

No. 11024/26/2011-SSS  
Government of India  
Ministry of Statistics & Programme Implementation

Sardar Patel Bhawan,  
Sansad Marg New Delhi – 110001

Dated: 2<sup>nd</sup> April, 2014

Office Memorandum

**Sub: Implementation of judgment dated 11.05.2010 of the Hon'ble Supreme Court of India in SLP ( C) No. 6784 / 2004 converted to Civil Appeal No. 8273 / 2004 – UOI & Others Vs B. Anil Kumar & others reg. extending benefit of Rs. 75/- as Special Pay to all similarly placed non-applicant of Assistant Superintendents of NSSO (FOD) – Regarding.**

The undersigned is directed to refer to this Ministry OM of even No. dated 28<sup>th</sup> March 2014 vide which relevant instructions relating to above subject were brought to the notice of All participating Ministries / Departments / Organizations of Subordinate Statistical Service (SSS). In addition to above OMs, one more OM dated 8<sup>th</sup> October 2013 (Copy enclosed) issue by MOS&PI (Admin-III) is also brought in to the notice of all participating Ministries of SSS.

2. All participating Ministries / Departments / Organizations of Subordinate Statistical Service (SSS) are requested to fix the pay of Assistant Superintendents, who were holding the post of Assistant Superintendents in NSSO (FOD) prior to operationalisation of Subordinate Statistical Service (SSS) [i.e. 1<sup>st</sup> April 2004] in the light of above instructions. It is further requested that clarification in the matter, if any, may be obtained from Sh. S. K. Roy, Under Secretary (Admin- III), M/O Statistics & PI.

Encl: As above.

*Saraswathy*  
(K. Saraswathy)  
Under Secretary to the Govt. of India  
Tel. 011-23340888

- (1) All participating Ministries / Departments / Organisations of SSS.
- (2) Copt for information to Under Secretary (Admin- III) w.r.t. letter No. C- 18013 / 11 / 2002 – Ad. III (Vol. II) dated 8<sup>th</sup> October 2013.
- (3) Computer Centre, R.K Puram, New Delhi with the request to place the OM on the official web site of the Ministry under the miscellaneous link.

Sardar Patel Bhawan, Sansad Marg  
New Delhi-110001, dated: 08.10.2013

OFFICE MEMORANDUM

**Sub: Implementation of Judgment dated 11.05.2010 of the Hon'ble Supreme Court of India in SLP(c) 6784/2004 converted to Civil Appeal No. 8273/2004 – Union of India & Others Vs. B. Anil Kumar & Others reg. extending benefit of Rs. 75/- as Special Pay.**

The undersigned is directed to refer to this Ministry's letters of even no. dated 29-06-2011 and 26-09-2012 directing that the judgement/ order of the Supreme Court dated 11-05-2010 and 13-04-2010 be implemented in respect of the applicants and the applicants for intervention as well as in respect of the similarly placed/ circumstanced non-applicants.

2. This Ministry received queries from FOD for clarification regarding the manner/ modalities of implementation of the judgement dated 11-05-2010 and the implication of para 14 of the judgement.

3. The following facts are relevant:

(i) In CCS (Revised Pay) Rules 1986, Basic Pay is defined to mean Pay as defined in FR 9 (21) (a) (i) which defines Pay as the Pay other than Special Pay or Pay granted in view of personal qualification which has been sanctioned for a post held substantively or in officiating capacity or to which entitled by reason of position in a cadre.

(ii) It is therefore clear that Special Pay is distinct and separate from Basic Pay and is not part of Basic Pay after 01-01-1986 i.e. after coming into vogue of CCS (RP) Rules 1986.

(iii) As per normal administrative and financial practice DA and other allowances are paid only on Basic Pay.

(iv) Assistant Superintendents promoted prior to 01-01-1986 have already been given benefit of Special Pay of Rs.75 in the pre-revised Pay Scale of Rs.475-750 and their pay in the revised Pay Scale of Rs.1600-2600 had been fixed after taking into consideration Special Pay of Rs.75. Giving



them Special Pay again would be tantamount to double benefit of Special Pay.

(v) The normal replacement scale of pay of Rs.450-750 of Assistant Superintendents as per the Fourth Central Pay Commission was Rs.1400-2600. As against this normal replacement scale, Assistant Superintendents were granted a higher replacement scale of Rs.1600-2600 after taking into account their duties and responsibilities. Therefore the need for grant of Special Pay was adequately taken care of.

4. The matter of implication of para 14 of the judgement dated 11-05-2010 and manner / modalities of implementation is under examination. When a final decision in the matter is taken, in consultation with Ministry of Law, Department of Expenditure and DoPT, the same would also be communicated to FOD and concerned Ministries / Departments.

5. Meanwhile, inter alia considering the facts mentioned in para 3 above, the implementation of the judgement dated 11.05.2010 would be appropriate and logical in the following manner:

(a) Assistant Superintendents promoted prior to 01-01-1986 would not be entitled to Special Pay of Rs.75 after 01-01-1986.

(b) Assistant Superintendents promoted after 01-01-1986 would be entitled to Special Pay of Rs.75 in the revised Pay Scale of Rs.1600-2600.

(c) Special Pay of Rs.75 would not be taken into consideration for benefits like DA and other allowances (which are admissible on Basic Pay only).

(d) Special Pay of Rs.75 would be admissible upto 31-12-1995 i.e. the duration of the Fourth Central Pay Commission scales of pay.

(e) Special Pay of Rs.75 would be admissible (not double).

6. However, as stated earlier, the various issues are under examination in consultation with DoPT, MoLaw and DoExpenditure. When a final decision is taken, the same would become applicable.


7. Meanwhile, to avoid legal problems and/ or financial impropriety, the judgement dated 11.05.2010 may be implemented on the lines as mentioned in para 5 above.



8. FOD and other concerned/ Ministries/ Departments may ensure immediate and strict implementation/ compliance, under intimation to this Ministry.

9. This has the approval of IFD vide diary No. 910/ AS&FA dated 18.09.2013.

10. This issues with the approval of Competent Authority.

  
08-10-13

(S.K. Roy)

Under Secretary to the Govt. of India

1. NSSO, (FOD), A.D.G., East Block 6, Level No. 4 & 7, R.K. Puram, New Delhi. With reference to their D.O. Letter No C-18013/25/2012-CC, dated 12.04.2013.
2. Other Concerned/ participating Ministries/ Departments.
3. SSS Division, M/oS&PI.