

**DAKSHIN HARYANA BIJLI VITRAN NIGAM LIMITED**

**(FINANCE SECTION)**

**CIRCULAR NO. 2**

Revision of ACP Rules w.e.f 1.1.2006

**Office Order No. 199 / Finance**

**Dated: The 28<sup>th</sup> February, 2009**

Dakshin Haryana Bijli Vitran Nigam Ltd. is pleased to revise rules relating to Assured Career Progression of various categories of its employees w.e.f 1.1.2006. Following provisions are made in this regard:

**1. Short title, commencement and objective** :— (1) These rules may be called the DHBVNL (Assured Career Progression) Rules, 2009

(2) These Rules shall be deemed to have come into force on the first day of January, 2006, unless otherwise provided by the Nigam for any class or category of persons.

(3) The objective of these rules is to provide two categories of assured career progression schemes for the Nigam employees –the first category of scheme is cadre-specific Assured Career Progression schemes for some cadres/posts prescribing time scales. The second category of scheme is primarily to remove stagnation in service, in the form of a general Assured Career progression scheme. The second category scheme seeks to ensure that all Nigam employees, whose cadres are not covered by any cadre-specific assured career progression scheme, get at least three financial upgradations, including financial upgradation, availed by such Nigam employees as a consequence of functional promotion during his entire career. It also seeks to ensure that no Nigam employee stagnates without any financial upgradation for more than ten years unless he has already availed three financial upgradations in his career.

**2. Categories of Nigam employees to whom the rule apply:—**

(1) Save as otherwise provided by or under these rules, these rules shall apply to persons appointed to services on posts of group 'A', 'B', 'C' and 'D' in connection with the affairs of the Nigam and to those who are under the administrative control of the Nigam and whose pay is debit to the Nigam's account and are mentioned in the Schedule I of these rules.

(2) These rules shall not apply to :—

- (a) officers of judiciary working in connection with the affairs the Nigam ;
- (b) persons not in whole time employment ;
- (c) persons paid out of contingencies ;

(d) persons paid otherwise than on monthly basis, including those paid on a piece-rate basis or on the basis of daily wages or on consolidated contractual payment;

(e) any other class or category of persons whom the Nigam may by order, specifically exclude from the operation of all or any of the provisions contained in these rules ;

### 3. Definitions:—

In these rules, unless the context otherwise requires :—

(a) “**Cadre Specific Assured Career Progression Scheme**” means a scheme falling within the scope of these rules and as mentioned in the Part I of Schedule I of these rules ;

(b) “**CSR**” means the Punjab Civil Services Rules as amended from time to time and as applicable in connection with the affairs of Nigam;

(c) “**direct recruit fresh entrant**” with reference to a post or a Nigam employee means the post on which such Nigam employee was recruited as a regular and direct recruit in the Nigam service and is in continuous employment of Nigam since such recruitment ;

(d) “**existing basic pay**” means pay drawn in a prescribed pre-revised scale of pay as on 1.1.2006 for the post held by the person(s) as present scale of pay for such post including stagnation increments but not including any other type of pay like “special pay”, “personal pay” etc.;

(e) “**existing pay scale**” in relation to any post or any Nigam employee means the pre revised functional pay scale as on 01.01.2006 prescribed for the post on which such Nigam employee was recruited as a direct recruit fresh entrant ;

(f) “**functional pay scale**” in relation to a Nigam employee means the pay scale which is prescribed for the post held by the Nigam employee. It does not mean any other pay scale in which the Nigam employee is drawing his pay as a personal measure to him on account of either length of service or higher/additional qualification or upgradation of pay scale due to any other reason;

(g) “**first assured career progression pay band and grade pay under general ACP scheme**” means the first financial upgradation in terms of increased grade pay in the same pay band for all Nigam employees covered under the general ACP scheme, as mentioned in column 4 of Part II of Schedule I with reference to the pay structure mentioned in column 3 of Part II of Schedule I :

Provided that the First Assured Career Progression pay band and grade pay may also be referred to as 1<sup>st</sup> ACP PB and GP ;

(h) **“Nigam”** means the Dakshin Haryana Bijli Vitran Nigam Ltd ;

(i) **“Nigam employee”** for the purposes of these rules means the employee of the Nigam to whom the scheme applies under rule 1.the person (s) appointed to the post (s) in connection with the affairs of the Nigam which are under the administrative control of Nigam and whose pay is debitable to Nigam’s account and on whom these rules apply ;

(j) **“leave”** means any sanctioned leave as defined in C.S.R., except “casual leave”. Any type of absence without the sanction of competent authority shall not be considered as leave ;

(k) **“memorandum explanatory”** means the memorandum explanatory appended to these rules, briefly explaining the nature, philosophy, justification, objectives, applicability etc. of these rules ;

(l) **“officiating post”** means the post which is held by the Nigam employee to which he has not been confirmed or to which he has been appointed as a temporary measure while still retaining his lien to a different post or to which he performs the duties while another person holds a lien to such post. The Nigam employees occupying a post while still on probation is also to be considered to be holding an officiating post. Further if competent authority has appointed a Nigam employee to officiate on a vacant post on which no other Nigam employee holds a lien, even such appointment shall be an appointment as against an officiating post ;

(m) **“present scale”** in relation to any Nigam employee who falls within the scope of these rules means the pay scale in which such Nigam employee was drawing his pre revised pay on 1.1.06, if such pay scale happened to be different from the functional pay scale prescribed for the post on which such Nigam employee was working ;

(n) **“pay scale as a personal measure to the Nigam employee”** with reference to any Nigam employee means any scale of pay, other than the functional scale in which such Nigam employee is drawing his pay, including 1<sup>st</sup> ACP, 2<sup>nd</sup> ACP and 3<sup>rd</sup> ACP, as the case may be ;

(o) **“persons”** mean persons who are Nigam employees for the purposes of these rules ;

(p) **“pay”** means the amount drawn monthly by a Nigam employee, in the pay scale in which he was drawing his salary before 31.12.2005 ;

(q) **“revised ACP pay structure”** in relation to any Nigam employee means revised corresponding Assured Career Progression pay band and grade pay in which the Nigam employee is eligible or entitled to be placed as a consequence of application of these rules in place of the present scale for the purpose of drawing the pay as a personal measure to such Nigam employee ;

(r) **“revised emoluments”** means pay in the pay band + grade pay of a Nigam employee in the revised pay structure in which the Nigam employee has been placed for drawing his pay by or under these rules and includes the revised non practicing allowance, if any, admissible to him in addition to the pay in the revised pay structure ;

(s) **“second assured career progression pay band and grade pay under general ACP”** means second financial upgradation in the form of increasing grade pay in the same pay band for all Nigam. employees who are covered in the general assured career progression scheme, as mentioned in column 5 of Part II of Schedule I with reference to the grade pay mentioned in column 4 of the Part II of Schedule I. However, in case of an employee holding a post after promotion, the second ACP pay band and grade pay will be the pay band of the promotional post and the next available grade pay with reference to his existing grade pay :  
Provided that the Second Assured Career Progression pay band and grade pay may also be referred to as 2<sup>nd</sup> ACP PB and GP ;

