

The Rajasthan Municipalities (Class IV Services) (New Pay Scales) Rules, 1973

RAJASTHAN

India

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Rule

THE-RAJASTHAN-MUNICIPALITIES-CLASS-IV-SERVICES-NEW-PAY-S of 1973

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The Rajasthan Municipalities (Class IV Services) (New Pay Scales) Rules, 1973Published vide Notification No.F. 2(36) LSG/58 70/Part-8/4, dated 25-1-1973 (GSR 13), Published in Rajasthan Gazette, Extra-ordinary, Part 4-C (1), dated 7-5-1973In exercise of the powers conferred by clause (b) of sub-section (2) of section 297 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959) read with clauses (b) and (c) of section 83 thereof and in pursuance of rule 11 of the Rajasthan Municipalities (Class IV Service) Rules, 1964 as well as all other powers enabling in this behalf, the State Government hereby makes the following rules, namely:-

1. Short title.

- These rules may be called the Rajasthan Municipalities (Class IV service) (New Pay Scales) Rules, 1973.

2. Commencement.

- These rules shall come into force after one month from the date of their publication in the Official Gazette and shall apply to such of the Councils/Boards from such date and on such conditions as laid down or may be laid by the Government by an order from time to time in this behalf.

3. Definition.

- In these Rules, unless, there is anything repugnant in the subject or context:-(i)'Basic pay' means pay as defined in Rule 7 (24)(i) of Rajasthan service Rules, 1951 provided that when a member is in receipt of a personal pay in the existing pay scale, the basic pay includes personal pay;(ii)'Board' means Municipal Board and includes a Municipal Council;(iii)'Chairman' means the Chairman of a Municipal Board and includes the President of the Municipal Council;(iv)'Director' means the Director of Local Bodies, Rajasthan;(v)'Executive Officer' means the Executive Officer of the Municipal Board and includes the Commissioner of the Municipal Council;(vi)'Examiner' means Examiner, Local Fund Audit Department, Rajasthan and includes an officer authorised by him in this behalf;(vii)'Existing member of Service' means a member of Service who is in service of a Board immediately prior to adoption of these pay scales by the Board and who has been drawing pay in an existing pay scale from the municipal fund;(viii)'Existing Pay Scales' means the scale of pay applicable to a member of Service in respect of post held by him in a substantive, officiating or temporary capacity on the date, of adoption of the new scale;(ix)'Member' means a member of the Service;(x)'New Pay Scale' means the scales of pay as prescribed by the Government vide Notification No. F 2(36) LSG/58-70, Part VIII/III, dated 25-1-73 published in the Schedule attached to these Rules;(xi)'Service' means Rajasthan Municipalities (Class IV) Service;(xii)'Schedule' means the schedule attached to these Rules;(xiii)'Special Pay' means an addition of the nature of pay to the emoluments of a post or of a municipal servant, granted in consideration of-(a)the special arduous nature of the duties; or(b)a specific addition to the work of responsibility, or(c)the unhealthiness of the locality in which the work is performed.

4. Scope of Rules.

(a)The new pay scales shall be payable for the members of the Service from such date not earlier than 1-4-70 as specified by the Government by an order published in the Official Gazette subject to the provisions contained in clause (c) below.(b)Benefit of grant of new pay scales shall be extended to the employees of a Board only when the request is received from the Board concerned duly supported by a resolution.(c)The new pay scales shall be payable to a member of the Service who exercises his opinion for new pay scale in accordance with the provisions contained in Rule 5 below, and(i)who is in a substantive, officiating or temporary capacity or on probation drawing pay in existing pay scales,(ii)who was appointed on or after 1-4-70 or the date on which these rules are made applicable (whichever is later) and possess all the requirements prescribed for the post on which he was initially appointed :Provided that a person who has been appointed by direct recruitment or by promotion on or after 2-5-1964 without having the recruitment as prescribed under the Rajasthan Municipalities (Class IV Service) Rules, 1964 shall not be entitled to get new pay scales.

