

FINANCE DEPARTMENT

Memo No. CS-I-5/2001-35361(45)/F.,

Bhubaneswar, dated the 19th June, 2001.

To

All Departments of Government of Orissa,
Bhubaneswar.

Sub: Withdrawal of the clarification on fixation/protection of pay of the employees of Public Sector Undertakings/Corporations etc. owned or controlled by the State Government on their subsequent appointment under the State Govt. in the posts carrying lower time scale of pay/ identical scale of pay issued vide Finance Department Memo No. CS-I-5/2001-2971(236)/F., dated 19th January, 2001.

The undersigned is directed to say that after careful consideration Government have decided to withdraw the Finance Department Memo on the subject mentioned above with effect from the date of its issue i.e. dated 19.1.2001.

All concerned are requested to initiate appropriate action accordingly.

Sd/-A. K. Tripathy,

PRINCIPAL SECRETARY TO GOVERNMENT

NO. 48703 _____/F.,
CS-II-12/2001

FINANCE DEPARTMENT

OFFICE MEMORANDUM

Sub: Revision of the rates of Motor-Cycle Allowance to the Junior Engineers.

Bhubaneswar, the 22nd September, 2001.

The Motor-Cycle/ Scooter Allowance was granted in favour of Junior Engineers of different engineering departments of Government who are required to perform journeys frequently at the headquarters or within a short distance from their headquarters for which no daily allowance is admissible vide F.D.O.M. No. 84 dt. 2.1.89 under Rule-34 of Orissa Traveling Allowance Rules. The rate of Motor-Cycle/ Scooter Allowance was last revised to Rs. 175/- per month in F.D.O.M.No. 33791/F., dt.1.8.92.

In view of increase in the cost of P.O.L. etc. the proposal for further revision of the rate of Motor-Cycle/ Scooter Allowance to the Junior Engineers was under consideration of Government for sometime past. After careful consideration, the Governor has been pleased to decide as follows :-

The rate of Motor-Cycle/ Scooter Allowance as admissible to the Junior Engineers under rule-34 of the Orissa Traveling Allowance Rules is revised to Rs.350/- P.M. subject to fulfillment of following stipulations:

- (i) Grant of Motor-Cycle/Scooter Allowance shall be subject to conditions as laid-down in para-3 of F.D.O.M.No.84/F., dt.2.1.89 and No. 33791/F., dt. 1.8.92.
- (ii) The Junior Engineers shall have to undertake tour for a minimum period of 20 days a month.
- (iii) This order shall take effect from 1st November, 2001.

Sd/- A. K. Tripathy,
PRINCIPAL SECRETARY TO GOVERNMENT

No. CS.II-15/2001-49979/F.,

FINANCE DEPARTMENT

OFFICE MEMORANDUM

Bhubaneswar, the 3/10/2001.

The Governor has been pleased to order that the following further delegation be added to Item No.14 to Appendix-I of Orissa Service Code.

Item No.	No. of Rule	Nature of power	Authority to which delegation is made	Extent of power delegated.
1	2	3	4	5
14	130		Principals of Autonomous Colleges.	May grant leave upto maximum of 30 days to the Class-I Officers and 60 days to the Class-II Officers working under their administrative control provided that the Officer applying for leave is not under the order of transfer.

2. This Office Memorandum shall take immediate effect and the pending cases shall be disposed of in terms of above delegation.

3. The necessary amendment to the Orissa Service Code will be effected in due course.

Sd/- A. K. Tripathy,

PRINCIPAL SECRETARY TO GOVERNMENT

FINANCE DEPARTMENT

Memo No. CS-II-6/2002-10710(45)/F.,

Bhubaneswar, the 11th March, 2002.

To

All Departments of Government,

Sub: Execution of Bond by the Officers undergoing study leave/ higher study on leave due and admissible inside and outside the State but within the country, clarification regarding.

The undersigned is directed to say that the Government servants undergoing higher study on leave due and admissible are required to execute a Bond prescribed by Finance Department vide their Memo No. 6874-F., dt. 20.2.96 for ensuring proper utilization of their services under the state Government on return from study leave. It is however observed that in most of the cases the doctors having acquired a P.G. Degree are very often opting to forgo their promotions to the post of Specialists in cases where such promotions entail postings to remote/ village areas. The very purpose of deputing doctors for higher study/ specialized study is defeated through such acts.

