

# **The Orissa Universities (Non-teaching employees) Revised Scales of Pay Rules, 2009**

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## **The Orissa Universities (Non-teaching employees) Revised Scales of Pay Rules, 2009**

### **Rule**

### **THE-ORISSA-UNIVERSITIES-NON-TEACHING-EMPLOYEES-REVISED- of 2009**

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The Orissa Universities (Non-teaching employees) Revised Scales of Pay Rules, 2009 Published vide Notification No. 441-U-29-SG, dated 4th June 2009, Orissa Gazette No. 26 dated 26.6.2009 Office of the Chancellor, Raj Bhavan, Bhubaneswar No. 441-U-29-SG. - In pursuance to Sub-section (1) of Section 22 of the Orissa Universities Act, 1989 (5 of 1989), the Chancellor is pleased to make the following rules, namely:-

#### **1. Short title and commencement.**

(1) These rules may be called the Orissa Universities (non-teaching employees) Revised Scales of Pay Rules, 2009. (2) They shall be deemed to have come into force on the 1st day of January, 2006.

#### **2. Application.**

(1) Save as otherwise provided by or under these rules, these rules shall apply to all persons in whole time employment of the Utkal University, Berhampur University, Sambalpur University, Sri Jagannath Sanskrit Viswabidyalaya, Puri, Ravenshaw University, North Orissa University and Fakir Mohan University. (2) These rules shall not apply to - (i) persons engaged by the Universities on contract basis except when the contract provides otherwise; (ii) persons re-employed in University service after retirement; (iii) persons paid out of Contingencies; (iv) persons paid otherwise than on a monthly basis including those paid only on piece rate basis; (v) persons not drawing pay in regular scales of pay for whom no revised scales pay are prescribed; (vi) employees borne in the "Work-charged Establishment" as defined in the Resolution of Government in the erstwhile Political

and Services Department No.9488, dated the 18th June 1974;(vii)employees covered under University Grants Commission/All India Council of Technical Education Scales of Pay;(viii)persons not in whole time employment under Universities;(ix)any other class or category of persons whom the Chancellor may, by order, specifically exclude from the operation of all or any of the provisions contained in these rules.

### 3. Definitions.

- In these rules, unless the context otherwise requires, -(1)(i)"existing basic pay" means pay drawn in the prescribed existing scales of pay, including stagnation increment(s), personal pay granted due to fixation of pay under sub-rule (d) of Rule 74 of the Orissa Service Code including the cases where reducible personal pay has been granted to protect the total emoluments on account of loss of special pay, advance increments granted, if any, but does not include any other type of pay like "special pay", etc.:(ii)"existing scale" in relation to a University employees means the present scale applicable to the post held by the University employees (or, as the case may be, any personal scales of pay applicable to him/her) as on the 1st day of January, 2006 in a substantive or temporary capacity :Provided that in the case of a University Employees who, on the 1st day of January 2006 was on deputation, leave, foreign service or training or who would have on that date continued in one or more lower posts but for his officiating in a higher post, "existing scale" means the scale of pay applicable to the post which he would have held but for his being on such deputation, leave, foreign service or training as the case may be, but for his officiating in a higher post.(2)(i)"existing emoluments" means the sum of - (a) existing basic pay, (b) dearness pay appropriate to the basic pay and (c) dearness allowance appropriate to the basic pay + dearness pay at index average 536 (1982 = 100);(ii)"present scale" in relation to any post/grade specified in Column (2) of the First Schedule means the scale of pay specified against that post in Column (5) thereof;(iii)"pay in pay band" means pay drawn in the running pay bands specified in Column (5) of the First Schedule;(iv)"grade pay" means a fixed amount corresponding to the pre-revised pay scale/posts as specified in Column (6) of the First Schedule;(v)"revised pay structure" in relation to any post specified in Column (3) of the First Schedule means the pay band and grade pay specified against that post or the pay scale specified in Columns (5) and (6) thereof, unless a different revised pay band and grade pay or pay scale is notified separately for that post;(vi)"basic pay" in the revised pay structure means the pay drawn in the prescribed pay band plus the applicable grade pay but does not include any other type of pay like special pay, etc.:(vii)"revised emoluments" means the pay in the pay band plus grade pay of a University employees in the revised pay structure;(viii)"Schedule" means Schedule appended to these rules.(3)"Finance Department" means the Finance Department of the Government;(4)"Government" means the Government of Orissa;(5)"Pay" means the pay as defined in clause (i) of Sub-rule (a) of Rule 33 of the Orissa Service Code in the existing scale and shall include -(i)ad hoc increment granted in the shape of personal pay on account of stagnation at the maximum of the existing scale;(ii)personal pay granted due to fixation of pay under Sub-rule (d) of Rule 74 of the Orissa Service Code, including the case where reducible personal pay has been granted to protect the total emoluments on account of loss of special pay;(iii)advance increment (s) granted, if any;Note. - A list of existing scales of pay and their corresponding pay band/revised pay structure is appended to the First Schedule to these rules.