5. Opinion to elect the existing scale.

- (i) Subject to provisions of Rule 4 of these rules a member may elect to continue to draw pay in the existing pay scale till the date on which he earns his next or any subsequent increment in the existing pay scale or until he vacates his post or ceases to draw pay in that pay scale.(ii)An existing

member may exercise option to retain his existing pay scale under clause (i) in any of the following circumstances :-(a)while holding a permanent post in a substantive capacity but not officiating on higher post;(b)while holding a permanent or temporary post in temporary capacity without having any lien on any post;(c)while officiating on higher post whether permanent or temporary retaining lien on a permanent post or where he would have officiated in one or more posts but for his being on leave or on foreign service provided that:-(i)the option in such cases shall be admissible in respect of existing pay scales attached either to the post held by him in an officiating capacity or to his substantive post and not for both the existing pay scales and if such a member exercises option to retain existing pay scale in respect of the post held by him in officiating capacity, his pay in the event of his reversion to the lower post held in a substantive capacity and also on re- promotion to the same higher post after reversion shall be fixed in the new pay scale only, and(ii)the option to retain existing pay scale in respect of the post held in officiating capacity shall not be allowed to a member of Service who was not qualified to hold a higher post or who was not senior enough for regular promotion or who was fortuitously appointed on purely temporary basis for example against leave vacancy or against a short term vacancy caused by deputation of the senior person for training within India or abroad or deputation to foreign service etc.

6. Exercise of option.

(1)The option under Rule 5 shall be exercised in writing in form No. 1 appended to these rules and submitted to the Executive Officer within two months from the date the Board resolves to adopt the new pay scales after application of these rules :Provided that in case of a member who is on that date, on leave or on deputation or in foreign service, or under suspension or under training, the option shall be exercised within 2 months from the date of his return to duty.(2)In case the option from any member is not received by the Executive Officer within the time specified in sub-rule (1) the member shall be deemed to have elected to draw pay in the new pay scale with effect from the date of adoption of new pay scales in Board where he is serving.(3)Where the member expires before exercising his option within the prescribed period, he may be deemed to have exercised option in favour of existing pay scale or the new pay scale whichever is advantageous to him and his pay may be fixed accordingly.(4)The option once exercised shall be final.

7. Fixation of initial pay in new scales.

(1)The initial pay of a member who elects or is deemed to have elected under rule 6 to draw pay in the new pay scale with effect from 1-4-70 or the date when the Board resolves to adopt new pay scales whichever is later, shall be fixed separately in respect of his substantive pay in the permanent post on which he holds a lien or on which he would have held a lien if it had not been suspended and in respect of officiating pay in the following manner:-(i)A member whose pay in the existing pay scale is less than the minimum pay of the new pay scale, shall have his pay fixed at the minimum pay of the new pay scale.(ii)A member whose pay in the existing pay scale is more than he minimum shall have his pay fixed in the new pay scale at a stage next above his pay in the existing pay scale.(iii)A member whose pay in the existing pay scale is more than the maximum of the new pay scale shall have his pay fixed at the maximum of the new pay scale and the difference between the existing pay and fixed pay in the new pay scale shall be allowed as personal pay.(iv)A member

