

MAHARASHTRA LABOUR WELFARE BOARD EMPLOYEES(REVISION OF PAY) RULES, 1970

CONTENTS

1. Short title
2. Categories of Board employees to whom the rules apply
3. Relaxation of rules
4. Power of interpretation
5. Definitions
6. Drawal of pay in the revised scales and option to retain existing scales
7. Exercise of option
8. Fixation of initial pay in the revised scale
9. Date of next increment in the revised scale
10. Increase in pay additional increments for Board employee who elects to retain the existing scales on 1st April, 1966
11. Regulation of temporary additional pay
12. Protection in respect of Dearness Allowance for Board employees on city scale of pay
13. Fixation of pay in the revised scales subsequent to 1st April 1966
14. Fixation of pay in the revised scale on appointment to another post after 1st April, 1966
15. Over-riding effect of the rules
16. Commencement

MAHARASHTRA LABOUR WELFARE BOARD EMPLOYEES(REVISION OF PAY) RULES, 1970

In exercise of the powers conferred by clauses (g) and (k) of subsection (2) of Section 19 of the Bombay Labour Welfare Fund Act, 1953 (Bom. XL of 1953) and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (1) of Section 19 of the said Act, namely :

1. Short title :-

(1) These rules may be called the Maharashtra Labour Welfare Board Employees (Revision of Pay) Rules, 1970.

2. Categories of Board employees to whom the rules apply :-

(i) Save as otherwise provided by or under these rules, these rules

shall apply to all employees of the Maharashtra Labour Welfare Board.

(ii) These rules shall not apply to

(a) Board's employees not in whole time employment;

(b) Board's employees on consolidated rates of pay ;

(c) Board's employees who retired on or before 1st April, 1966, and who were on re-employment on that date including those whose period of re-employment is extended after that date ;

(d) Board's employees specially excluded wholly or in part by the Board from the operation of these rules.

3. Relaxation of rules :-

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

4. Power of interpretation :-

If any question arises relating to interpretation of these rules, it shall be referred to the Government of Maharashtra in the Industries and Labour Department whose decision thereon shall be final.

5. Definitions :-

In these rules unless there is anything repugnant in the subject or context,

(1) "Basic pay" means pay as defined in clause (aa) of Rule 3 of the Maharashtra Labour Welfare Board Employees (Conditions of Service) Rules, 1961, provided that where pay is drawn in a pre-1962 scale, basic pay means pay drawn in such scale, plus dearness pay as admissible under Government Resolution. Finance Department. No. DRP. 3063-XXV1. dated the 15th February, 1963, viz :

Pay range in the pre-1962 scale	Dearness pay
Rs. 50 and below.	35
Rs. 51 and above upto Rs. 200	45
Rs. 201 and above upto Rs. 500	60
Rs. 501 and above upto Rs. 750	65
Rs. 751 and above upto Rs. 14,000	80

RS. 1.001 and above upto RS. 1.079	Amount of dearness allowance admissible on the 1st July, 1962. on the pre-1962 scale <i>minn</i> Rs. 20:
------------------------------------	--

Provided further that, where special pay is shown in the Schedule as merged in the revised scale, basic pay includes special pay ;

(2) "City Scale" means a scale marked by the letter (c) in column 3 of the Schedule :

(3) "Completed years of service" means completed years of service, both officiating and substantive in the particular post or cadre or class within the cadre concerned and includes

(i) the period of deputation, including deputation to foreign service, during which the Board employees concerned would otherwise have officiated or continued to officiate therein :

(ii) the period of leave including extraordinary leave, provided that the Board employee returned to the same or a higher post after such leave ;

(iii) the officiating period during which a person appointed to the post was allowed a rate of pay fixed, under Bombay Civil Services Rule 66, at an amount less than that admissible under the rules ;

(iv) broken periods of such service excluding the periods of service rendered prior to resignation, removal from service or dismissal.