(t) **“Schedule”** means Schedule appended to these rules ;

(u) **“substantive pay”** means pay drawn by the Nigam employee on the post to which the Nigam employee has been appointed substantively or by reason of his substantive position in a cadre ;

(v) **“third assured career progression pay band and grade pay under general ACP”** means third financial upgradation in the form of increasing grade pay in the same pay band for all Nigam. employees who are covered in the general assured career progression scheme, as mentioned in column 6 of Part II of Schedule I with reference to the grade pay mentioned in column 5 of the Part II of Schedule

I. However, in case of an employee holding a post after promotion, the second ACP pay band and grade pay will be the pay band of the promotional post and the next available grade pay with reference to his existing grade pay :

Provided that the Third Assured Career Progression pay band and grade pay may also be referred to as 3<sup>rd</sup> ACP PB and GP ;

**4. Cadre specific assured progression scheme:—**

The ACP pay band and grade pay as time scales mentioned in column 5 of Part I of Schedule I to certain cadres/posts mentioned in column 2 of Part I of Schedule I shall be admissible to all Nigam employees who become members of such cadres by way of direct recruitment or promotion.

**5. General Assured Career Progression scheme:—**

Financial up gradation in the form of the first, the second and the third ACP pay band and grade pay as mentioned in column 4, 5 and 6 of Part II of Schedule I will be admissible to all Nigam employees covered under this scheme with reference to their pre revised functional pay scale and the corresponding revised pay structure mentioned in column 2 and 3 respectively of Part II of Schedule I of these rules. However, in case of an employee holding a post after promotion, the entitled ACP pay band and grade pay will be the pay band of the promotional post and the next available grade pay with reference to his existing grade pay.

**6. Eligibility for grant of cadre specific ACP pay band and grade pay:—**

For the grant of cadre specific ACP pay band and grade pay the eligibility conditions will be the same as mentioned in Part I of Schedule I of these rules, apart from the general conditions of eligibility given in rule 8 hereunder.

**7. Eligibility for Grant of ACP grade Pay under the general ACP scheme:—**

(1) Every Nigam employee covered under the general ACP scheme shall, for the purposes of drawl of pay, be eligible for the first ACP grade pay (given in column 4 of Part II of Schedule I in respect of the functional pay scale or pay structure of his post) if he has completed 10 years of regular satisfactory service and has not got any financial upgradation in these ten years with reference to the functional pay structure of the post to which he was recruited as a direct entrant. Financial upgradation in this context includes functional promotion in the hierarchy or further revision/ modification of the pay structure for the same post after 1.1.2006.

(2) Every Nigam employee covered under the general ACP scheme shall, for the purposes of drawl of pay, be eligible for the second ACP grade pay (given in column 5 of Part II of Schedule I in respect of the functional pay scale or pay structure of his post) if he has completed 20 years of regular satisfactory service and has not got any financial upgradation in the last ten years. Financial upgradation in this context includes functional promotion in the hierarchy or further revision/ modification of the pay structure for the same post after 1.1.2006.

(3) Every Nigam employee covered under the general ACP scheme shall, for the purposes of drawl of pay, be eligible for the third ACP grade pay (given in column 6 of Part II of Schedule I in respect of the functional pay scale or pay

structure of his post) if he has completed 30 years of regular satisfactory service and has not got any financial upgradation in the last ten years and has not got more than two financial upgradation so far. Financial upgradation in this context includes functional promotion in the hierarchy or further revision/ modification of the pay structure for the same post after 1.1.2006.

(4) In case of a Nigam employee who gets promoted, he will be considered for the next ACP grade pay after he completes 10 years of regular satisfactory service in the promotional post without any financial upgradation and will be entitled to the next ACP grade pay with reference to the grade pay of the promotional post he holds :

Provided that a Nigam employee shall not be entitled to avail ACP upgradation if, he has already availed of three financial upgradation of any kind in his career.

**Note.**— For the purpose of these rules, “regular satisfactory service” means continuous service counting towards seniority under Nigam, including continuous service in Haryana State Electricity Board before unbundling and include services in the State of Haryana/ Punjab before re-organization, commencing from the date on which the Nigam employee joined his service after being recruited through the prescribed procedure or rules etc. for regular recruitment, in the cadre in which he is working at the time of being considered his eligibility for grant of ACP pay band and grade pay under these rules and further fulfilling all the requirements prescribed for determining the suitability of grant of ACP pay structure.

**Explanation.**— The ACP pay structure upgradation in the form of first ACP grade pay will come into play only if a Nigam employee has not got the benefit of at least one grade pay upgradation within the prescribed period of first 10 years. Similarly, the second and third ACP grade pays will come into play only if a Nigam. employee does not get two upgradations after twenty years of service and three upgradations after thirty years of service. If within 10 years of service, the Nigam employee has already got at least one financial upgradation or within 20 years of service, the Nigam employee has already got at least two financial upgradations, or within 30 years of service, the Nigam employee has already got at least three financial upgradations, benefit of these rules will not be extended to such employees save if otherwise provided in these rules.

#### **8. Other general conditions of eligibilities of ACP pay structure:—**

The following general conditions shall also be fulfilled by a Nigam employee for availing benefit of ACP :—

(a) after completing the respective prescribed period for eligibility for the grant of ACP pay structure the Nigam employee should be fit to be promoted to the

next higher post in the functional hierarchy in his cadre, but could not be functionally promoted due to lack of vacancy in the promotional post in the hierarchy to which he is eligible to be promoted;

(b) if such promotion involved passing of any departmental test or other test etc., such condition should also be fulfilled by such Nigam employee.

**9. Responsibility to be discharged etc:—**

On placement in the ACP pay structure, the Nigam employee shall continue to hold operational duties of his previous post held by him and will continue to hold the previous designation till such time as he is actually promoted to the higher post on the occurrence of a vacancy.

**10. Consequences of ACP pay structure etc:—**

Placement in the ACP pay structure will entitle only financial benefit of drawal of pay and dearness relief on pay in the ACP pay structure. The other entitlements including the entitlement generally dependent on the status of the employee shall continue to be determined with reference to his post on which he is working in the substantive capacity or to the functional pay structure of the post against which he was working substantively, before being granted the ACP pay structure.

**11. Grant of Assured Career Progression grade pays:—**

(1) The rule 7 and 8 only prescribe eligibility conditions for placement in the relevant ACP pay structure and does not authorize automatic placement in ACP pay structure in which Nigam employee is eligible to be placed under these rules. The authority competent to grant promotion in case of a Nigam employee shall be required to pass suitable orders for grant of ACP pay structure under these rules, authorizing the placement of a Nigam employee in the appropriate ACP pay structure. Before passing such order :

(a) the authority competent shall ensure that if there is a Departmental Promotion Committee, such Committee should consider the cases for grant of ACP pay structure as if these were cases for determining the suitability for promotion and that its recommendations are considered in the manner as considered in case of functional promotions;

(b) the authority competent shall ensure that the conditions and provisions laid down in these rules or any other order/ instructions etc. issued under these rules or otherwise with this purpose, are strictly adhered to;

(c) the authority competent shall ensure that the number of financial upgradations granted to a Nigam employee is counted with reference to the pay scale or pay structure of the post to which the Nigam employee was inducted as

a direct recruit fresh entrant. For this purpose, each promotion, each grant of ACP grade pay or any other upgradation will be counted as one upgradation. The benefit of ACP shall not be extended to a Nigam employee if he has already availed three financial upgradations in his career by way of ACP or otherwise ;

(d) the authority competent shall also ensure compliance with the provision of these rules or any other rules or instructions issued by Nigam ;

**Explanation.**— The “authority competent” for the purpose of this rule would mean the authority competent in case of promotion for the respective categories of posts.

