

SECRETARY

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

FUNDAMENTAL RULES – Amendment to FR 22-B – Orders – Issued

FINANCE (FR.II) DEPARTMENT

G.O. Ms. No.145

dt:19.5.2009

Read the following :-

1. G.O.Ms.No.239, Finance & Planning (FW.FR.II) Department, dated 23.8.1983
2. Government Memo. 4073/4/FR.II/A1/90, Finance & Planning (FW-FR.II) Dept., dt.11.2.1990.
3. G.O.Ms.No.102, Finance & Planning (FW-FR.II) Department, dt. 19.3.1991.

ORDER :

In the G.O. first read above, orders have been issued by the Government that the Government Servants who are promoted or appointed to the posts carrying duties and responsibilities of greater importance than those attached to the posts held by them have to exercise their option for fixation of their pay in the promotion post under the provisions of FR 22-B either directly from the date of their promotion or from the date of accrual of next increment in the lower category within a period of one month from the date of promotion and option once exercised shall be final.

2. In the Memo. second read above, orders were issued giving an opportunity to the Government Servant for exercising revised option for fixation of pay under FR 22-B only in cases where the date of increment is altered or the circumstances that existed as on the date of exercising the option have materially altered by any orders of Government or Authority.

3. In the GO third read above, orders were issued extending the time limit upto 30.6.1991 for revised options to those employees who exercised incorrect options and to those who have not exercised option at all within the stipulated time. It was further ordered that the Government Servants to be promoted in future shall be given

only one opportunity to revise their options provided such revised option shall be within a period of one year from the date of promotion.

4. According to the executive instructions under the heading (a) failure to exercise option for alternative formula under rule 46 of the AP Revised Pension Rules, if the option was not exercised, the retirement gratuity has to be calculated under the formula whichever is beneficial to the employee. Under rule 56(b) thereof where option is not exercised by the eligible member (s) of the family of the deceased Government Servants, within the period specified or required, the pensionary benefits which may be most beneficial to the heirs, under the pension rules, applicable to the Government Servants, on the date of retirement/death shall be applied and the pensionary benefits sanctioned accordingly.

5. Often cases relating to the employees who did not exercise option for fixation of pay within the stipulated period of time, as prescribed under rules, are referred to Finance Department, for exercising option after a long lapse of time and based on the rule position, the cases were rejected and the employees are approaching the Hon'ble Courts for redressal of the grievance. There is also no deeming provision under FR 22-B as in the AP Revised Pension Rules, 1980.

6. Therefore, Government after careful examination of the issue, so as to avoid the avoidable litigation and adjudication in connection with exercise of option under FR 22-B, have decided to amend FR 22-B on the analogy of the provision as contained in the Revised Pension Rules, 1980.

7. Accordingly, the following notification shall be published in the Extraordinary Issue of the Andhra Pradesh Gazette, dated.

NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and of all other powers hereunto enabling, the Governor of Andhra Pradesh hereby makes the following amendment to the Fundamental Rules.

AMENDMENT

In the said rules in FR 22-B, after ruling 1(ii)(b), the following proviso shall be inserted, namely,

* “provided that If the employee does not exercise his option, in writing, within the stipulated time of one month from the date of promotion, the competent authority (Drawing Officer/Head of the Office, etc.) shall fix the pay by adopting the method which may be most beneficial to the employee as per rules in force.

Note : “This amendment shall take effect from the date of issue. The cases already settled need not be reopened. The change will only be prospective and cases under litigation will not be covered.”

8. These orders are available on internet and can be accessed at the address <http://www.goir.ap.gov.in>.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. SAMEER SHARMA

SECRETARY TO GOVERNMENT (FP)