air Conditioner)

5.31.1 In GSR No. 44 dated 21.9.1987 of the Department of Telecommunication the recruitment rules for the post of Mechanic (Air Conditioner) has been indicated. The Mechanic is required to have passed matriculation and must have undergone 10 months training as Refrigeration Mechanic from a recognised institution, one year apprenticeship in a reputed firm or organisation of Air Conditioning or Refrigeration Institute and one year's experience in Air Conditioning/Refrigeration in a skilled capacity or two years apprenticeship in a reputed firm of Air conditioning and Refrigeration or one year experience in Air conditioning/Refrigeration in a skilled capacity with a total five years experience in Air conditioning/Refrigeration. The posts are filled 50% by direct recruitment and 50% from Servicemen in Air conditioning or Refrigeration with five years regular service in the grade.

5.31.2 In the Security Paper Mill at Hoshangabad in the Department of Economic Affairs there are Air Conditioning Mechanic Grade VI

in the scale of Rs. 3050-4590 and the posts are filled by promotion from Air Conditioning Mechanic Grade V who have the essential qualification of National Trade Certificate in Air conditioning/Refrigeration trade from an Institute recognised by Government as well as 5 years experience as unskilled worker in the trade from Institute/Government Undertaking/reputed company. Then there are Shift Air Condition Mechanic numbering 4 in the pay scale of Rs. 1400-2300 and Air Condition Mechanic Grade II numbering one in the pay scale of Rs. 1350-2200. While Shift Air Condition Mechanic is a selection post for Air Condition Mechanic Grade II, the Grade II Air Condition Mechanic is required to have a National Trade Certificate in the relevant trade as well as 5 years experience. Air Condition Mechanic Grade III in the scale of Rs. 1200-2040 having the educational qualification may be promoted in Grade II after 2 years regular service in the grade. Post of Air Condition Mechanic Grade III is in the scale of Rs. 1320-2040.

5.31.3 We have specified the recruitment and promotional qualification for Air Conditioning Mechanics. In Bihar their number is small and the Central provisions should be adopted.

Store Keeper

5.32.1 In Chapter 25, paragraph 25.2.4 as well as in Chapter 23, paragraph 23.9.3 to 23.9.5 in Volume II Part II of our Report we have discussed the pay scales of Store Keepers. We have recommended that the Store Keepers in Bihar will be in the following scales:-

SL.NO.	DESIGNATION	PRESENT PAY	RECOMMENDED SCALE
1	Store Keeper	Rs. 950-1500	Rs. 3050-4590
		Rs. 975-1540	
2	Store Keeper	Rs. 1200-1800	Rs. 4000-6000
		Rs. 1320-2040	
3	Store Keeper	Rs. 1400-2300	Rs. 5000-8000
		Rs. 1400-2600	

5.32.2 From our recommendations those in the lowest scale will be candidates with Matriculation or 10+2 pass educational qualification. Thus the revised scale of Rs. 4000-6000 will be available to Store Keepers on promotion and on direct recruitment provided they are Diploma holders or Graduates. Those who are having Diploma in Materials Management and directly recruited on Graduate with a Diploma in Material Management will be entitled to the scale of Rs. 5000-8000. We have recommended that in future direct recruitment should be made in the scale of Rs. 3050-4590 based on the recommendation of the 5th Central Pay Commission at paragraph 55.249 of their Report. According to the 5th Central Pay Commission after the initial recruitment in Store Keeper Grade III in the scale of Rs. 3050-4590, the posts of Store Keeper Grade II and Grade I in the scale of Rs. 4000-6000 and Rs. 5000-8000, respectively will be available on promotion with certain posts in the scale of Rs. 5000-8000 being kept aside for direct recruitment of engineering diploma holders or of Graduates having a diploma in Material Management. For the Store Keeper Grade I the Central Pay Commission recommended a model structure of 3 Grades of Senior Store Keepers in the scale of Rs. 5500-9000, Rs. 6500-10500 and Rs. 7450-11500 and the post of Store Manager will be in the scale of Rs. 7500-12000.