(2) The ACP pay structure so granted shall be effective from the date it is due and not from the date on which the orders are issued by the competent authority, if the orders so issued by the competent authority has been issued on a date which is different from the due date of eligibility :

Provided that the Nigam employee shall draw his pay only after the orders for granting such pay structure are issued by the competent authority in the relevant ACP pay structure.

(3) In case of Nigam employees who are drawing pay in a pay scale other than the functional pay scale of the post held by them on or before the date of notification of these rules, there shall be no need to pass any orders under the provisions of sub-rules (1) and (2) above and they shall be entitled to draw their pay in the ACP pay structure corresponding to the pay scale in which they are drawing their pay :

Provided that this deemed grant of ACP pay structure will not affect his entitlement for revised pay structure in which he will be placed as a consequence of application of these rules. Such Nigam employees shall be placed in the appropriate revised ACP pay structure as per their eligibility under these rules for the purposes of fixation of pay as a consequence of application of these rules.

#### **12. Admissibility of stepping up in certain cases:—**

If the service rules provides for or circumstances warrant filling up of a post through direct recruitment as well as through promotion, benefit of stepping up of pay band and grade pay shall be admissible to the directly recruited senior Nigam employee if the junior promoted Nigam employee junior to him is drawing salary in higher pay band and grade pay on the basis of the benefit of ACP upgradation. However, the benefit of stepping up shall not be admissible to a promotee if he has already got three financial upgradation as provided under these rules in his service career.

**13. Special entitlement for ACP scales:—**

Where the functional pay structure of the promotional post in the hierarchy is inferior to the ACP pay structure entitlement of the Nigam employee, had he not been promoted, as per his eligibility and entitlement on completion of prescribed length of service for the 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> ACP pay structure entitlement, as the case may be, the Nigam employee shall be entitled to be placed in the 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> ACP pay structure as the case may be after completing the prescribed period of service for being placed in the 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> ACP pay structure :  
Providing that such functional promotion to a post with such inferior pay structure shall not be counted as a financial upgradation for the purposes of these rules.

**14. Ceasing of entitlement of ACP pay structure :—**

In case the Nigam employee chooses to forego any functional promotion on any ground whatsoever, while drawing his pay in any ACP pay structure with reference to him, he shall cease to be entitled to draw his pay in the ACP pay structure last granted to him and shall draw his pay in the pay band and grade pay he was drawing before the grant of the last ACP grade pay from the date of such forgoing of promotion.

**15. Scale of pay of posts:—**

The pay scale for the purpose of these rules for the Nigam employee shall be as under:—

(a) The revised ACP pay structure in case of cadre specific ACP schemes shall be as mentioned in Part I of Schedule I :

(b) The revised pay structure in case of General ACP scheme shall be as specified in Part II of Schedule I :

Provided that in case of the posts for which the functional pay scales have been revised before pay revision through the DHBVNL (Revised Pay) Rules, 2009, the so revised scales shall be considered as the functional scales of those posts for the purpose of this rule.

**16. Drawl of pay in revised ACP structure:—**

(1) Save as otherwise provided in these rules, a Nigam employee shall draw pay in the revised ACP pay structure, that is in ACP-I or ACP-II or ACP-III, as applicable in his case :

Provided that a Nigam employee may elect to continue to draw pay in the present pay scale until 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 :

Provided further that if the Nigam employee elects to draw his pay in the present pay scale as per the provisions of these rules, he will continue to draw his pay in the present pay scale as per the terms and conditions prescribed for drawl of pay for the present pay scale and that none of the provisions under these rules or under the **DHBVNL (Revised Pay) Rules, 2009**, shall be applicable to such Nigam employees till the time they opt to be governed by or are brought under either of these two rules.

**Explanation:**— The option to retain the present scale under the proviso of this rule shall be admissible in respect of only one scale out of the present scale (s) or existing scale (s).

#### **17. Exercise of option :—**

(1) The option under the proviso to rules 16 shall be exercised in writing in the form appended to the Schedule II so as to reach the authority mentioned in sub-rule (2) within three months of the date of notification of these rules :

Provided that in the case of Nigam employee who is on the date of such publication on leave or on deputation or on foreign service, the said option shall be exercised in writing so as to reach the said authority within three months of the date of his taking charge of his post in the Nigam or on the expiry of the sanctioned leave, whichever is earlier:

Provided further that where a Nigam employee is under suspension on the date of publication of these rules or, as the case may be, on the date of such order the option may be exercised within three months of the date of his return to his duty.

(2) The option shall be intimated by the Nigam employee to his DDO through his the Head of his office.

(3) If the intimation regarding option is not received within the time mentioned in sub-rule (1), the Nigam employee shall be deemed to have elected to be governed by the revised ACP pay structure on and from the 1<sup>st</sup> day of January, 2006.

(4) The option once exercised shall be final.

**Note1.**— Persons whose services were terminated on or after the 1<sup>st</sup> January, 2006 and who can not exercise the option within the prescribed time limit on account of death, discharge on the expiry of the sanctioned post, resignation,

dismissal or removal on account of disciplinary proceeding, are entitled to the benefit of this rule:

**Note 2.** — Persons who have died on or after the 1<sup>st</sup> day of January, 2006, and could not exercise the option within the prescribed time limit are deemed to have opted for the revised pay structure on and from the 1<sup>st</sup> day of January, 2006, or such later date as is most beneficial to their dependents, if the revised pay structure is more favorable and in such cases, necessary action for payment of arrears should be taken by the Head of Office.

**18. Fixation of initial pay in the revised ACP pay structure.**

The initial pay of a Nigam employee who elects or is deemed to have elected under sub-rule (3) of rule 17 to be governed by the revised ACP pay structure on and from the 1<sup>st</sup> day of January, 2006, shall, unless in any case the Nigam by special order otherwise directs, be fixed in the revised ACP pay structure depending upon his eligibility in the following manner, namely :—

**(A) in case of all employees covered under ACP scheme:**

(a) for employees covered under cadre specific ACP scheme —

(i) the pay in the ACP pay band/ pay structure will be determined by multiplying the existing basic pay as on 1.1.2006 by a factor of 1.86 and rounding off the resultant figure to the next multiple of 10 ;

(ii) if the minimum of the revised ACP pay band/ pay structure is more than the amount arrived at as per (i) above, the pay shall be fixed at the minimum of the revised ACP pay band/ pay structure and grade ;

(b) for employees covered under general ACP scheme

(i) in case of Nigam employees who are drawing pay in a pay scale other than the functional pay of the post held by them (ACP scale) on or before of the date of the notification of these rules, their pay shall be fixed in the functional pay band of the post held by them by multiplying the existing basic pay as on 1.1.2006 by a factor of 1.86 and rounding the resultant figure to the next multiple of 10. The grade pay corresponding to the existing ACP pay scale will be payable in addition;

(ii) if the minimum of the revised ACP pay band/ pay structure is more than the amount arrived at as per (i) above, the pay shall be fixed at the minimum of the revised ACP pay band/ pay structure and grade pay :

**Provided that:—**

(I) where, in the fixation of pay, the pay of Nigam employees drawing pay at two or more consecutive stages in present scale gets bunched, that is to say, gets fixed in the revised ACP pay structure at the same stage in the pay band, then, for every two stages so bunched, benefit of one increment shall be given so as to avoid bunching of more than two stages in the revised running ACP pay bands. For the purpose, the increment will be calculated on the pay in the ACP pay band. Grade pay would not be taken into account for the purpose of granting increments to alleviate bunching.

