

year, had initially met with resistance from the trade. After acceptance by the Tobacco Board of certain modifications in the implementation of the system for the current season, including an option to the buyers to make payments either by cheques or in cash, the marketing of virginia tobacco in Andhra Pradesh has been taking place by and large in accordance with the voucher system.

(d) Because of large size of the current virginia tobacco crop in Andhra Pradesh, the Government have already directed the State Trading Corporation of India to purchase 10,000 tonnes of virginia tobacco on Government account so as to relieve the situation for the growers. This quantity is over and above a quantity of 5,000 metric tonnes which the STC were already buying on their own account and risk to meet their estimated export requirements.

Pay Scale of Senior Investigators

8609. SHRI KAILASH PRAKASH: Will the Minister of FINANCE be pleased to state;

(a) whether it is a fact that despite no general warning, unconditional appointment letters and assurances to House, some Senior investigators, who were appointed after 1st July, 1959 and existing on 15th February, 1960 and 2nd August, 1960 and getting better pre-revised pay+D.A. were forced to reduce revised pay+D.A. after promulgation of Rules;

(b) whether Pay Commission recommended right of option to appointees upto 1st July, 1959 only or to all existing employees;

(c) were pre-revised scales allowed to appointees of 1st July, 1959 also even though only revised scales were in force on that date; and

(d) how many employees, who were appointed/promoted from 2nd July, 1959 to 1st August, 1960 are suffering for want of right of option?

THE MINISTER OF FINANCE (SHRI H. M. PATEL): (a) Revised scales of pay, based on the recommendations of the Second Pay Commission, were prescribed under the Central Civil Services (Revised Pay) Rules, 1960, were notified on 2nd August 1960. These scales of pay were, however, given retrospective effect from 1st July, 1959 on the specific recommendations of the Second Pay Commission. The effect of retrospective operation of these rules was that the revised scales introduced by these rules came into effect from 1st July 1959, and, as from that date, the pre-revised scales ceased to exist. In view of this position, the question of giving any option to the employees, including Senior Investigators, who were appointed after 1st July, 1959 to remain on pay scales which did not exist at all, did not arise. There was, therefore, no question of "forcing" these employees to have the revised scales.

(b) The Second Pay Commission had recommended that "the existing employees may be allowed to retain their present rates of remuneration in accordance with the provisions of Fundamental Rule 23". The term "existing employees" would refer to only those who were in position on the date with effect from which the revised pay scales were brought into force, namely, 1st July, 1959.

(c) Employees who were appointed on 1st July 1959, were allowed the right of option, as they were in position on 1st July, 1959.

(d) In order to remove hardship, if any, to persons appointed/promoted after the crucial date of 1st July, 1959, it had been ensured that the amounts, if any, overpaid between 2nd July, 1959 and 2nd August, 1960 by virtue of their pay having been regulated in the revised pay scales was not recovered and whatever emoluments were allowed from 2nd August, 1960 were also protected by grant of personal pay. As such, the

employees in question did not suffer financially for want of right of option.

Central Civil Services (Revised Pay) Rule, 1973

8610. **SHRI KAILASH PRAKASH:** Will the Minister of FINANCE be pleased to state:

(a) is it true that Central Civil Service (Revised Pay) Rule, 1973 was given retrospective effect from 1st January, 1973 and some employees appointed after 1st January, 1973 but before date of notification were adversely affected by retrospective effect of rules;

(b) does such action of Government not contravene the instructions contained in Office Memo. No. SR.II (8-10)IV/68-CB dated 13th May, 1969 of Department of Parliamentary Affairs;

(c) number of employees appointed/promoted between 1st January and 13th November, 1973 and suffering for want of right of option; and

(d) what does Government propose to do to remove the anomaly in the aforesaid rule?

THE MINISTER OF FINANCE (SHRI H. M. PATEL): (a) to (d). The Central Civil Services (Revised Pay) Rules, 1973 have been issued following the recommendations of the Third Pay Commission. The Third Pay Commission itself had recommended retrospective effect of one month in respect of its recommendations on pay scales and retirement benefits. The employees' representatives on the Staff Side of the J.C.M. (Joint Consultative Machinery) wanted this period to be increased further by several months. After discussions with the Staff Side, Government ultimately decided to give retrospective effect to the Commission's recommendations on these matters from 1st January 1973, i.e. a retrospective

effect of two months only in addition to the retrospective effect of one month recommended by the Commission. The decision of the Government on giving further retrospective effect to these recommendations has benefited the overwhelming majority of Government servants. There might, however, be some cases in which the application of the recommendations even by one day might have some adverse effect. It was, therefore, mentioned in the Explanatory Memorandum to the CCS (RP) Rules, 1973 and the amendments thereto issued subsequently from time to time, that even though the Commission had recommended the revision of pay scales from 1st March 1973, Government had decided to give effect to such recommendations from 1st January, 1973 in order to provide greater benefit to the Government servants in general keeping in view the instructions in the Department of Parliamentary Affairs O.M. No. SR.II(8-10) IV/68-CB dated 13th May 1969. It may be mentioned in this connection that under Rule 5 of the CCS (RP) Rules, 1973, persons in position on 1st January 1973 have the option to retain the pre-revised scales of pay or to come over to the revised scales from the date of any subsequent increment as may be advantageous to them. These persons would not, therefore, be adversely affected by retrospective revision in respect of posts held by them on 1st January 1973. In the case of persons appointed after 1st January 1973, the question as to how far it is necessary for Government to allow further concessions to such of them as might have been adversely affected by giving the rules retrospective effect was examined in consultation with the Law Ministry keeping in view the recommendations of Committee on Subordinate Legislation and orders have been issued in this Ministry's O.M. No. 87/II/74-IC dated 1st June 1974, giving further benefits like protection of drop in emoluments, and non-recovery of overpayments which might