

Copy of letter No.GE-S/A/15-18/92-93/83 dtd, 10.8.92 from the
Accountant General (A&E), Kerala, Trivandrum addressed to the
Director of Health Services, Thiruvananthapuram

Sub:- Punishment of barring of increments - regulation of
Pay on promotion - method, of working of monetary
equivalent and other incidental matters.

Sir,

Barring of increment is one of the minor penalties contemplated in the disciplinary rules. The rules and instructions regarding the imposition of penalty of barring of increments, regulation of pay on promotion/appointment to a higher post before expiry of the period of penalty, method of working out the monetary equivalent for the unsuffered portion of punishment, etc. are scattered in the K.S.Rs, K&S,(CCA) Rules, 1960 or corresponding Disciplinary Rules, Manual of Disciplinary proceedings and various orders issued by the Government from time to time. No consolidated. Compilation or compendium giving the relevant rules in one place has been brought out by the Government. This has created difficulty in regulating the pay and correctly working out the amount to be recovered not only in this office but also in various departmental Offices. Circular instructions for the guidance of the staff of this office have therefore been issued. & it is felt that;- it would be useful, copy of these instructions is enclosed for your information. You may consider circulating it with further suitable instructions to the lower formations. It should however be particularly noted -that the instructions were primarily, intended for the guidance of the staff of this office and any doubts should be got clarified by the Government.

Yours faithfully,

sd/-

(K. KRISHNAN RAJ)

ACCOUNTS OFFICER

Endt. on O&M2-78852/92/DHS dt. 10.9.92

Endt. on A6-23661/91/DMOH, dt. 2. 1.92

Copy along with the copy of Circular is communicated to all heads of Subordinate institutions for information and necessary action.

DIST. MEDICAL OFFICE OF HEALTH

Copy to:

A1, A2, A3, A4, A5, B4, B6 and D3 seats and all Supervisory Officers in this office.

CIRCULAR NO.71

Sub: - Punishment of barring of increments and regulation of pay.

Doubts are frequently being raised as to the manner of regulation of pay in cases of punishments of barring of increments and mode of working out the monetary equivalent & when the punishment cannot be given effect to fully on account of promotion, retirement death etc. Though orders/and instructions have been issued from time to time on the subject it would seem that no uniform practice is being followed by the GE sections in the matter.

2. The present rule position in the matter is therefore explained below for information and guidance of all concerned.

1. With-holding of increments is one of the penalties imposed on a Government servant for good and sufficient Reasons under the Kerala Civil Services (Classification, Control and Appeal) Rules, 1960.
2. The punishment in respect of Gazetted Officers is imposed by the Government or the Head of Department, Collectors or other ... authorities to whom the power has been delegated.
3. An order imposing the penalty of with-holding of increment has only prospective effect. only the increment or increments becoming due on or after the date of issued off he orders are to be with-held.
4. With-holding of increments may be either permanent (with, cumulative effect) or temporary(without cumulative effect) for a specified period. Temporary period shall not be less than 3 months. If therefore the period is not specified in the order it shall be deemed to be 3 months in the case of temporary with holding of increments. However, the Correct position may be got confirmed.
5. An order inflicting the punishment of increment bar is applicable-only in respect of the time scale of the post held by the Officer on the date of issue of the orders. the order has- no effect on the higher or lower post to which he may be promoted or reverted. Therefore the increments due in the higher or lower post can be authorised if otherwise admissible.
6. In cases where a series of penalties" of stoppage of increments are imposed on a Government servant one after the other in separate cases, the effect of the first punishment order of stoppage increment will continue for the period specified in the punishment order. Thereafter the pay of the Government Servant will be raised by giving him increments which but for the imposition of the penalty would have been admissible to him and only when the second order of stoppage of increment will be made effective which will continue for the period specified in the 'second order of punishment and so on.

Illustration No. 1

'A' is drawing pay of Rs. 1830/- in the scale of Rs. 1370-40—1530-60-1830-80-2470-85-2640 with date of next increment on 1-7-89..As per order dated, -1-12-88 his one Increment is barred for 1 year

with out cumulative effect' and as per order 'dated, 1-3-39 one increment is barred with cumulative effect for 1 year. Pay is to be regulated as follows;

1.7.88	-	1830
1-7-89	-	1830 (a910 -barred as per order dated 1-12-88)
1.7.90	-	1990 To be resorted when the period of 1 st punishment order is over 1-7-91
1-7-92	-	2070 To be authorised.

7. There is a distinction between, with-holding "Nest increments" and "one Increment". Where an order of penalty purports to with-hold the "next increment" for a specified period, it implies that all the increments falling due during the period would be withheld because without getting the next increment an "offider cannot get increments falling after the "next increment". Similarly, if the order : says therefor increment is with-held".... for a specified 1 the officer concerned will be able to draw the subsequent increments falling due during the period, depressed by "one increment" which is withheld. The punishment order shuld.be carefully examined and the order implemented strictly as-per -the orders. In cases of doubt clarification should be obtained.