(II) in the case of pay scales in the pay band PB-4, benefit of increments due to bunching shall be given taking into account all the stages in different pay scales in this grade.

(III) if by stepping up of the pay as above, the pay of a Nigam employee gets fixed at a stage in the revised ACP pay band/ pay structure (where applicable) which is higher than the stage in the revised ACP pay band at which the pay of a Nigam employee who was drawing pay at the next higher stage or stages in the same present scale is fixed, the pay of the latter shall also be stepped up only to the extent by which it falls short of that of the former.

(iii) the pay in the ACP pay band will be determined in the above manner. In addition to the pay in the ACP pay band, grade pay corresponding to the existing pay structure will be admissible.

**Note.**— Illustration 1 to 4 provided in the Explanatory Memorandum to these rules explains the above.

**(B)** in the case of employees who are in receipt of special pay/ allowance in addition to pay in the present scale which has been recommended for replacement by a pay band and grade pay without any special pay/ allowance, pay shall be fixed in the revised pay structure in accordance with the provisions of (A) above :

**(C)** in the case of employees who are in receipt of special pay component with any other nomenclature in addition to pay in the present scales, such as personal pay for promoting small family norms, etc., and in whose case the same has been replaced in the revised structure with corresponding allowance/ pay at the same rate or at a different rate, the pay in the revised structure shall be fixed in accordance with the provisions of clause (A) above. In such cases, the allowance at the new rate as recommended shall be drawn in addition to pay in the revised structure of pay from the date specified in the relevant notifications related to these allowances ;

**(D)** in the case of medical officers who are in receipt of Non-Practising Allowance (NPA), the pay in the revised pay structure shall be fixed in accordance with the provisions of clause (A), above except that, in such cases,

the pre-revised dearness allowance appropriate to the non-practicing allowance (excluding dearness pay component on NPA) admissible at index average 536 (1982=100) shall be added while fixing the pay in the revised pay band ;

**Note 1.**— A Nigam employee who is on leave on the 1<sup>st</sup> day of January, 2006, and is entitled to leave salary shall become entitled to pay in the revised pay structure from 1.1.2006 or the date of option for the revised pay structure. Similarly, where a Nigam employee is on study leave on the first day of January, 2006, he will be entitled to the benefits under these rules from 1.1.2006 or the date of option.

**Note 2.**— Where a post has been upgraded as indicated in column (4) of Schedule 1 Part I of these rules, the fixation of pay in the applicable pay band will be done in the manner prescribed in accordance with clause (A) (i) and (ii) of rule 18 by multiplying the existing basic pay as on 1.1.2006 by a factor of 1.86 and rounding the resultant figure to the next multiple of 10. The grade pay corresponding to the upgrade scale as indicated in column 5 of Schedule 1 Part I of these rules will be payable in addition.

**Note 3.**— In case of Nigam employee under suspension, he shall continue to draw subsistence allowance based on present scale of pay and his pay in the revised structure of pay will be subject to final order on the pending disciplinary proceedings or otherwise a final order, as the case may be.

**Note 4.**— Where the 'existing emoluments' exceed the revised emoluments in the case of any Nigam employee, the difference shall be allowed as personal pay to be absorbed in future increases in pay.

**Note 5.**— Where in the fixation of pay under sub-rule (1), the pay of a Nigam employee, who, in the present scale was drawing immediately before the 1<sup>st</sup> day of January, 2006, more pay than another Nigam employee junior to him in the same cadre, gets fixed in the revised pay band at a stage lower than that of such junior, his pay shall be stepped upto the same stage in the revised pay band as that of the junior.

**Note 6.**— Where a Nigam employee is in receipt of personal pay on the 1<sup>st</sup> day of January, 2006, which together with his existing emoluments exceeds the revised emoluments, then, the difference representing such excess shall be allowed to such Nigam employee as personal pay to be absorbed in future increases in pay.

**Note 7.**— In case where a senior Nigam employee has moved into first, second or third ACP pay structure, as the case may be, before the 1<sup>st</sup> day of January,

2006 and draws less pay in the revised pay structure than his junior who moves into the same entitled first, second or third ACP pay structure on or after the 1<sup>st</sup> day of January, 2006, the pay in the pay band of the senior Nigam employee should be stepped up to an amount equal to the pay in the pay band as fixed for his junior in that ACP pay structure. The stepping up should be done with effect from the date on which the junior Nigam employee moved into the same ACP pay structure subject to the fulfillment of the following conditions, namely:

(a) both the junior and the senior Nigam employees should belong to the same cadre and the ACP pay band in which they have been moved should be same and in the same cadre ;

(b) the present scale of pay and the revised grade pay of the lower and higher posts in which they are entitled to draw pay should be same ;

(c) the senior Nigam employees at the time he moved into the first, second or third ACP pay band, as the case may be, should have been drawing equal or more pay than the junior.

The order relating to refixation of the pay of the senior officer in accordance with the above provisions should be issued under these rules and the senior officer will be entitled to the next increment on completion of his required qualifying service with effect from the date of refixation of pay.

**Note.**— The placement in the first, second or third ACP pay structure, as the case may be, does not amount to a functional promotion and therefore the presumption of higher responsibility cannot be taken in such placements in the ACP pay structure. However, still the benefit of fixation of pay corresponding to the placement in the higher pay structure as a consequence of promotion that is presuming the higher responsibility shall be extended at the stage of fixation of pay in the first, second or third ACP pay structure, as the case may be. Therefore, if the grade pay of the promotional post and the ACP pay structure in which the Nigam employee is drawing his pay prior to the promotion are identical, his pay will not again be fixed in the functional pay structure of the promotional post which is identical to the ACP pay structure in which he was drawing his pay before promotion. He will continue to draw his salary at the same stage and his date of increment will also continue to be the same as before the promotion.

**19. Rate of increment in the revised ACP pay structure:**— The rate of increment in the revised ACP pay structure will be 3% of the sum of the pay band and grade pay applicable, which will be rounded off to the next multiple of 10. The amount of increment will be added to the existing pay in the pay band. Illustration 4 in this regard is in the Explanatory Memorandum of these rules.

