



From

The Additional Chief Secretary to Government Haryana,
Finance Department.

To

1. All the Administrative Secretaries in Haryana State.
2. All the Head of Department in Haryana State.
3. All the Divisional Commissioner in Haryana State.
4. All the Deputy Commissioner in Haryana State.
5. All the SDO(Civil) in Haryana State.

Memo No. 6/102/2020-4PR(FD)/
Dated, Chandigarh, the 06.01.23

Subject: - Clarification regarding pay fixation on assigning the current duty charge.

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I am directed to invite your kind attention on the subject noted above and to say that instances have come to the notice of the Finance Department that some departments are assigning current duty charge (CDC) to the officers/officials of the next promotional posts in their own pay scale/pay structure. Some employees are either actually promoted or retired from Government service while holding CDC. The officers/officials rendering the current duty charge claim the benefit of pay fixation of the next promotional post. Some officers/officials have also filed different court cases.

2. The rules position and judicial orders/precedents in this regard are as under: -

(a) RULE 4.22 AND RULE 4.23 OF CSR VOL. I PART I APPLICABLE UP TO 31.12.2015

4.22 A competent authority may appoint a Government employee already holding a post in a substantive or officiating capacity to officiate as a temporary measure, in one or more of other independent posts at one time. In such cases, his pay is regulated as follows: -

- (i) where a Government employee is formally appointed to hold full charge of the duties of a higher post in the same office as his own and in the same cadre/line of promotion, in addition to his ordinary duties, he shall be allowed the pay admissible to him, if he is appointed to officiate in the higher post unless the competent authority reduces his officiating pay under Rule 4.16; but no additional pay, shall however, be allowed for performing the duties of a lower post;
- (ii) where a Government employee is formally appointed to hold dual charge of two posts in the same cadre in the same office carrying identical scales of pay, no additional pay shall be admissible regardless of the period of dual charge; provided that if the Government employee is appointed to an additional post, which carries a special pay, he shall be allowed such special pay;
- (iii) [Deleted] 5
- (iv) no additional pay shall be admissible to a Government employee who is appointed to hold current charge of the routine duties of another post or posts regardless of the duration of the additional charge;
- (v) if compensatory or sumptuary allowances are attached to one or more of the posts, the Government employee shall draw such



compensatory or sumptuary allowances as the competent authority may fix: Provided that such allowances shall not exceed the total of the compensatory and sumptuary allowances attached to all the posts.

4.23 When a Government employee holds charge of the current duties of a post after being relieved of those of his substantive post, he officiates in that post. If it is not considered that he is entitled to the full officiating pay of the post, his pay may be fixed under rule 4.16 This should be done whenever the Government employee is not carrying out the full duties of the post.

Note. – See also Note 1 below rule 4.1(2).

(b) RULE 75 and Rule 76 OF HCS (PAY) RULES, 2016 APPLICABLE W.E.F. 01.01.2016

75 Pay on charge of one or more posts of identical or higher pay scale: -

On appointment, in addition to ordinary duties as a temporary measure, to hold full charge of the duties of one or more posts of identical or higher pay structure in the same department and in the same cadre/line of promotion, no additional or higher pay shall be admissible. However, the special pay of arduous nature of duties and/or compensatory allowance(s), if any, attached with such post(s) shall be admissible.

76 Fixation of pay on current duty charge: -

No additional pay shall be admissible for holding, independently or in addition to own duties, current duty charge of another post(s) of the same or higher grade pay regardless of the duration.

Note: - The current charge of the duties of another post(s) should be given in exceptional circumstances with the approval of appointing authority.

(c) INSTRUCTIONS DATED 02.11.2016 ISSUED BY THE CHIEF SECRETARY, HARYANA

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3. Government has taken a serious view of the matter. You are again requested to ensure that current duty charge is given only in exceptional cases where it is necessary and no other alternative is available. Ineligible or next junior employee may not be given the current duty charge of the Higher post. Such charge should be given to the senior most officer who is otherwise fit for promotion. Further Rule 75 and 76 of *ibid* Rules (as the case may be) should also be mentioned.”

(d) JUDICIAL ORDERS/ PRECEDENTS

(i) Order dated 20.11.2013 in CWP No. 4864 of 2011-Hans Raj &ors. Vs. State of Haryana

“XXXXXXXXXX

10. There is sufficient weight in this petition which attracts issuance of a declaratory direction to the respondents **that the petitioners would have right to arrears of difference of pay of the two posts for the period served holding the current duty charge.** They would therefore be entitled the pay parity, and to have their annual increments calculated on the pay scale of the higher posts of Sub Divisional Engineers. They would also be entitled to claim pension on the basis of revision of pay scales brought about in terms of this order. However, if the service rules lay down regular satisfactory service as a condition precedent for award of any financial benefit such as Assured Career Progression pay scales then the period spent on current duty charge would not be reckonable towards such period since it cannot be at the same time equated with such regular service. The ACP pay scales issue, if arises would be



examined in terms of the Scheme. The grantable benefits as above be computed and made over to the petitioners within three months from the date of receipt of a certified copy of this order.