8. Where an order of stoppage o.J increment cannot be given effect to fully, monetary value equivalent to the amount of increments for the period for which punishment has not been suffered has to be recovered. Incase of stoppage with cumulative effect the monetary value equivalent to 'three times check amount-of increments ordered to be with-held may be recovered (KCS(CCA) Rules.

Illustration No. 2

'X' is drawing pay at Rs. 2825/- in the scale of Rs. 1830-80-: 2470-85-2725-100-292.5-12 5-342 5 with date of: next increment on 1-7--89.As per order dated 1-12-83 his 2 incrememts are barred. He is promoted on 1-1-90 and thereafter the punishment was not suffered, in full. Monetary! value to be calculated as follows:

	Without cumulative effect	- cumulative effect	With
Monetary value for 1st year =100x2 = 1200		100x12x3 - 3600	
2nd year (100+1-25)		100+125)	
x 12		=2700 'x12x3 = 8100	
Total = 3900'	11,700		

Less value for period suffered 6x100=600
 (1-7-89 to 31-12-89)

Amount to be recovered = 3300 11100

According to a plain reading of the rules monetary value equipment is recoverable in all cases where the order of punishment of stoppage of increment- cannot be given effect to fully. Recovery is therefore to be insisted even in cases where in officer has 1 already "reached the maximum of the scale, died, promoted, reverted compulsorily retired, retired on superannuation, etc., etc.,

9) Under the State rules an Officer whose increment is barred can be promoted to a higher post before the expiry of the period of punishment. Regulation of pay of an Officer who is promoted/ appointed to a higher time scale before expiry of the period of stoppage of increment in the lower post is to be done as per Rulings 3 &4 under Rule 2 8A/ Rulings 4&5 under Rule 37 Part I KSR. Monetary equivalent for the unsuffered period of punish--:, sent has also to be recovered as per the KCS (CCA) Rules.

See method of calculation in illustration No. 2, These provisions are explained below.

a) Increment barred with or without cumulative effect shall not be reckoned for fixation - refixation in the higher time scale. (Ruling 4-r Rule 23A) (gee- also partial exception to this in illustration 4)

and Ruling 5- Rule 37.
 Illustration 3

A drawing pay of Rs. 2323/in the scale of Rs.1830-80-2470-85-2725-10-2925-125-3425 with date of next increment on 1-7-89. As per order dated 1-12-38 his two increments are barred .without cumulative effect. He is promoted to a higher post on the time -scale of Rs. 2470-85-2725-100-2925-225-3675".

Rs.1830-3425		Rs, 2470-3675
1.7.88	-	Rs. 2825
1-7-89	-	Rs. 2825 (Rs. 2925 - barred)
1-1-90	-	Promotion – 2825 actual pay drawn
		N. I. - 100
		2925

1-1-91

No benefit on refiaation on 1-7-90 since his pay in the lower post of only Rs. 2325 due to bar)

But he is eligible to his pay refixed at Rs. 3425/- on 1-7-91 after expiry of period of punishment

Please note that

Monetary equivalent for unsuffered period is also recoverable see mode of calculation, under para 8-illustration No. 2.

11) Monetary equivalent for unsuffered period is also recoverable-see mode of calculation under para 3-illustration Mo. 2.

iii) There will be no change of pay in higher post a, initial

(fixation even if 'check orders of bar is with cumulative effect. But the monetary equivalent will be different.

b) In case of bar on increment without cumulative effect, there is no objection to grant the barred increments notionally for

7" ~ fixation/re fixation of pay and to give like monetary benefit after the period of bar.

(Ruling 4- i-ule 23 A) & Ruling §- Rule 37) Illustration No . 4

'A' drawing pay of Rs. 1530/- from 1-7-88 in the scale of Rs, 1370-2640. As per order dated 1-8-83 his increment is barred for 6 months without cumulative effect. He is promoted from 1-10-39 to a post in the scale of Rs. 1590-3050-

Rs. 1590 - 3050

Actual

Rs. 1370-2640

Notional

1-7-38 -1550

1-7-89 -1530(1590-barred)

1-10-39 -1530

Promotion Notional

fixation

NI 60

(In addition monetary equivalent should also be recovered for the unsuffered period 1-10-89 to 31-12-89)

c) Refixation as per Rule 23A/Rules 37 (a) shall not be given in the higher officiating post with reference to the change of pay in the lower post during period of bar of increment in the higher officiating post. However in cases of bar without cumulative effect refixation may be allowed notionally with monetary benefit after the expiry of the period of bar, (See Ruling 3 below Rule 23 A & Ruling 4 below Rule 37) 10) As per Rule 3-B of Part III KSR as well as KC3(CCA) Rules monetary equivalent at the amount of increment ordered to be withheld from an employee can be recovered from the DCRG when the order cannot be given effect to before retirement or death of the employee. Any amount pending recovery may therefore be intimated to PR section concerned as liability with the head of credit.

3. To avoid all possible legal complications the departmental authority should be invariably requested to issue formal orders for recovery of the monetary equivalent specifying the amount where the orders of stopping increment cannot be given effect to fully for any reason. However pending issue of formal orders recovery may be ordered to be effected provisionally