**20. Date of next increment in the revised pay structure:**— There will be a uniform date of annual increment, viz. 1<sup>st</sup> July of every year. Employees

completing 6 months and above in the revised ACP pay structure as on 1<sup>st</sup> of July will be eligible to be granted the increment. The first increment after fixation of pay on 1.1.2006 in the revised ACP pay structure will be granted on 1.7.2006 for those employees for whom the date of next increment was between 1 July, 2006 to 1 January, 2007 : Provided that in the case of persons who had been drawing maximum of the present scale for more than a year as on the 1<sup>st</sup> day of January, 2006, the next increment in the revised ACP pay structure shall be allowed on the 1<sup>st</sup> day of January, 2006. Thereafter, the provision of rule 17 would apply:

Provided further that in cases where an employee reaches the maximum of his pay band, shall be placed in the next higher pay band after one year of reaching such a maximum. At the time of placement in the higher pay band, benefit of one increment will be provided. Thereafter, he will continue to move in the higher pay band till his pay in the pay band reaches the maximum of PB-4, after which no further increments will be granted.

**21. Fixation of pay in the revised ACP pay structure subsequent to the 1<sup>st</sup> day of January, 2006:—**

Where a Nigam employee continues to draw his pay in the present scale and is brought over to the revised ACP pay structure from a date later than the 1<sup>st</sup> day of January, 2006, his pay from the later date in the revised ACP pay structure shall be fixed in the following manner:

Pay in the pay band will be fixed by adding the basic pay applicable on the later date, the dearness pay applicable on that date and the pre-revised dearness allowance based on rates applicable as on 1.1.2006. This figure will be rounded off to the next multiple of 10 and will then become the pay in the applicable pay band. In addition to this, the grade pay corresponding to the pre-revised pay scale will be applicable. Where the Nigam employee is in receipt of special pay or non-practicing allowance, the methodology followed will be as prescribed in rule 18 (A), (B), (C), (D) as applicable, except that the basic pay and dearness pay to be taken into account will be the basic pay and dearness pay applicable as on that date but dearness allowance will be calculated as per rates applicable on 1.1.2006.

**22. Fixation of pay on placing in ACP pay structure on or after 1.1.2006 :—**

(1) In the case of moving from one grade pay to another in the revised ACP pay structure, the fixation will be done as follows :— One increment equal to 3% of the pay in the ACP pay band and the existing be computed and rounded off to the next multiple of 10. This will be added to the existing pay in the pay band. The grade pay corresponding to the immediate next higher present pay scale will thereafter be granted in addition to this pay in the ACP pay band. In cases where

ACP involves change in the pay in the ACP pay band after adding the increment is less than the minimum of the higher ACP pay band to which ACP is taking place, pay in the ACP pay band will be stepped up to such minimum.

(2) On upgradation in ACP pay structure from one grade pay to another, a Nigam employee has an option under CSR to get his pay fixed in the immediate higher grade pay either from the date of his upgradation in ACP pay structure, or from date of his next increment, viz. 1<sup>st</sup> July of the years. The pay will be fixed in the following manner in the revised ACP pay structure:—

(i) In case the Nigam employee opts to get his pay fixed from his date of next increment, then, on the date of upgradation in ACP pay structure, pay in the pay band shall continue unchanged, but the grade pay of the higher ACP pay structure will be granted. Further re-fixation will be done on the date of his next increment i.e. 1<sup>st</sup> July. On that day, he will be granted two increments; one annual increment and the second on account of upgradation in ACP pay structure. While computing these two increments, basic pay prior to the date of upgradation in ACP pay structure shall be taken into account. To illustrate, if the basic pay prior to the date of upgradation in ACP pay structure was Rs.100, first increment would be computed on Rs.100 and the second on Rs.103.

(ii) In case the Nigam employee opts to get his pay fixed in the higher grade from the date of his upgradation in ACP pay structure, he shall get his first increment in the higher grade on the next 1<sup>st</sup> July if he was upgraded in ACP pay structure between 2<sup>nd</sup> July and 1<sup>st</sup> January. However, if he was upgraded in ACP pay structure between 2<sup>nd</sup> January and 30<sup>th</sup> June of a particular year, he shall get his increment on 1<sup>st</sup> July of next year.

**23. Mode of payment of arrears of pay :—**

The arrears shall be paid in cash in two installments. The first installment should be restricted to 40% of the total arrears. The remaining 60% of arrears should be paid during the next financial year.

**Explanation.—** For the purposes of this rule —

(a) “arrears of pay” in relation to a Nigam employee means the difference between: the aggregate of the pay and allowances to which he is entitled on account of the revision of his pay and allowances under these rules, for the relevant period. Revised allowances (except for dearness allowance and non-practicing allowance) will be payable only with effect from 01.01.2009 the aggregate of the pay and allowance to which he would have been entitled (whether such pay and allowances had been received or not) for that period had his pay and allowances not been so revised ;

(b) “relevant period” means the period commencing on the 1<sup>st</sup> day of January, 2006 and ending with the 28.2.2009.

**24. Overriding effect of rules :—**

The provisions of CSR or any other rules made in this regard shall not, save as otherwise provided in these rules, apply to cases where pay is regulated under these rules to the extent they are inconsistent with these rules.

**25. Power of relax :—**

Where the Nigam is satisfied that the operation of all or any of the provisions of these rules causes undue hardship in any particular case, it may, by order, dispense with or relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner.

**Note:—** The relaxation so granted under this rule shall be deemed to have been given depending upon the merit of such class and categories of Nigam employee and therefore, will not amount to any discrimination with other class and categories of Nigam employee.

**26. Power to make addition or deletion etc.**

Where the Nigam is satisfied that there is a necessity to make any addition or delete any class or categories of posts or change temporarily in the Schedule to these rules, the Nigam will be competent to add or delete or change such conditions. The provisions of these rules will apply on such additions or deletions or changes as the Nigam may direct by specific orders or in the absence of that all the provisions of these rules shall apply as if the changes were made.

**27. Interpretation:—**

If any question arises relating to the interpretation of any of the provisions of these rules, it shall be referred to the Nigam (Finance Section) for decision.

**28. Residuary provisions:—**

In the event of any general or special circumstance which is not covered under these rules or about which certain inconsistency comes to the notice, the matter shall be referred to the Nigam and Nigam will prescribe the conditions to be followed under such circumstances. Such conditions as prescribed by the Nigam under this rule shall be deemed to be part of these rules. Further, if the Nigam is satisfied that there is a requirement to prescribe certain additional conditions under these rules, the Nigam shall prescribe such additional conditions and such additional conditions shall be deemed to be the part of these rules.