Central Rules for Recruitment and Promotion

Keeper in the Jawaharlal Institute of Post Graduate Medical Education and Research, Pondicherry of the Ministry of Health and Family Welfare, Government of India pertaining to Store Keepers now in the scale of Rs. 4000-6000. The Store Keeper is in the scale of Rs. 4000-6000 in the National Institute of Sugarcane and Sugar Technology, Mau and the Store Supervisor in the same Institute is in the scale of Rs. 5000-8000. The Store Keeper in the Jawaharlal Institute of Post Graduate Medical Education and Research, Pondicherry and Store Keeper in the National Institute of Sugarcane and Sugar Technology at Mau are in the same scale and mode of recruitment is by promotion as well as

by direct recruitment. Store Keepers in the Jawaharlal Institute of Post Graduate Medical Education and Research, Pondicherry are promoted from L.D. Clerk/Typist Clerk/Library Clerk with 8 years regular service in the grade, while at Mau the age limit for direct recruitment is 18-25 years which is relaxable up to 35 years for Government servants. Those appointed through Direct recruitment have to be 12 standard pass or equivalent in any discipline with 2 years experience in store keeping and store control in a Govt. or commercial organisation of repute. The desirable qualification is a certificate in store keeping from a recognised University/Institute. Store Supervisors are in the scale of Rs. 5000-8000 and are recruited directly as well as by promotion failing which on deputation/ absorption, failing both by direct recruitment. For direct recruitments a degree from recognised University or equivalent and 3 years experience as supervisor in scientific stores and keeping records in a store or a concern of repute in public or private sector is considered an essential qualification. Promotion is from Store Keepers or Caretakers having a degree and with 8 years regular service in the grade. For deputationist the same educational qualification and experience as prescribed for direct recruits is prescribed as well as 8 years regular service in posts in the scale of Rs. 4000-6000. There is a prescribed Departmental Promotion Committee with the Director (Extension and Training) of Mau as the Chairman with the Head of division and Senior Administrative Officer as Members.

Posts of Store Keepers under the State Government

5.32.4 We tried to ascertain from various departments of State Govt. regarding recruitment rules that are available for Store Keepers. The Water Resources Department have in the Proforma submitted to us pointed out that the post of Store Keeper is in the Land Acquisition and Rehabilitation Directorate and the rules are according to whatever has been prescribed by the Department of Personnel and Administrative Reforms and Department of Finance. They have also stated that there is provision of three selection grades and the department is in favour of continuing with the existing practice and seniority list is being prepared and steps have been taken for granting regular

promotions. The Civil Aviation Department have informed that there are two posts of Store Keepers and one post of Chief Store Keeper in the Department respectively in the scales of Rs. 1200-1800 and 1400-2600. The Bihar Flying Institute also has a single post of Assistant Store Keeper in the scale of Rs. 1200-1800. In the Civil Aviation Department the age limit is 35 years and the candidate has to be a Matriculate with science with 5 years experience of Stores and the Bihar Flying Institute lays down that apart from matriculation, a candidate has to have an experience of store-keeping in a recognised work shop and in addition knowledge of typing in both Hindi and English is required. A solitary post of Chief Store Keeper in Civil Aviation Department is filled by promotion from Store Keepers.

