

MAHRASHTRA LABOUR WELFARE BOARD EMPLOEES (PAY) RULES, 1965

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MAHRASHTRA LABOUR WELFARE BOARD EMPLOEES (PAY) RULES, 1965

In exercise of the powers conferred by clause (e) of sub-section (2) of Section 19 of the Bombay Labour Welfare Fund Act, 1953 (Bom. XI of 1953) and of all other powers enabling it in that 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, Commencement and application :-

(1) These Rules may be called the Maharashtra Labour Welfare Board Employees (Pay) Rules, 1965.

(2) They shall be deemed to have come into force on the first day of July, 1962 (hereinafter referred to as "the appointed day").

(3) They apply to all employees of the Board including those taken over and employed under Section 13 of the Act. but excluding those

(i) who are not in whole-time employment of the Board, or

(ii) who retired on superannuation or retiring pension before the appointed day and were in re-employment on that day.

2. Definitions :-

In these Rules, unless the context otherwise requires.

(a) "Act" means the Bombay Labour Welfare Fund Act. 1953 ;

(b) "basic pay" in relation to any post 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 special pay is permanently attached to the post and is merged in the revised scale, basic pay shall include special pay :

(c) "employee" means an employee of the Board to whom these Rules apply ;

(d) "present emoluments" means the basic pay of an employee in the present scale and dearness allowance including dearness pay. if any. appropriate to the basic pay on the appointed day.

Explanation Dearness allowance in relation to an unmarried employee means dearness allowance to which he would have been entitled, had he been a married employee on the appointed day ;

(e) "present pay" means present emoluments reduced by the following amounts :-

(f) "present scale" in relation to any post means the scale of pay admissible to employee in respect of such post immediately before the appointed day ;

(g) "revised scale" in relation to any post means the scale of pay shown as revised scale of that post in Parts 1 and 11 of the Schedule ;

(h) "Schedule" means the Schedule appended to these Rules.

3. Relaxation of rules :-

Where the Board is satisfied that the operation of any of these Rules causes undue hardship in any particular case, it may, '[with the prior approval of the State Government], resolve to dispense with or relax the provision 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.

4. Power of interpretation :-

If any question arises relating to the interpretation of these Rules other than Rule 3, it shall be referred to the State Government

whose decision thereon shall be final.

5. Drawal of pay in revised scales and option to elect revised scales :-

Save as otherwise provided in these Rules, an employee shall, with effect from the appointed day, draw pay in the revised scale of the post held by him :

Provided that any employee may elect to continue to draw pay in the present scale until the date on which he earns his next or subsequent increment in the present scale or until he vacates his post or ceases to draw pay in that time-scale of pay.

Explanation Where an employee exercises the option of retaining the present scale in respect of a post held by him in an officiating capacity, his substantive pay for the purpose of Rule 3 (ii) of Maharashtra Labour Welfare Board Employees (Conditions of Service) Rules, 1961, shall be the substantive pay which he would have drawn, had he retained the present scale in respect of the post on the Board's establishment on which he holds a lien or would have held a lien, had his lien not been suspended.

6. Exercise of election :-

(1) The election to be exercised under the proviso to Rule 5 shall be exercised in writing and shall be intimated to the Welfare Commissioner. Every such intimation shall reach the Welfare Commissioner within four months of the date of publication of these Rules :

Provided that --

(a) in the case of an employee who is out of India on leave or on deputation or foreign service on the date aforesaid, such intimation shall reach the Welfare Commissioner within four months of the date of his taking over charge of his post in India under the Board ; and

(b) in the case of an employee who is under suspension on the appointed day and who returns to duty after the date of publication of these Rules, such intimation shall reach the Welfare Commissioner within four months of the date of his return to duty.

(2) If an intimation from an employee regarding his election is not received by the Welfare Commissioner within the period mentioned in sub- rule (1), such employee shall be deemed to have elected

the revised scale of pay with effect from the appointed day.

(3) Any election or elections exercised within the period mentioned in sub-rule (1) shall be final.

7. Fixation of initial pay in revised scales :-

The initial pay of an employee who elects or is deemed to have elected the revised scale from the appointed day under Rule 6 shall, unless the Board by special resolution 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, that is to say : -

(a) where an employee holds any post in the mofussil scale and the revised mofussil scale of that post starts with Rs. 100 or less or where an employee holds any post in the city scale and the revised city scale of that post starts with Rs. 120 or less, the initial pay of such employee in the revised mofussil or, as the case may be. city scale shall be fixed at the stage next above his present pay ;

(b) where an employee holds any post on a fixed pay and elects the revised scale, his initial pay in the revised scale shall be fixed at the lower of the following stages, namely :

(i) the stage next above his present pay ; or

(ii) the stage at which he would have drawn pay, had the entire service rendered by him on the fixed pay (excluding the portion of service, if any, which does not count for increments in a time-scale,) been rendered in the revised scale :

Provided that, where the initial pay fixed under clause (ii) is lower than the present pay of the employee, the difference shall be treated as personal pay to be absorbed in future increments;

(c) in any other case, the initial pay shall be fixed at the stage equal to the present pay and, if there is no such stage in the revised scale, at the stage next below that pay, the excess being treated as personal pay to be absorbed in future increments.

8. Date of next increment in revised scale :-

The next increment of an employee in the revised scale shall be sanctioned with effect from the date on which he would have drawn his increment in the present scale or the date on which an

increment falls due in the revised scale, whichever is earlier :

Provided that where solely by virtue of this rule, a junior employee draws his next increment on a date earlier than his senior or seniors in the same cadre and thereby draws more pay than his senior and seniors in the same cadre, the date of next increment of his senior or seniors shall be advanced to the date on which the junior employee draws his next increment.

9. Fixation of pay in revised scales subsequent to appointed day :-

Where an employee continues to draw his pay in the present scale and is brought over to revised scale from a date later than the appointed day, his initial pay in the revised scale shall be fixed in accordance with the provisions of Rule 21 of the Maharashtra Labour Welfare Board Employees (Conditions of Service) Rules, 1961, and for that purpose his pay in the present scale on such date shall be deemed to be his present pay on that date.

10. Over-riding effect of rules :-

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