**Schedule 1**  
**Part 1**  
**(See rules 2 (1), 3(a), 4, 6, 15 (a) and 18 (D) Note 21**

S. No.	Name of the Post/ Cadre	Existing time scale	Pre-revised modified scale	Revised ACP Pay Structure		
				Pay Band	Pay Band Code	Grade Pay
1	2	3	4	5		
1	Asstt. Engineer/ Asstt. Executive Engineer	i)8000-275-10200-EB-275-13500 (Entry level pay scale)	No change	9300-34800 (Entry level pay band)	PB-2	5400
		ii) 10000-325-15200 after 5 years regular satisfactory service as AE/AEE	No change	15600-39100 after 5 years of regular satisfactory service as AE/ AEE	PB-3	6400
		iii) Rs.14300-400-18300 after 12 years of regular satisfactory service as AE/AEE	No change	37400-67000 after 12 years of regular satisfactory service as AE/AEE	PB-4	8700
2	Medical Officer/ Sr. Medical Officer	i)8000-275-10200-EB-275-13500 (Entry level pay scale)	No change	9300-34800 (Entry level pay band)	PB-2	5400
		ii)10000-325-15200 after 5 years of regular satisfactory service as MO/ Sr.MO	No change	15600-39100 after 5 years of regular satisfactory service as MO/Sr.MO	PB-3	6400
		iii)Rs.14300-400-18300 after 12 years of regular satisfactory service as MO/Sr.MO	No change	37400-67000 after 12 years of regular satisfactory service as MO/Sr.MO	PB-4	8700
3	Assistant Architect-II/ I & Architect	i)8000-275-10200-EB-275-13500 (Entry level pay scale)	No change	9300-34800 (Entry level pay band)	PB-2	5400
		ii)10000-325-15200 after 5 years of regular satisfactory service as Asstt. Architect-II/I-Architect	No change	15600-39100 after 5 years of regular satisfactory service as Asstt. Architect-II/I Architect	PB-3	6400
		iii)Rs.14300-400-18300 after 12 years of regular satisfactory service as Architect-II/I-Architect	No change	37400-67000 after 12 years of regular satisfactory service as Asstt. Architect-II/I-Architect	PB-4	8700
4	Junior Engineer	i) 6000-175-8450-EB-9500 (Entry level Pay Scale)	No change	9300-34800 (Entry level Pay Band)	PB-2	3800
		ii)6500-9900 after 10 year of service	6500-9900	9300-34800 after 10 years of service	PB-2	4000
		iii)6500-10500 after 20 years of service	7500-13000 (on completion of 18 years regular satisfactory service) w.e.f. 5.2.2007	9300-34800 after 18 years of service	PB-2	5200

**Schedule 1**  
**Part II**  
**(see rules 3 (g), (s), (v), 5, 7 and 15 (b))**

Sr No	Functional Pay scale to the post as on 31.12.05 on which the employee was recruited/ promoted	Corresponding Pay Band and Grade Pay			Revised ACP Pay Structure		
		Pay Band No	Pay Band	Grade Pay	First ACP Grade Pay	Second ACP Grade Pay	Third ACP Grade Pay
1	2						
1	2650-65-3300-EB-70-4000	IS	4440-7440	1650	1800	2400	3200
2	2750-70-3800-EB-75-4400	PB-1	5200-20200	1800	2400	3200	3300
3	3050-75-3950-EB-80-4590	PB-1	5200-20200	1900	2400	3200	3300
4	3050-85-4325-EB-100-5325	PB-1	5200-20200	1950	2400	3200	3300
5	4000-100-4800-EB-100-6000	PB-1	5200-20200	2400	3200	3300	3600
6	4500-125-6000-EB-125-7000	PB-1	5200-20200	2800	3200	3300	3600
7	4625-125-6000-EB-125-7250	PB-1	5200-20200	2900	3300	3400	3700
8	5000-150-7100-EB-150-8000	PB-2	9300-34800	3200	3300	3600	4000
9	5450-150-6950-EB-150-8000	PB-2	9300-34800	3300	3600	4000	4200
10	5500-175-8300-EB-175-9000	PB-2	9300-34800	3600	4000	4200	4600
11	6000-175-8450-EB-175-9500	PB-2	9300-34800	3800	4100	4400	4700
12	6500-200-8500-EB-200-10500	PB-2	9300-34800	4200	4600	4800	5400
13	6700-200-8500-EB-200-10500	PB-2	9300-34800	4300	4600	4800	5400
14	7450-225-9025-EB-225-11500	PB-2	9300-34800	4600	4800	5400	6000
15	7500-250-10000-EB-250-12000	PB-2	9300-34800	4800	5400	6000	6400
16	8000-275-10200-EB-275-13500	PB-2	9300-34800	5400	6000	6400	6600
17	9025-325-14550	PB-3	15600-39100	5900	6300	6500	7200
18	10000-325-15200	PB-3	15600-39100	6400	6600	7600	8000
19	12750-375-16500	PB-3	15600-39100	7600	8000	8700	8800
20	14300-400-18300	PB-4	37400-67000	8700	8800	8900	9500
21	14700-400-18700	PB-4	37400-67000	8800	8900	9500	9800
22	15950-450-20000	PB-4	37400-67000	8900	9500	9800	10000
23	18400-500-22400	PB-4	37400-67000	10000	12000	No change	No change
24	22400-525-24500	PB-4	37400-67000	12000	No change	No change	No change

**THE SECOND SCHEDULE**  
**Form of Option**  
**(See Rule 17 (1))**

\* (i) I, \_\_\_\_\_ hereby elect the revised pay structure with effect from 1<sup>st</sup> January 2006.

\* (ii) I \_\_\_\_\_ hereby elect to continue on the existing scale of pay of my substantive/officiating post mentioned below until:

\* the date of my next increment;

That date of my subsequent increment raising my pay to Rs. \_\_\_\_\_;

I vacate or cease to draw pay in the existing scale.

the date of my promotion to \_\_\_\_\_

Present Scale \_\_\_\_\_

Signature \_\_\_\_\_

Name \_\_\_\_\_

Designation \_\_\_\_\_

Office in which

employed \_\_\_\_\_

Date:

Station:

\* To be scored out, if not applicable.

## **MEMORANDUM EXPLANATORY TO THE DHBVNL (ASSURED CAREER PROGRESSION) RULES, 2009**

**Rule 1.** This rule is self explanatory. The objective of this rule is to be proved two kinds of Assured Career Progression Scheme, namely”

- (1) Cadre Specific Assured Career Progression Scheme for certain categories of employees / cadres.
- (2) General Assured Career Progression Scheme for all other group A,B, C and D employees of Nigam who are not covered under scheme (1).
- (3) The object is that in case of stagnation i.e. in the absence of promotion for a certain years of service, the employee will move to the Ist, IInd and IIIrd ACP structure of pay though he shall continue to discharge the same responsibility. Functionally, therefore, this movement shall not amount to a promotion and the objective of this scheme is to offset the financial stagnation as a consequence of non-availability or non requirement of functional promotion posts. These rules have been framed so that this facility is available to all the employees equally under equal circumstances. The classification, therefore, is based on the principle that one requires reasonable financial upgradation at different stages of his career if the requirements do not allow him an opportunity of functional promotion and consequential financial upgradation due to non availability of functional promotional avenues.

The problem of stagnation was widely recognized throughout the country in Public sector employments. It was felt that to keep the level of motivation of the employees at a satisfactory level it is required that his general problem of lack of promotional avenues and thereby lack of financial advantages should be addressed to adequately.