(4) "Existing scale" means the scale of pay, other than a pre-1962 scale of pay. applicable to a Board employee in respect of the post held by him in a substantive or officiating capacity on 1st April, 1966 ;

(5) "Pre-1962 scale" means the scale of pay which has remained in force from a date prior to 1st July, 1962 ;

(6) "Present pay" in relation to any post means "basic pay" as defined in sub-rule (1) above. Provided that

(i) where the existing scale or the pre-1962 scale in which pay is drawn is a city scale, the "present pay" shall mean the basic pay in respect of such scale reduced by the amount as shown below :

	Basic pay in the city scale	Amount to be deducted from
--	-----------------------------	----------------------------

		the basic pay
	Rs	Rs.
<p><i>Explanation</i></p> <p>The scales which are pre-1962.</p> <p>Scales are shown in column 3 of the Schedule by the words "pre-1962 scale" in brackets.</p>	upto 87	7
	88-89	8
	99 - 109	9
	110 - 120	10
	121 -131	11
	132 -175	12
	176- 1,013	8 108th of the amount of basic pay, fraction of a rupee being ignored
	1.014 and above.	75

(ii) where an existing scale is split up and replaced by a revised scale and a special pay. the "present pay" shall mean the basic pay in respect of such existing scale reduced by the amount of the special pay. *

Exception : The provisions of the clause (ii) above shall not apply where the special pay is sanctioned in addition to the revised scale and not by splitting up the existing scale.

Explanation Where an existing city scale and a special pay is replaced by a revised scale (in which the special pay is merged) the "present pay" shall be the amount equal to the sum of basic pay in respect of the city scale plus the special pay, reduced by the amount as shown in clause (i) of this sub-rule. Conversely, where an existing city scale is replaced by a revised scale and a special pay, "present pay" for the purpose of this sub-rule shall be the basic- pay in respect of the city scale reduced by the amount as shown in clause (i) of this sub-rule and further reduced by the amount of the special pay :

(7) "Revised scale" in relation to any post means the scale of pay of that post specified in column 4 of the Schedule, other than the scale which is identical with the existing scale of the post shown in column 3 of the Schedule ;

Explanation Where the scales shown in columns 3 and 4 of the Schedule are identical, that is to say, where the two scales have the same minimum, maximum and the rate of increment, the scale shown in column 4 of the Schedule should not be treated as a

"Revised Scale" for the purpose of these rules. If, however, the existing scale is a city scale, the scale shown in column 4 of the Schedule should be deemed to be a revised scale even if the two scales have the same minimum, maximum and rate of increment;

(8) "Schedule" means the Schedule annexed to these Rules. (Annexure II).

6. Drawal of pay in the revised scales and option to retain existing scales :-

Save as otherwise provided in these Rules, a Board employee shall draw from the 1st April, 1966, pay in the revised scale and special pay. if any prescribed in column 4 of the Schedule for the post held by him : provided that a Board employee who was in service on the 31st March, 1966 shall have an option either (i) to come to the revised scale of pay with effect from the 1st April, 1966: or (ii) to retain the existing scale or the pre-1962 scale of the post held by him until the date on which he earns his next or any subsequent increment in such existing or pre-1962 scale or until he vacates his post or ceases to draw pay in the post, such option being exercised separately in respect of the pay-scale of the post held in a substantive capacity and of the day scale of the post held in a substantive capacity and of the day scale of the post held in an officiating capacity.

7. Exercise of option :-

(1) The option under Rule 6 shall be exercised in writing so as to reach the authority mentioned in sub-rule (2) within 4 months of the date of issue of these Rules or the orders revising the existing scales whichever is later :

Provided that

(i) Where a Board employee is under suspension on the 1st April, 1966, the option may be exercised within 4 months of the date of his return to duty if the date is later than the date prescribed in the sub-rule.

(ii) The option shall be intimated by the Board employee in the form annexed to these Rules (Annexure I) to the Welfare Commissioner.

(iii) If the declaration regarding the option is not received within the time mentioned in sub-rule (1), the Board employee shall be

deemed to have elected the revised scale of pay with effect from the 1st April, 1966.

(iv) The option once exercised shall be final.