drawing pay at the maximum of the existing pay scale for a period of two years or more shall have his pay fixed at a stage next above the pay fixed under clause (ii) of this sub-rule.(2)(a)Where as a result of fixation of pay in the new pay scale under clause (ii) of sub-rule (1) a junior member whose existing pay was equal to or less than the existing pay of his senior begins to draw more pay than his senior, the pay of such senior member shall be stepped up equal to that of his junior from the date the pay of junior person becomes more than that of his senior, subject to the fulfillment of the following conditions :-(i)Both the junior and senior persons belong to the same cadre and are drawing pay in the identical time scale of pay: and(ii)the anomaly is directly attributed to fixation of pay under these Rules only.(b)The next date of increment of such senior member in the new pay scale shall be granted after completing the full incremental period under Rule 31 of the Rajasthan Service Rules, 1951.(c)The provision contained in clause (a) of this sub-rule shall not apply to cases of anomalies, if any arise as a result of operation of Rule 12 of these Rules.(3)In case where fixation of pay in the new pay scales proves continuously disadvantageous after a certain stage in the pay scales due to adverse change in the rate of increment in the new pay scales, the pay of a member at that stage shall be fixed at a next higher stage in the new pay scales.(4)(a)Where fixation of initial pay in the new pay scale on 1-4-70 or the date when the Board resolves to adopt these Rules, carries the pay beyond the stage of efficiency bar of the new pay scale or Efficiency Bar in the existing pay scale these bars shall be deemed to have been crossed.(b)In cases where an efficiency bar has been enforced against a member drawing pay in the existing pay scale prior to 1-4-70 or the date from which the Board resolves to adopt these scales, such member after his initial pay has been fixed in the new pay scales shall not draw increment unless specifically permitted by the Board.

8. Date of increment in the New Pay Scales.

- The next date of increment of a member whose pay has been fixed in the new pay scale in accordance with Rule 7 shall be the date on which he would have drawn his increment had he continued in the existing pay scale: provided that-(i)Where the pay in the new pay scale is fixed at the minimum of the new pay scale and the difference between pay so fixed and the pay in the existing pay scale results in a benefit equal to or more than the amount of first increment in the new pay scales the next increment shall be granted in the new pay scale after completing the full increment period under Rule 31 of Rajasthan Service Rules.(ii)Where normal date of increment in the existing pay scale falls on 1-4-70 or the date on which the Board resolves to adopt these Rules, the pay in the new pay scale shall be fixed on the basis of pay admissible in the existing pay scale 1-4-70 or the date on which the new pay scales are adopted by the Board including increment.

9. Relaxation of Rules.

- Where the Government is satisfied that the operation of any of these Rules causes undue hardship in any particular case, the Government in the Local Self Government Department may by an order, relax the requirement of that rule to such extent and subject to such condition as may be considered necessary for dealing with the case in a just equitable manner.

10. Non-applicability of the Rules.

- These Rules shall not apply to:-(i)Person not in whole time appointment in the Board;(ii)a person paid out of contingencies;(iii)a person employed on contract basis when the contract provides otherwise;(iv)a retired servant who has been re-employed by the Board and who is in service on 1-4-70 or the date on which new pay scales are adopted by the Board or re-employment after that date;(v)a person employed on work charge basis;(vi)a person who has been especially excluded wholly or partly by the Government from the operation of these Rules.

11. Declaration.

- For safeguard of the recovery of over or excess payment made on account of some error in the fixation of initial pay in the new pay scale, each member of service opting new pay scale or deemed to have opted new pay scale, shall give a declaration in form No. 2 appended with these Rules. In the event of any over-payment of Executive Officer shall be competent to recover such over-paid amount from such member.

12. Special provision for grant of advance increment to members of service.

(1)A member, who is drawing pay below Rs. 485/- in the existing pay scale and is due to retire within 10 years from 1-4-70 or the date when the Board resolves to adopt these Rules whichever is later shall be granted one advance increment in the new pay scale after fixation of his initial pay under Rule 7 provided that the total benefit of increase in pay accruing to him, by fixation of pay in the new pay scale is equal to or less than the amount of next annual increment in the new pay scale. The date of normal increment shall remain unchanged.(2)[A member, who is drawing pay below Rs. 485/- in the existing pay scales and has completed 12 years of serviced on 1- 4-70 or the date when the Board resolves to adopt these rules whichever is later shall be granted one advance increment in the New Pay Scale after fixation of his initial pay under rule 7 provided that the total benefit of increase in pay accruing to him by fixation of pay in new pay scale in equal to or less than the amount of next annual increment in new pay scale. The date of advance increment on completion of 12 years shall not be applicable to those employees who shall have to retire within 10 years.] [Inserted by Notification dated 27-2-1975.](3)A member who is drawing pay below Rs. 485/- p.m. in the existing pay scale and is due to retire within 10 years from 1-4- 70 or the date when the Board resolves to adopt these Rules whichever is later shall be granted one advance increment provided he elects to draw pay in the existing pay scale until he vacates the post or ceases to draw pay in that pay scale under Rule 5. The date of increment shall remain unchanged.