The entire scheme of Assured Career Progression is about granting a person pay upgradation, when functional considerations do not permit him to rise in the hierarchy. He continues to perform the same job as before but moves into the prescribed higher pay band and grade pay, subject to his eligibility. The idea here is the basic one that reasonable financial upgradation at different stages of his career can be proved in the absence of opportunity of functional promotion. The effort of these rules are to relieve stagnation without unduly upsetting the hierarchy. Thus, the Stage Nigam employee of group A, B, C and D shall be covered under this scheme in following manner:

- (i) The scheme will prove opportunities of financial upgradation to employees on completion of 10,20 and 30 years of services, if they have not got promotion during previous 10 years of service. For this purpose, every employee's service record may be reviewed on completion of 10, 20 and 30

years. If on these landmarks of career, it is found that they have not been promoted in the last 10 years, then they may be given financial upgradation in the form of conferring the next available grade pay.

(ii) When an employee gets promoted, for the purpose of admissibility of ACP subsequent to the promotion, his service in the promoted cadre/ post will be taken into consideration to determine if he has stagnated at that stage. For example, if a peon gets promoted as clerk, his case will be reviewed after 10, 20 and 30 years as clerk and ACP will be given with reference to the pay scale of clerk.

(iii) As per General ACP Scheme, an employee can get a maximum of three ACPs in his career. This means, if the employee has got ACP upgradation in the post in which he was initially recruited, then in the promotional post, the number of ACPs will be reduced after adjusting the number of ACPs he got in the post of his initial recruitment. However, direct recruitment to a higher post will not debar for the entitlement of ACP Scheme. An employee initially appointed to a lower post and subsequently appointed to a higher post through direct recruitment or limited competition of existing employee will also be entitled to full range of ACP.

The ACP scheme through these rules provides for the following:

(i) every employees recruited in a particular grade pay shall be allowed to move to his respective and specific higher grade pay on completion of specified period of residency in the lower pay band and grade pay, with reference to the pay band and grade pay or post in a pay band and grade pay, to which he was recruited as a direct recruited fresh entrant.

(ii) on placement in next higher grade pay, the incumbent shall continue to perform duties of his original posts and will continue to hold the old designation till such time as he is actually promoted to the higher grade pay on the occurrence of a vacancy.

(iii) placement in higher grade pay will entail only the financial benefits.

(iv) the number of financial upgradations to be given shall be counted from the grade where an employee was inducted on direct recruitment basis. The number of financial upgradations shall be strictly adhered to and there shall be no additional financial upgradation for a senior employee on the ground that a junior employee in the pay band and grade pay got higher pay band and grade pay under this scheme, if both the senior and junior are not subject to identical circumstances.

The present scheme provides for following distinguishing features:

(i) the classification is based on the differentiation distinguishing the direct recruits in a lower pay band and grade pay and the direct recruits in a lower pay

band and grade pay and the direct recruits in a higher pay band and grade pay. Further it differentiates Nigam employees based on the length of service. For example a suitably eligible employee in a lower pay band and grade pay may be granted the higher pay band and grade pay after completing 10, 20 and 30 years of service while he still continues functionally holding the same post on which he was recruited. He may, therefore, actually be placed in a higher grade pay after completion of 20 or 30 years of service, as the case may be, in the lower post than the pay band and grade pay prescribed for the next promotional post in the hierarchy. But he constitutes a different class and category of employees recruited directly against such higher post, which is the next promotional post for the post on which an employee has been granted the benefit of ACP pay structure under these rules, based on a different principle.

(ii) the objective sought is to compensate financially an employee who is stagnating without any promotion in a lower post in cases for example for 10,20 and 30 years. There is no functional requirement for creating posts in the higher hierarchy for all such employees. Therefore, they are being allowed a higher grade pay in compensation. The classification explained in (i) above meets this objective and therefore, is having a rational relation to the object sought to be achieved by these rules.

**Rule 2.** This rule lays down the categories of employees of whom the rules apply. Except for the categories excluded under sub-rule (2) of this rule, the rules are applicable to all Nigam employees appointed under the rule making power of the Nigam employees appointed under the rule making power of the Nigam serving in connection with the affairs of Nigam and whose pay is debit to Nigam's account.

**Rule 3.** This rule is self explanatory  
Further, wherever the terms defined under this rule are mentioned in these rules or in any other rules/instructions/orders/notifications etc. issued in connection with these rules, definitions as prescribed under this rule is to be taken as the meaning of such terms unless specifically a different definition is prescribed for such terms to be taken as meaning for and in these rules or, as the case may be, in any other rules /instructions/orders/notifications etc.

**Rule 4.** This rule is self explanatory.

**Rule 5.** This rule is self explanatory.

**Rule 6.** This rule is self explanatory.

**Rule 7 and 8.** These rules are self explanatory.  
It lays down the conditions which are essential to be met by a Nigam employee to be eligible for grant of the benefit under these rules.

**Rule 9 and 10.** These rules are self explanatory.  
The objective of grant of ACP pay structure is only limited to offset financial consequences of stagnation. No other benefit in any way or in any manner is to be extended to the Nigam employee.

**Rule 11.** This rule is self explanatory.

The rule lays down the authorization of grant of the benefit to be extended under these rules. It further exempts the categories of Nigam employees who have already been extended the corresponding benefit in the past. In case of such Nigam employees the eligibility is not to be assessed afresh or a formal order granting the benefit is not to be passed separately. However, for the purposes of providing and placing in the revised pay scales and for all other purposes under these rules they shall be governed by the conditions laid down in this rule.

**Rule 12.** This rule is self explanatory.

**Rule 13.** This rule is self explanatory.

The rule aims at removing the distortions which may crop up in isolated cases where if the employee had not been promoted, he would have been entitled to better financial benefits.

**Rule 14.** This rule is self explanatory.

The rule provides that the benefit of these rules are not granted as a matter of right, rather it is granted as a consequence of non-availability of posts in the hierarchy for such Nigam employees to be promoted against and as a consequence to get the financial upgradation based on the concept of responsibility and status. Therefore, after having taken the benefit as a consequence of non-availability if adequate number of posts in the promotional hierarchy, if some body foregoes the promotion and thereby refuses to shoulder higher responsibility, he is not entitled for the benefit of these rules.

**Rule 15.** The rule is self explanatory.

**Rule 16.** The rule is self explanatory.

**Rule 17.** This rule prescribes the manner in which option has to be exercised and also the authority who should be apprised of such option. The option has to be exercised on the appropriate proforma appended to the rule. It should further be noted that it is not sufficient for a Nigam employee to exercise the option within the specified time limit, but also to ensure that it reaches the prescribed authority within the time limit officially and in writing on the prescribed proforma. In the case of persons who are on leave or on deputation or on foreign service at the time these rules are notified, the period within which the option has to be exercised is three months from the date they take over charge of the post. It is further made clear that unauthorized absence shall not entitle the Nigam employee to get the relief as granted under these rules for the Nigam employees who are on leave. The period of 3 months shall be counted from the date on which the sanctioned leave expires. No other exigency shall enable such Nigam employees the above said relief.

The persons, who have retired between 1<sup>st</sup> January, 2006 and the date of issue of these rules are also eligible to exercise the option.

