

GOVERNMENT OF TAMIL NADU

LETTER No. 70711/FR.I/96-6,
PERSONNEL AND ADMINISTRATIVE
REFORMS (FR.I) DEPARTMENT,
From Thiru. P. Baskaradoss, I.A.S. SECRETARIAT, CHENNAI-600 009
Secretary to Government. DATED: 20-2-1997.

Sir,

Sub: Fundamental Rules - Fixation of pay with
reference to proviso 5 under FR. 22-B -
Exercising option - Revised option
consequent on the reduction in the maximum
qualifying service for full pension -
Requested - Orders - Issued.



Ref:

- 1) Government Letter No. 52834/FR.I/91-4,
Personnel and Administrative Reforms
(FR.I) Department, dated 12.8.1991.
- 2) G.O. Ms. No. 561, Finance (Pension) Department,
dated: 31.7.1996.
- 3) From the Director of Social Defence,
Chennai, letter No. A1/6227/96, dated 11.9.1996.

Government Servants who have been allowed fixation
of pay under FR.22-B on the date of promotion/appointment
to higher post can exercise further option to have their
pay fixed under FR.22-B, on the date of accrual of next
increment in the lower post. The above option is available
under the Vth Proviso under FR.22-B. For fixation of pay
on promotion/appointment to higher post, option once given
cannot be revised. However, the Government Servants have
been allowed to give revised option with reference to the
proviso V under FR.22-B on the happenings of revision
in the scale of pay of the post held by them. In the Govern-
ment/Order second cited, Government
ment/have directed that pension shall be determined based on the
50% of average emoluments drawn during the last 10 months
of service rendered or 50% of pay last drawn by the Government

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Servant, whichever is higher.² Consequent on the revision in mode of calculating the average emoluments for pension, instances have been brought to the notice of Government wherein certain Government Servants, who had exercised option of fixation of pay in such a way depending on the method of calculation of average emoluments which existed prior to issue of G.O.Ms.No.461 Finance (Pension) Department, dated 31.7.1996 are subjected to reduction in pension than what they would be eligible, if they had exercised the alternate option allowed under the rules.

2. The Government have, therefore, examined the case carefully. The orders for the revision in the calculation of average emoluments were given effect to from 31.7.1996. Hence the Government Servants who have been promoted/appointed to a higher post between 1.7.1995 to 31.7.1996 (i.e. the date of issue of orders) would have given the option, without the knowledge of the orders of revision in the mode of calculation of average emoluments for determining pension. Government therefore, direct that Government Servants who have been promoted/appointed to a higher post between 1.7.1995 to 31.7.1996 and whose pay has already been fixed, with reference to the option given by them under Proviso 5 under FR. 22-B be permitted to revise the option exercised by them earlier, if they so desire. However, the revised option in such cases should be given within three months from the date of issue of this letter.

3. This letter issues with the concurrence of the Finance Department vide its U.O.No.4793/Pension/96-1, dated 3.2.1997.

Yours faithfully,

Sd/-

25.2.97

for SECRETARY TO GOVERNMENT.

(R.O.C.No.1751/97/C2)

R.DIS.No.186/97

Copy communicated for information.

HIGH COURT, MADRAS

Dt. 21-3-97

To

1. All the District Judges.
2. All the Addl. District Judge-cum-Chief Judicial Magistrates.
3. All Law Officers including the Administrator-General and Official Trustee and the Official Assignee, Madras.
4. The Principal Judge, City Civil Court, Madras.

K.R. Subramanyam
SUB ASSISTANT REGISTRAR

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5. The Chief Judge, Court of Small Causes, Madras
6. The Presiding Officers of Labour Courts, Madras, Coimbatore, Tirunelveli, Tiruchirappalli, Salem, Vellore & Cuddalore.
7. The Chief Metropolitan Magistrate, Egmore, Madras.
8. The Presiding Officer Private Colleges Appellate Tribunal, Madras.
9. The Industrial Tribunal Madras.
10. The State Transport Appellate Tribunal, Madras
11. The Chairman, Sales Tax Appellate Tribunal, Madras.
12. The Judicial Member, Sales Tax Appellate Tribunal, (Addl. Bench), Coimbatore, and Madurai.
13. The Presiding Officer, Family Court, Madras.
14. The Secretary, Legal Aid & Advisory Board, High Court, Campus.
15. The Presiding Officer, Special Court for Essential Commodities Act, Madras, Coimbatore, Salem, Madurai, Thanjavur and Pudukkottai.
16. The Presiding Judge, Designated Court under TADA Act, Poonamallee.

Copy to:

1. The Sub Assistant Registrar, (A/c) & (Admn.) High Court, Madras
2. The Section Officer, C, Cl, 'J' Budget & G Section, -do-
3. The Section Officer, Establishment & 'B' Section, -do-
(2 copies)
4. The Senior Accounts Officer, High Court, Madras.
5. The Librarian. -do-
6. The Record Keeper, A.D. Records, -do-
7. The SAC, Budget Sec. High Court, Madras.

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Krm//