8. Fixation of initial pay in the revised scale :-

The initial pay of a Board employee who elects or is deemed to have elected under Rule 7 (3), the revised scale from the 1st April, 1966. shall, unless in any case the Board by special orders otherwise directs, be fixed in the revised scale separately in respect of his substantive pay in the permanent post on which he holds a lien or would have held a lien if it had not been suspended and in respect of his pay in the officiating post, if any, held by him, in the following manner :

(I) If the employee is the holder of a post which is on a time-scale or pay (and not on a fixed rate of pay), his initial pay in the revised scale shall be fixed at the highest of the three rates admissible under following alternatives (a), (b), and (c):

(a) present pay increased by an amount of Rs. 10 ;

(b) the stage in the revised scale next above the present pay ;

(c) the lower of the following two rates:

(i) present pay increased by an amount of Rs. 30 :

(ii) the stage in the revised scale next above the present pay, increased by increments for completed years of service as shown below :

Completed years of service	No. of increments to be added
Less than 2	Nil
2	1
5	2
8	3
11 and more	4

Provided that if the highest rate admissible under the three alternatives is not a stage in the revised scale, the initial shall be fixed at the stage next below that rate, the difference being granted as personal pay to be absorbed in future increments and further provided that the initial pay or the sum of pay plus personal

pay shall not exceed the maximum of the revised scale.

(II) If the employee is the holder of the post which is at present on a fixed rate of pay but for which a time-scale is now prescribed, his initial pay in such time-scale shall be fixed at lower of the following two rates, viz. :

(a) the pay admissible under sub-rule (1);

(b) the pay to which the employee would have been entitled, had the entire service rendered on the fixed pay excluding the portion of service if any, which does not count for increments in a time-scale under the Bombay Civil Services Rules or the Maharashtra Labour Welfare Board Employees (Conditions of Service) Rules, 1961, as the case may be, been rendered in the revised scale :

Provided that, in cases where the initial pay fixed under clause (b) of this sub-rule is lower than the present pay of the Board employee, the difference shall be granted as personal pay to be absorbed in future increments.

9. Date of next increment in the revised scale :-

The next increment of a Board employee whose pay has been refixed in accordance with Rule 8 shall be granted in the revised scale on the date on which he would have drawn an increment in the existing scale or on the date on which an increment falls due in the revised scale, whichever is earlier, provided that in cases in which solely as a result of the operation of this rule a junior Board's employee draws his next increment on a date earlier than his senior or seniors who belong to the same cadre and thereby draws more pay than the latter, the date of next increment of the later shall be advanced to the date on which the former draws his next increment.

Explanation 1 The concession of advancing the date of increment in the proviso to this rule will not be admissible to a senior, in respect of any period for which his increment in the revised scale is postponed due to causes unconnected with this rule e.g.. withholding of increments, overstayal of leave not specially allowed to count for increments. In other words, the period by which the next increment is to be accelerated should exclude periods which do not qualify for increment under the Bombay Civil Services Rules or the Maharashtra Labour Welfare Board Employees (Conditions of Service) Rules, 1961, and orders made by competent authorities. Subsequent increments will be regulated in the usual manner.

Explanation 2 In the case of a Board employee who is drawing pay at the maximum of the existing scale, next increment in the revised scale will accrue only after he has rendered service required to earn an increment in the revised scale, as he would not have drawn any increment in the existing scale.

10. Increase in pay additional increments for Board employee who elects to retain the existing scales on 1st April. 1966 :-

(1) Where a Board employee elects to retain the existing scale or pre-1962 scale applicable to him on 31st March. 1966 or elects to move on to the revised scale after the 1st April, 1966 he shall be given an increase in the pay drawn by him on the 1st April. 1966. in such existing or pre-1962 scale as shown below :

(A) Where the Board employee has not rendered two completed years of service, his pay be re-fixed in the existing or pre-1962 scale at a stage equal to the pay drawn by him on the 1st April. 1966 increased by an amount of Rs. 10 provided that if the pay so admissible is not a stage in the pay-scale, the pay shall be fixed at the stage next below such pay the difference being granted as personal pay to be absorbed in future increments and further provided that the initial pay or the sum of pay plus personal pay shall not exceed the maximum of the scale.

(B) Where the Board employee has rendered two or more completed years of service his pay shall be re-fixed in the same existing or pre-1962 scale at the highest of the three rates admissible under following alternatives :

(i) the pay admissible under clause (A) of this sub-rule ;

(ii) the pay drawn on the 1st April. 1966 increased by one increment :

(iii) the lower of the following two rates :

(a) the pay drawn on the 1st April. 1966 increased by an amount of Rs. 30 ;

(b) the pay drawn on the 1st April. 1966 increased by increments for completed years of service as shown below :

Completed years of service	No. of increments to be added
Less than 2	Nil

2	1
5	2
8	3
11 and more	4

Provided that if the highest rate admissible under the three alternatives is not a stage in the pay scale, the pay shall be fixed at the stage next below that rate, the difference being granted as personal pay to be absorbed in future increments and further provided that the pay or the sum of pay plus personal pay shall not exceed the maximum of the scale.