**Rule 18.** (1) This rule deals with the actual fixation of pay in the revised functional pay scales on 1<sup>st</sup> January, 2006. For the purposes of these rules the procedure under this rule and no other procedure under a different rule shall be followed. A few illustrations indicating the manner in which pay of Nigam employee should be

fixed under this rule subject to the permissible stepping up of pay under notes in this rule are given below :—

**Rule 19 & 20.** This rule prescribes the manner in which the next increment in the new scale should be regulated. The provisos to this rule are intended to eliminate the anomalies of junior Nigam employees drawing more pay than their senior by the operation of substantive part of this rule and also taking care of the Nigam employees who have been drawing pay at the maximum of the existing scale for more than one year as on 1.1.2006 and also those Nigam employees who have been stagnating at the maximum of the existing scale and are actually in receipt of stagnation increments on ad hoc basis.

However, the benefit of this rule will be granted in relation to both the senior and junior drawing their pay in the functional pay scales prescribed for the posts.

**Rule 21 to 23.** These rules are self explanatory.

**Rule 24.** This rule relates to the overriding effect to the rule which provides that the provisions of these rules will regulate and the provisions of any other rule will not regulate the conditions as prescribed in these rules and to the extent of any inconsistency between the provisions of these rules and provisions of any other rules, the provisions of these rules shall prevail and apply.

**Rule 25.** This rule is self explanatory.

There could be a possibility that these rules may cause some hardship in any particular case or to a class or category of posts. Under such circumstances the provisions of rule is clear that it has to be invoked only if the Nigam is satisfied about the existence of some hardship which is required to be relaxed. The relaxation of such hardship shall be based on the merit of individual cases or the cases of class and categories of employees where such hardship is found to be justified for relaxation. Removal of such hardship would therefore, not amount to any discrimination where such hardship has either not been found to exist or has not been found to be justified for relaxation.

**Rule 26.** This rule is self explanatory.

If the circumstances so require the Nigam can add or delete or change any of the parameters as mentioned in the 1st Schedule and may further direct the mode in which the provisions of these rules shall be applicable on such changes either generally or specifically. However, in event of absence of any general or specific direction for the applicability of the provisions laid down under these rules, it shall be presumed that the entire rule shall be applicable on such changes.

**Rule 27.** This rule is self explanatory.

**Rule 28.** This rule is self explanatory.

### illustration-1

A-1 was recruited as a direct recruited fresh entrant in Nigam Service as Peon and promoted to the post of Clerk in the pay scale of Rs.3050-4590 on 10.11.1995 without availing benefit of ACP in the post of Peon. He is drawing his pay in the functional scale of Rs.3050-4590 at the stage of Rs.3800 as on 1.1.2006. He was recruited in Nigam service on 1.1.1987.

Functional pay scale of the post of Clerk	Rs.3050-4590
1. Whether these rules apply on A-1 or not.	Since he has stagnated for more than 10 years at his promotional post of Clerk, therefore, as per para no.4 of rule 7 he is entitled for the benefit of next ACP grade pay. So these rules apply on him
2. Length of service after promotion	10 years
3. Existing Scale of pay	Rs.3050-4590

First, his pay will be fixed in the functional pay structure under revised pay rule 2009 w.e.f. 1.1.2006. Thereafter, on assessing his eligibility if found eligible his pay will be fixed in the next ACP grade pay of Rs.2400/- in PB-1 in the manner prescribed under rule 18 of these rules.

### illustration 2

A-2 was recruited as a Clerk a direct recruited fresh entrant on 4.2.1985 and working as such. He is drawing his pay in the present scale as Rs.5000-8000 w.e.f. 1.3.2005 at the stage of Rs. 5000/-.

Functional scale of the post of Clerk	Rs. 4000-6000
Pay scale in which A-2 is drawing his pay	Rs. 5000-8000
1. Whether these rules apply on A-2 or not.	Since he is drawing his pay in a scale of pay other than the functional scale prescribed for the post of Clerk, so these rules shall apply on him and his pay will be directly fixed in the ACP pay structure under explanation para 3 of rule 11 of these rules.
Pay band applicable to the functional pay scale of the post	Rs. 5200-20200 (PB-1)
Existing Basic pay as on 1.1.2006	Rs. 5000
Pay in ACP pay band of Rs. 5200-	Rs. 9300

20200 fixed as on 1.1.2006	
Grade pay payable (corresponding to his present scale of Rs. 5000-8000)	Rs. 3200

### **Illustration 3**

A-3 was recruited as Jr. Scale Stenographer as a direct recruited fresh entrant on 10.12.1986 and promoted to the post of Section Officer (SAS) as on 6.8.1995 on the basis of limited competition of existing Nigam employees and drawing his pay in the functional pay scale of Section Officer Rs.6500-10500 at the stage of Rs. 8500 as on 1.1.2006.

Whether these rules apply on A-3 or not.	Since he has stagnated for more than 10 years at his promotional post of Section Officer therefore, as per para no. 4 of rule 7 he is entitled for the benefit of next ACP grade pay. So these rules apply on him.
--	--

First, his pay will be fixed in the functional pay structure under revised pay rule 2008 w.e.f. 1.1.2006. Thereafter, on assessing his eligibility if found eligible his pay will be fixed in the next ACP grade pay of Rs. 4800/- in PB-2 in the manner prescribed under the rule 18 of these rules.

### **Illustration 4**

A-4 Pay fixation on grant of increment in the revised ACP pay structure

1	Pay in the PB-2	Rs.9300
2	Grade Pay	Rs.4200
3	Total of pay + grade pay	Rs.13500
4	Rate of increment	3% of 3 above
5	Amount of increment	Rs.405 rounded off to Rs.410
6	Pay in the pay band after increment	Rs.9300 + 410
7	Pay after increment	Rs.9710
8	Grade pay applicable	Rs.4200

**CGM (Finance)  
DHBVNL, Hisar**

Copy of the above is forwarded to the following for information and necessary action:-

1. ADGP/V&S, DHBVN, Panchkula.
2. All CGM,/GM/DGM/AGM in DHBVNL.
3. LR/DMS, Haryana Power Utilities, Panchkula.
4. DGM/Training, DHBVN. Hisar/Gurgaon
5. Sr. Medical Officer, DHBVN, Hisar.
6. Medical Officer/ Gurgaon/ Bhiwani.
7. Secretary/Finance, UT Admn., Deluxe Building, Sector-9, Chandigarh
8. Secretary, BBMB, Sector 19, Chandigarh.
9. CE/TS, BBMB, Sector 28, Chandigarh,
10. CE/Generation, BBMB, Nangal.
11. FA& CAO/BBMB(PW) Nangal/Chandigarh.
12. Chief Electrical Inspector to Govt. Haryana Chandigarh.
13. R.A.O., DHBVN, Chandigarh
14. CCO, DHBVN, Hisar
15. All Sectional Heads Incharge in DHBVN.
16. Sr. PS to Chairman/MD/Directors, PS to LR/PA to GM/Admn. in DHBVN.
17. President of all recognized Unions/Associations/Federations in DHBVN.
18. General Secretary of all recognized Unions/Associations/Federations in DHBVN.
19. DGM/IT, DHBVN, Hisar. He is requested to upload the circular of revision of pay scale on the Nigam's website.

**AGM/F&B,  
DHBVN, Hisar.**