- 5.32.5 We have pointed out in the aforesaid paragraph the recruitment rules in the Centre and certain recruitment policies which the State Government have laid down. It is quite clear that both are not same. In the Civil Aviation Department for recruitment to the grade of Rs. 1200-1800 the only qualification laid down is Matriculation with Science and no qualifying period is laid down for promotion from Store Keeper to Chief Store Keeper. In the Central Government the Store Keeper of the Jawaharlal Institute of Post Graduate Medical Education and Research, Pondicherry of the Health and Family Welfare Ministry is a promotional post for certain categories of employees with 8 years regular service. In the Institute of Sugarcane and Sugar Technology, Mau in the Ministry of Food and Consumer Affairs, the Store Keeper is required to be a 12 standard pass with at least 2 years experience in store and the desirable qualification is a Certificate course from a recognised University. For promotion to the post of Senior Store Keeper, the Departmental Promotion Committee decides, but the fact remains that the existing qualification of Senior Store Keeper is more than what the State Government have prescribed.
- 5.32.6 We also have with us the recruitment rules of work charged staff of the Public Health Engineering Department and the recruitment qualification of Store Keeper is laid down as Matriculation. It is not clear from which post promotion is given but apparently the basic grade is Rs. 1200-1800.

The Department has not specified about what the rules would be subsequent to the State Government having decided that there would be no selection grade and time bound promotions.

Recommendations

5.32.7 We have recommended that the Store Keeper who are generally in the pay scale of Rs. 1200-1800 and Rs. 1320-2040 will be in the scale of Rs. 4000-6000. In future those in this grade will not be promoted to the scale of Rs. 5000-8000 till they fulfil the recruitment qualification of Store Supervisor in the Institute of Sugarcane and Sugar Technology, Mau. In Mau the Store Keepers with 8 years service are eligible for promotion and for direct recruitment a degree is a must with 3 years experience of supervising in a scientific Store and of keeping accounts. In C.P.W.D. the Store Keeper is in the scale of Rs. 1200-2040. However, the recruitment rule for Store Keeper have not been laid down and it is presumed that an L.D. Clerk promoted to the post of U.D. Clerk also looks after the stores.

5.32.8 According to the scheme outlined by us, direct recruitment of Store Keepers in future should be made in the pay scale of Rs. 3050-4590 and the next promotion will be in the scale of Rs. 4000-6000. The numbers eligible for promotion will have to be decided considering the importance of the stores. Only after the recruitment qualification is laid down Store Keeper should be promoted as Store Supervisor or Chief Store Keeper in the scale of Rs. 5000-8000 after an intermediate promotion as Senior Store Keeper in the scale of Rs. 4500-7000. The Department of Personnel and Training have in their Office Memorandum dated 25.5.1998 laid down that for promotion from the scale of Rs. 3050-4590 to 4000-6000 the fixed qualifying service will be 8 years and from Rs. 4000-6000 to Rs. 5000-8000 no separate qualifying period has been laid down but we have seen in the Mau Institute that for promotion to the post of Store Supervisor, a minimum of 8 years period has been laid down. According to this Office Memorandum dated 25.5.1998 (appended as Annexure I to Chapter 4) the fixed qualifying period for

promotion from the scale of Rs. 4000-6000 to Rs. 4500-7000 is 5 years and from that scale to the scale of Rs. 5000-8000 the period specified is 3 years. Therefore, if promotions are given in time and if sufficient promotional posts are available then within 16 years the person appointed as Store Keeper in the scale of Rs. 3050-4590 would be promoted in the scale of Rs. 5000-8000.

5.32.9 We recommend to the State Government that the above promotional posts should be created in the scales indicated for Store Keepers working under the State Government.

Protocol Assistant

According to G.S.R. No. 231 dated 12.7.1999 of the Department of Economic Affairs, Ministry of Finance of the Government of India the Protocol Assistant is in the scale of Rs. 5500-9000 and the post is filled by deputation from those in the Central Government who have put in 3 years regular service in the scale of Rs. 4500-7000 or 10 years regular service in the scale of Rs. 4000-6000 and possess two years experience in protocol work. If the Bihar Government has a post with a similar qualification then the recruitment qualification discussed above would be applicable.