#### **4. Scales of Pay.**

- The revised pay structure with the pay band, pay scales and grade pay as applicable. Corresponding to the existing scale of every post/grade specified in Column (2) of the First Schedule shall be as specified against it in Columns (5) and (6) thereof.

#### **5. Drawal of Pay in the Revised Pay Structure.**

- Save as otherwise provided in these rules, a University employee shall draw pay in the corresponding pay in pay band with grade pay in revised pay structure applicable to the post to which he/she is appointed :Provided that a University Employee may elect to continue to draw his/her pay in the existing scale until the date on which he/she earns his/her next increment in the existing scale falling due within a period of one year from the date of enforcement of these rules or until he/she vacates his/her post or ceases to draw the pay in that scale :Provided further that in case where a University Employee has been placed in a higher pay scale between 1st January 2006 and the date of notification of these rules on account of promotion and upgradation of pay scale, the University employees may elect to switch over to the revised pay structure from the date of such promotion and upgradation;Explanation (I). - The option to retain the existing scale under the provisos to this rule shall be admissible only in respect of one existing scale.Explanation (II). - The aforesaid option shall not be admissible to any person appointed to a post on or after the 1st day of January 2006, whether for the first time in University service or by transfer from another post and he/she shall be allowed pay only in the revised pay structure.Explanation (III). - Where a University employee exercises the option under the provisos to this rule to retain the existing scale in respect of a post held by him/her in an officiating capacity on regular basis for the purpose of regulation of pay in that scale under any rule or order applicable to that post, his substantive pay shall be substantive pay which he would have drawn had he retained the existing scale in respect of the permanent post on which he holds a lien or would have held a lien had his lien not been suspended or the pay of the officiating post which has acquired the character of substantive pay in accordance with any order for the time being in force, whichever is higher.

#### **6. Exercise of option.**

(1)The option under the provisos to Rule 5 shall be exercised in writing in the Form as in the Second Schedule so as to reach the authority mentioned in Sub-rule (2) of this rule within three months of the date of publication of these rules or where an existing scale has been revised by any order made subsequent to that date, within 3 months of the date of such order :Provided that -(i)in case of a University employee who is on the date of such publication or, as the case may be, on the date of such order, on leave or deputation or foreign service or active service, the said option shall be exercised in writing so as to reach the said authority within three months of the date of his taking charge of his post and or within three months from the date of publication of these rules to the Administrative Department of Heads of Department or Head of Office;(ii)where a University employee is under suspension on the 1st day of January 2006, the option may be exercised within three months of the date of his return to his duty if that date is later than the date prescribed in this sub-rule;(2)the option shall be intimated by the University employee to his Head of Office;(3)if the

intimation regarding option is not received within the time mentioned in sub rule (1), the University employees shall be deemed to have elected to be governed by the revised pay structure on and from the 1st day of January, 2006;(4)the option once exercised shall be final.Note I. - Persons whose services were terminated on or after the 1st January, 2006 and who could not exercise the option within the prescribed time limit, on account of discharge on the expiry of the sanctioned posts, resignation, dismissal or removal on disciplinary grounds are entitled to the benefits of this rule.Note II. - Persons who have died on or after the 1st January, 2006 and could not exercise the option within the prescribed time limit are deemed to have opted for the revised pay structure on and from the 1st day of January, 2006.Note III. - Persons who were on earned leave or any other leave on the 1st January 2006 which entitled them to leave salary will be allowed the benefits of this rule.