13. Preparation of fixation statement.

- On receipt of option under Rule 6 and the declaration under Rule II the Executive Officer shall prepare a fixation statement in quadruplicate in Form '3' appended to these Rules and shall furnish the same with service record to the Examiner. If any mistake is found the Examiner may refer it back to the Executive Officer for necessary correction. After such statement is checked and found correct

the Examiner shall endorse the same to the Chairman who shall thereon record his approval accordingly.

14. Liability of payment.

- Pay, dearness allowance and other allowances of a member shall be paid out of the funds of the Board when he had served or serves from time to time as the case may be.

15. Power of interpretation.

- If any question or doubt arises relating to the interpretation of these Rules, it shall be referred to the Government in Local Self Government Department whose decision thereon shall be final. Form No. 1 Option (See Rule 6) (1) I..... hereby elect the new pay scales with effect from 1-4-70. (2) I, hereby elect to continue my pay in the existing pay scale on my substantive/officiating post as mentioned below until.-(a) the date of my next increment which falls on..... (b) the date of my subsequent increment raising my pay to Rs..... on (c) I vacate or cease to draw the pay in the existing pay scale. To be scored out if not applicable. Existing substantive/officiating pay scale. Date..... Place..... Signature..... Name..... Designation..... Section..... Attested Officer Date Form No. 2 Declaration (See Rule 11) I, designation..... do hereby declare and undertake to refund any amount that may be overdrawn as a result of incorrect pay fixation in the new pay scale.

Witness Signature.....

(1)..... Name.....

(Designation) Designation.....

Section.....

(2) Date.....

(Designation)

Attested Commissioner/Executive Officer, Municipal Council/Board. Form No. 3 Fixation

Statement (See Rule 13) Name of the Municipal Council/Board.....

Name of the Officer	Designation of the post in which pay to be fixed as on 1-4-70 or any other date after 1-4-70	Whether officiating or substantive
1	2	3
Existing pay scale	Basic pay on 1-4-70 or any subsequent date after 1-4-70 as defined in rule 4(a) and date of next increment	Dearness allowance appropriate to the basic pay in items 5
4	5	6
		Total existing emoluments (5) and (6)
		7

If the pay shown against item New pay scale corresponding to Pay as fixed Amount of

No. 5 is the maximum of the existing pay scale/scales shown under rule 7 of new pay scale rules against column No. 4 it is being drawn dearness allowance appropriate to pay shown against item No. 10

8

9

10

11

Total emoluments under new pay scale (10+11)	Date of next increment under rule 8	Whether due to retire with in 10 years from subsequent date from which Council resolve to adopt new pay scale mention date of retirement on the basis of entries made in service book
12	13	14

Total benefit accruing as a result of increase in pay and D.A. on account of fixation of pay under rule 7	Amount of next annual increment in the new pay scale/existing pay scale	Pay as fixed under rule 13 (if admissible) in the new pay scale/existing pay scale	Remarks
15	16	17	18

Certified that.- (1) The options of the employees for fixation of pay in the new pay scales have been received.(2)Declarations have been obtained from the employees to refund over payment which may be subsequently detected.

Signature of Chairman/President Signature of Commissioner/Executive Officer

For the use of the office of the Assistant Examiner, Pre-Audit/RangeThe fixation statement has been checked and found correct

Name (.....)

&

Signature

Asstt. Examiner,

Pre-audit, Municipal Council

.....

OR

Assistant Examiner, Range

ApprovedName (.....)&SignaturePresident, Municipal Council Chairman, Municipal Board.