Chainman

5.34.1 Posts of Chainman are available in various Departments of the State Government like Rural Development, Mines and Geology, Agriculture, Minor Irrigation, Water Resources, Road Construction, Building Construction as well as Revenue and Land Reforms. According to the recommendations of the Fitment Committee all these posts are in the pay scale of Rs. 2610-3540. There is a rider that if the recruitment qualification is Matriculation then the Chainman would be sanctioned the scale of Rs. 2750-4400. On the recommendations of the 5th Central Pay Commission Report at paragraph 63.177, in the Defence Estates the Chainman was in the pay scale of Rs. 775-1025 and the Pay Commission recommended the pay scale of Rs. 2750-

4400 for the post subject to the entry qualification being raised from VIII pass to Matriculation. The Government of India accepted this recommendation. However, in Bihar we have yet to find Chainman in any Department who has been recruited against the essential qualification of Matriculation. Therefore, the recruitment rules for the posts of Chainman would be Class VIII pass and if the Department concerned so wants, some experience could be laid down in the recruitment rules so that experienced Chainmen are recruited. In the Defence Estates under the Ministry of Defence there are three categories of Chainmen in the scales of Rs. 2750-4400, Rs. 3050-4590 and Rs. 4000-6000. If the respective Department so desires then there can be a similar categorisation for Chainmen subject to the availability of a considerable number posts and the needs of the Department. In the eventuality of the Department adopting these scales these Chainmen would be graded as Chainman Grade I, Chainman Grade II and Chainman Grade III, with the scales being respectively 4000-6000, 3050-4590 and Rs. 2750-4400.

Tailor

5.35.1 There are various posts of Tailors in the State Government but all of them are in the pay scale of Rs. 3050-4590. Tailors are in the Home (Special), Labour and Employment, Cabinet Secretariat and Coordination, Health, Medical Education and Family Welfare and Primary, Secondary and Adult Education departments. All these Tailors were in the prerevised pay scale of Rs. 950-1400/ Rs. 950-1500. In the Jail where there are posts of Assistant Tailor Master, Tent Tailor or Tailor Master, all are in the pay scale of Rs. 3050-4590. We recommend that the qualification of Tailors should be as is prevalent in the Central Government.

Promotion and Recruitment Rules of the Central Government

5.35.2 In the Central Government according to S.R.O. No. 1048 dated 7.9.1974 in JIPMER, Pondicherry in the Ministry of Health the Junior Tailors are required to be Middle Standard pass and have practical training in

the profession for one year. The desirable qualification is diploma in Tailoring. The Junior Tailor is eligible for promotion as Senior Tailor provided they have put in at least two years service in the grade after appointment thereto on regular basis.

5.35.3 According to G.S.R.No.986 dated 16.11.1987 in the Films Division of the Ministry of Information and Broadcasting, the Tailor Master is in the scale of Rs. 4000-6000 and is required to have five years experience as a Tailor in the costumes department or a reputed firm with knowledge of Hindi and English. The desirable qualification is matriculation as well as diploma in cutting and tailoring from a recognised Institute. Posts of Tailor Master are filled by direct recruitment. As the Tailor Master is in a higher scale, Tailors would be in the lower scale of Rs. 3050-4590 with the qualification of Matriculation with diploma in cutting and tailoring from a recognised Institute. If the Department wants this to be a desirable qualification then the Tailor would obviously have to have some experience from a recognized Institute as well as have working knowledge of at least Hindi if he is to be appointed as a Tailor. We leave it to the Departments either to lay down the desirable qualification of the Central Government as the essential qualification or lay down that the Tailor should have some experience in the trade and be at least Middle standard pass, that is, Class VII pass. In the event of experience and middle standard pass being the essential qualification the Departmental Promotion Committee constituted for the purpose or the B.P.S.C. or the recruiting authority should decide what amount of experience and from what category of Institute would require to be prescribed.

Recommendation

5.35.4 If the Tailor is in the scale of Rs. 3050-4590 there could be posts of Senior Tailor in the scale of Rs. 3200-4900 and posts of Tailor Master in the pay scale of Rs. 4000-6000 but this hierarchy will depend upon the number of Tailors in the Organization/Department.