With a view to make the scheme more effective, it has been decided in consultation with Health & F.W. Department, to insert a new clause in the Bond form after the proviso clause, as follows:

“Save and except permanent disability, under no circumstances, he (employee) can forgo his promotion and posting to any higher rank or special status with a view to avoid his place of posting. In the event of any breach in the above condition, the employee shall be liable for disciplinary Proceedings. He shall also be liable to refund the money spent by the State for his in-service higher study”.

It is requested that this may please be given effect to strictly the Bond documents shall be executed accordingly by inserting the now clause. This is applicable to all such employees who are now under study leave/ higher study on leave due and admissible.

Sd/-K. C. Parija

DEPUTY SECRETARY TO GOVERNMENT

FINANCE DEPARTMENT

Memo No. CS-I-4/02/13286(45)/F.,

From

Bhubaneswar, the 23rd March, 2002.

To

All Department of Government,

Sub: Protection of pay of the Government officials those who were working as Government Lecturers in U.G.C. pay scale consequent on their subsequent appointment in Orissa Administrative Service.

In enclosing herewith the copy of Judgment of the Hon'ble S. C. in the case of Shri Basudev Pati, OAS – Vrs – State of Orissa and others, the undersigned is directed to say that in the above case the Hon'ble S. C. while dismissing the Special Leave petition of the applicant has ordered that the service as a Lecturer is entirely different from the service of the Orissa Administrative Service and so, the applicant's last pay drawn in the post of Lecturer in U.G.C. pay scale can not be permitted to be protected in his subsequent appointment in Orissa Administrative Service. Under the provision of Law , the said order of the Apex Court is having general application to all such cases similarly situated.

It is, therefore, requested that immediate steps may be taken at their level to withdraw the benefit of such protection of U.G.C. pay scale already given to the above category of Govt. officials in contravention of orders of the Apex Court under their control if any, forthwith.

Action taken in the matter may be intimated to this Department positively within two months.

Sd/- Illegible

JOINT SECRETARY TO GOVERNMENT

CABE NUMBER : 14792

Date of Judgment : 03/03/97.

PETITIONER : BASUDEV PATI

Vrs.

RESPONDENT : STATE OF ORISSA & ANR.

BENCH:

K. RAMASWAMY, G.T. NANAVATI

ACTS / RULES / ORDER

HEADNOTE :

JUDGMENT :

ORDER

This special leave petition is filed against the order of the Orissa Administrative Tribunal at Cuttack passed on December 6, 1996, in Transfer Application No. 610/87.

Admittedly, the petitioner, while working as lecturer, had Appeared in competitive examination and was selected to the Orissa Administrative Service. As Orissa Administrative Service, Class-II, his scale of pay was Rs.525-1150/-. Earlier, also when he worked as Lecturer, the scale of pay was Rs. 525-1150/- which was subsequently revised by the University Grants Commission w.e.f. April 1, 1974 to Rs. 700-1600/-. In that pay fixed at Rs.780. He was paid arrears of salary with retrospective effect from 1.1.1974. After he was selected and appointed to the Orissa Administrative Service, he sought protection of his last drawn pay and his upgraded fitment in the pay scale in the Orissa Administrative Service. The Tribunal has rejected the claim. Thus this special leave petition.

Shri Janaranjan Das, learned counsel appearing for the petitioner, contends that since the petitioner had been given the pay scale with retrospective effect from 1.1.1974, on his appointment to the Orissa

Administrative Service, his last drawn pay need to be protected. As per the instructions of the Accountant General, his pay is entitled to be fixed at Rs.780/- in the pay scale in the service of Orissa Administrative Service. We find no force in the contention. The service as a Lecturer is entirely different from the service of the Orissa Administrative Service. Merely because he happened to work earlier as a Lecturer and in the same pay scale which was subsequently revised, he cannot be permitted to have the benefit of U.G.C. scale in the Administrative Service and fitment in the pay-scale on that basis. That would create imbalance and gross infraction and distortion and would result in flood of claims of similarly situated persons under Article 39(d) of the Constitution- Under these circumstances, such a course cannot be permitted to be adopted.

The special leave petition is dismissed accordingly.