(2) The provisions of the above sub-rule shall apply to a Board employee who is holding a permanent post and officiating in another post and his pay in respect of both the posts shall be re-fixed in the manner prescribed thereunder.

(3) The next increment of a Board employee whose pay is re-fixed under this rule shall be granted on the date on which the Board employee would have drawn an increment in the scale.

11. Regulation of temporary additional pay :-

The temporary additional pay of Rs. 5 sanctioned in Government Resolution. Finance Department. No. PAY-I065/3480-V. dated the 1st april, 1965. shall be withdrawn as from the 1st April, 1966 and the amount already drawn from that date to the date of issue of these orders shall be adjusted against the pay admissible under these orders. Recovery of overpayments, Payments.if any, shall be waived.

12. Protection in respect of" Dearness Allowance for Board employees on city seale of pay :-

A Board's employee who was drawing pay in a city scale of pay on the 31st March, 1966 and on fixation of pay in the revised scale becomes eligible for a lower rate of pay and consequently a lower rate of deamess allowance shall, provided he elects to move on to the revised scale from the date prior to the 1st April, 1969, continue to be dearness allowance at a rate not lower than the rate admissible on the pay drawn by him in the city scale on the date on which he moves on to the revised scale, till such time his pay in the revised scale increases and he becomes eligible for the higher rate of dearness allowance.

13. Fixation of pay in the revised scales subsequent to 1 st April :-

Where a Board employee continues to draw pay in an existing scale or a pre-1962 scale and elects to come to a revised scale from a date later than 1st April, 1966 his pay in the revised scale shall be fixed on such date at the stage equal to his "present pay" as defined in Rule 5 (6), and if there is no such stage in the revised scale, at the stage next below that "present pay" the difference being granted as personal pay to be absorbed in future increments. His next increment shall be granted on the date on which he would have drawn an increment in the existing scale or on the date on which an increment falls due in the revised scale, whichever is earlier.

14. Fixation of pay in the revised scale on appointment to another post after 1st April. 1966 :-

(1) When a Board employee who has elected to retain the existing or pre-1962 scale of the post held by him on 31st March. 1966 is transferred to another post on or after 1st April, 1966, his pay on such transfer shall be fixed in the revised scale of the other post under the provisions of Bombay Civil Services Rules, viz., Bombay Civil Services Rules 41, 56 and 57 or under the Maharashtra Labour Welfare Board Employees (conditions of Service) Rules. 1961. and for this purpose his pay in respect of the first post shall be his "present pay" in that post on the date of transfer.

Explanation The provision of this sub-rule shall apply to all employees irrespective of whether the existing/pre-1962 scale retained is a mofussil scale or a city scale. Where the existing/pre-1962 scale which is retained in a city scale, the employee's "present pay" on the date of transfer to the other post shall be first determined in terms of sub-rule 5 (6) and his pay in the revised scale of the other post shall be fixed on the basis of such "present pay"

(2) The initial pay of a Board employee who has officiated in a post prior to the 1st April, 1966 but was not holding that post on that date, shall on his subsequent appointment to that post after that date, be fixed in the revised scale also under the provisions of Bombay Civil Services Rules 41, 56 and 57 or under the Maharashtra Labour Welfare Board Employees (Conditions of Service) Rules, 1961, provided that the pay so fixed shall not be less than the "present pay" to which he would have been entitled if

he. were to hold that post on the 1st April. 1966 and were to draw, on that date, pay which he actually drew when he held the post on the last occasion.

15. Over-riding e Effect of the rules :-

In case where the pay is regulated under these rules, the provisions of Bombay Civil Services Rules or the Maharashtra Labour Welfare Board Employees (Conditions of Service) Rules, 1961, shall not apply to the extent they are inconsistent with these rules.

16. Commencement :-

These rules shall be deemed to have come into force from 1st April, 1966. However, arrears arising from the rules shall be calculated separately for the period from the 1st April. 1966 to 30th June, 1968 and from the 1st July, 1968 onwards. The arrears for the period from the 1st July, 1968 onwards shall be paid in cash.