11. The writ petition stands allowed to the extent indicated above. **It is dismissed qua seniority.** The issue of ACP stands relegated for fresh decision in accordance with law. Pension and pensionary benefits would obviously stand on hold would operate from the date of retirement on reaching the age of superannuation in terms of this order.

(ii) ORDER DATED 22.11.2017 IN CWP NO. 9083 OF 2015- SHRI BHAGWAN SHARMA VS. STATE OF HARYANA

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*Resultantly, keeping in view the same, the present writ petition is allowed, and the petitioners are held entitled for the pay scale of the posts of SDO for the period they were given the charge against the said vacant posts, prior to regular promotions. Their pay, however, is not to be re-fixed after the said period over, since the State has clarified that they had given annual increments and salary in their original scale of Junior Engineers. **Therefore, they have only right to arrears of difference of pay for the 02 posts while holding the CDC.** The payments be made within a period of 2 months from the date of receipt of a certified copy of this order, failing which, the same would be carry interest @ 7% per annum from the date of it became due.”*

(iii) ORDER DATED 14.09.2018 IN SLP No. 30936 of 2016-State of Haryana Vs. Hans Raj Gupta &ors.

“In the peculiar facts of the case, we are not inclined to interfere. The special leave petitioners are accordingly dismissed. Pending applications, if any, stand disposed of.

The question of law is kept open.

However, impugned order is not to be treated as a precedent.”

3. The matter has been considered in the Finance Department at length keeping in view the above facts and it is clarified that **where an employee, who is otherwise fit for promotion, is given full-fledged charge of the promotional post in the hierarchy against the vacant post, his pay will be fixed considering the pay scale/pay structure of promotional post for the period holding CDC as per applicable rules/instructions. Accordingly, only difference of pay for 02 posts while holding CDC shall be payable.** However, the period spent on current duty charge would not be countable towards seniority as well as award of any financial benefit such as promotion, ACP etc. On actual promotion, his pay will be fixed by considering the presumptive pay of feeder post as if he has **never** been given current duty charge. This would hold good only for the period holding CDC till 31.12.2015 as HCS (Pay) Rules, 2016 have come into force w.e.f 01.01.2016.

4. In case of retirement while holding CDC, to maintain uniformity, pension and pensionary benefits shall be calculated on the basis of presumptive pay of the feeder post. One example of pay fixation of J.E who has

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been given CDC of the post of SDE w.e.f 12.11.1997 is given as under:-

Date	Pay of the post of J.E. (had he not been given CDC of the post of SDE)	Calculation of Pay while holding the CDC of the post of SDE in terms of Rule 4.4(c)(i) of CSR Vol. I Part-I	Difference of pay of two posts while holding the CDC.	Remarks
1	2	3	4	5
	Pay Scale	Pay Scale		
01.04.97	(11500)	--	--	
12.11.97	(11500)	11575	75	J.E. is granted CDC as SDE
01.04.98	(11700)	11850	150	A.I.
01.04.99	(11900)	12125	225	A.I.
01.04.00	(12100)	12400	300	A.I.
01.04.01	(12300)	12675	375	A.I.
01.04.02	(12500)	12950	450	A.I.
05.08.02	(12500)	12950	450	Last date of holding CDC

On 06.08.2002, he had been actually promoted to the post of Sub Divisional Engineer, the pay will be fixed in the following manner

Date	Pay of the post of J.E. (had he not been given CDC of the post of SDE)	Pay to be fixed on actual promotion to the post of SDE in terms of Rule 4.4(c)(i) of CSR Vol. I Part-I	Remarks
06.08.02	(12500)	12675	Actually promoted on the post of SDE. Pay fixed at next higher stage of presumptive pay of the feeder post of J.E.
01.04.03	(12700)	12950	A.I. Pay re-fixed in terms of Rules 4.14 of CSR Vol-1 Part-1.

5. On or after 01.01.2016, the provisions of Rule 75 and Rule 76 of HCS (Pay) Rules, 2016 shall be applicable. Further the instructions issued by O/o the Chief Secretary, Haryana, vide No. 62/30/2005-6GS1 dated 02.11.2016 be strictly adhered to.

6. Copy of these Instructions is also available on the website which can be down loaded from the site, www.finhry.gov.in.


Joint Secretary Finance (PR)

for Additional Chief Secretary to Government Haryana,
Finance Department 6/1 *nes*

Endst. No. 6/102/2020-4PR(FD)/ Dated, Chandigarh, the 06.01.23

A copy is forwarded to the following for information and necessary action:-

1. The Principal, Accountant General (A&E/Audit), Haryana, Chandigarh.
2. The Advocate General, Haryana, Chandigarh.


Joint Secretary Finance (PR)

for Additional Chief Secretary to Government Haryana,
Finance Department

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In-charge Computer Cell (FD)