## **7. Fixation of initial pay in the revised pay structure.**

- The initial pay of a University employee who elects, or is deemed to have elected under sub rule (3) of Rule 6 to be governed by the revised pay structure on and from the 1st day of January, 2006, shall, unless in any case the Chancellor by special order otherwise directs, be fixed separately in respect of his substantive pay in the permanent post on which he holds a lien or would have held a lien if it had not been suspended, and in respect of his pay in the officiating post held by him in the following manner, namely:-In the case of all employees -(i)the pay in the pay band/pay scale will be determined by multiplying the existing basic pay as on the 1st January 2006 by a factor of 1.86 and rounding off the resultant figure to the next multiple of 10;(ii)If the minimum of the revised pay band/pay scale is more than the amount arrived as per (i) above, the pay shall be fixed at the minimum of the revised pay band/pay scale;(iii)The pay in the pay band will be determined in the above manner. In addition to the pay in the pay band, grade pay corresponding to the existing scale will be payable.Note I. - Where the existing emoluments exceed the revised emoluments in the cases of any University employee, the difference shall be allowed as personal pay to be absorbed in future increases in pay.Note II. - Where in the fixation of pay under sub-rule (1) the pay of a University employee who in the existing scale was drawing immediately before 1st day of January, 2006 more pay than another University employee junior to him in the same grade in the cadre he belongs gets fixed in the revised pay band at a stage lower than that of such junior, his pay shall be stepped up to the same stage in the revised pay band as that of the junior.Note III. - Where a University employee is in receipt of personal pay on the 1st day of January, 2006 which together with his existing emoluments exceeds the revised emoluments, then the difference representing such excess shall be allowed to such University employee as personal pay to be absorbed in future increases in pay.Note IV. - In case where a senior University employee promoted to higher post before the 1st day of January, 2006 draws less pay in the revised pay structure than his junior who is promoted to the higher post on or after the 1st day of January, 2006, the pay in the pay band of the senior University employee should be stepped up to an amount equal to the pay in the pay band as fixed for his junior in that higher post. This stepping up should be done with effect from the date of promotion of the junior University employee subject to the fulfillment of the following conditions, namely :-(i)Both the junior and senior University employee belong to the same cadre and the post in which they have been promoted must be identical.(ii)Pre-revised scale of pay and revised grade pay of the lower and higher post in which they are entitled to draw pay must be identical.(iii)The senior University

employee at the time of promotion must have been drawing equal pay or more pay than the junior.(iv)If in the lower post the junior officer was drawing more pay in the pre-revised scale than the senior by virtue of an advance increment granted to him, provision of this note need not be in vogue to step up the pay of the senior officer.Note V. - Fixation of pay in the revised scale shall be made in the Form appended to these rules as Third Schedule.

## **8. Fixation of pay in the revised pay structure of an employee appointed as fresh recruits on or after 1st January 2006.**

- Columns (5) and (6) of the First Schedule of these rules indicated the entry level pay in the pay band under which the pay of direct recruits to a particular post carrying specific grade pay will be fixed on or after 1st January, 2006. This will also be applicable in case of those recruited between 1st January, 2006 and the date of issue of this notification. In such cases where the emoluments of the pre-revised pay scale i.e. basic pay in the pre-revised pay scale plus Dearness Pay plus Dearness Allowance applicable on the date of joining exceeds the sum of the pay fixed in the revised pay structure and applicable Dearness Allowance thereon, the difference shall be allowed as personal pay to be absorbed in future increments in pay.

## **9. Rate of increment in the revised pay structure.**

- The rate of increment in the revised pay structure shall be 3% of the sum of the pay in the pay band and grade pay applicable, which will be rounded off to the next multiple of 10. The amount of increment will be added to the existing pay in the pay band.

## **10. Date of next increment in the revised pay structure.**

- The date of next increment shall be twelve months from the last increment sanctioned. In case where the pay is fixed at the minimum of revised scale of pay, the date of next increment shall be the anniversary of date of coming over to the revised scale of pay.

## **11. Fixation of pay in the revised pay structure subsequent to the 1st day of January, 2006.**

- Where a University employee continues to draw his basic pay in the existing scale and is brought over to revised pay structure from the date later than the 1st day of January, 2006, his pay from later date in the revised pay structure subject to the provision of Rule 5, shall be fixed in the manner as indicated in Rule 7 taking the pre-revised basic pay as on that date.

## **12. Fixation of pay on re-appointment after 1st day of January, 2006 to a post held prior to that date.**

- A University employee who had officiated in the post prior to the 1st day of January, 2006, but was not holding that post on that date and who on subsequent appointment to that post draws pay in the

revised pay structure shall be allowed the benefit to the extent it would have been admissible had he been holding that post on the 1st day of January, 2006, and had elected the revised pay structure on and from that date.

### **13. Fixation of pay on promotion on or after 1st January, 2006.**

- In case of promotion from one grade pay to another in revised pay structure the fixation will be done as follows : (1) One increment equal to 3% of the sum of the pay in the pay band and the existing grade pay shall be computed and rounded off to the next multiple of 10. This will be added to the existing pay in the pay band. The grade pay corresponding to the promotional post will thereafter be granted in addition to the pay in the pay band. In case where the promotion involves change in the pay band also the same methodology would be followed. If the pay in the pay band after adding the increment is less than the minimum of the basic pay band to which promotion is taking place, the pay in the pay band shall be stepped up to such minimum. (2) If the University employee exercises option to fix his promotional pay not from the date of joining in the promotional post but from the later date with accrual of one increment in the lower scale and to refix his promotional pay in the appropriate higher scale, in such eventuality, a University employee in case of the later case will continue in the lower pay band with grade pay in the promotional post till the re-fixation of his promotion pay in the promotional pay band. Such option shall have to be exercised within a month from the date of joining in the promotional post in the prescribed format in the Fourth Schedule. Further in case of persons who have already been promoted and their pay is to be refixed in the promotional pay band retrospectively, they may exercise option to avail promotional benefit in the pay within one month as per the prescribed format in the Fourth Schedule from the date of publication of revised pay rules. Otherwise they will be deemed to have come over to the promotional scale in the revised scale of pay from the date of joining in the promotional post.

### **14. Assured Career Progression (ACP).**

- All University employees up to Group A category can avail ACP in 3 stages i.e. first ACP on completion of 15 years, second after 25 years and third after 30 years of service in their original post or grade and such benefit of ACP will be given only after screening each and every case by a Screening Committee to be constituted by the University. All the norms for promotion shall also be applicable for allowing ACP at different stages. The financial benefit to the extent of one increment for a sum of 3% on basic pay including grade pay will be added on availing different stages of ACP and next increment will accrue one year after.

### **15. Stagnation increment.**

- After refixation of the pay in the pay band and revised pay scale the University employees may avail stagnation increment @ of 3% in the revised pay scale at an interval of 2 years after reaching the maximum of the pay band. Three such increments shall be allowed to be treated as personal pay. Employees, against whom disciplinary cases are pending will have to await the result of the disciplinary case for being considered for grant of this benefit.

## **16. Authority competent to fix the pay.**

- The pay of the University employee in pay band and revised scale shall be fixed by such authority and would be checked by such officer as may be directed by the Chancellor or Government.

## **17. Excess payment to be recovered.**

- Where in the course of fixation of pay under these rules, any amount drawn or received as pay by any University employee under any rule is found to be in excess of the amount payable to him under these rules, the excess amount so drawn or received shall be recoverable from such University employee or from his recoverable pensionary benefits or for which he shall submit an undertaking as specified in the Fifth Schedule.

## **18. Overriding effect of these rules.**

- The provisions of the Orissa Service Code and the Orissa Universities Revised Scales of Pay Rules, 1999 shall not, save as otherwise provided in these rules, apply to cases where pay is regulated under these rules, to the extent they are inconsistent with these rules.

## **19. Power to relax.**

- Where the Chancellor is satisfied that the operation of all or any of the provisions of these rules cause/causes undue hardship in any particular case, he may, in the public interest, by order, dispense with or relax the requirements of all or any of the provisions to such extent and subject to such conditions as may be deemed necessary for dealing with the case in a just and equitable manner :Provided that any proposal for consideration for relaxation by the Chancellor shall have the prior concurrence of the Finance Department.

## **20. Interpretation and power to remove anomalies or any other difficulties.**

- If any question arises relating to the interpretation of any of the provisions of these rules, for removal of anomalies, omissions, difficulties, printing and clerical errors, all such matters shall be referred to the Chancellor and State Government for clarification and decision. The procedure of fixation and drawal of pay in the revised scale of pay under the ORSP Rules, 2008 and clarification issued by the State Government in Finance Department in that connection shall be made applicable to the University Employees (non-teaching) as per Sub-section (2) of Section 24 of the Orissa Universities Act, 1989.