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Emergency Commissioned Officers and  
Short Service Commissioned Officers-  
Fixation of pay in the Civil posts  
on appointment to unreserved  
vacancies.

Government of Maharashtra,  
General Administration Department,  
Resolution No. RT-1075/273-XVI,  
Sachivalaya, Bombay 400 032,  
Dated the 4th October, 1976.

RE: D : Government Notification, General Administration  
Department, No. RT-1074-3130-V, dated the 16th  
November, 1974.

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R E S O L U T I O N

1. Rule 3 of the Maharashtra Released Defence Services Personnel (Fixation of Pay and Seniority) Rules, 1974, provides inter alia the procedure for pay fixation of Emergency Commissioned Officers/Short Service Commissioned Officers who have been appointed against reserved posts. The provisions of this rule, however, do not cover the released Emergency Commissioned Officers/Short Service Commissioned Officers who are appointed against vacancies not reserved for them. A question has been raised whether this category of officers would be given the weightage for their army service for fixation of initial pay on appointment to unreserved vacancies in civil posts. It has been decided that the initial pay (but not the seniority) of the officers who are appointed to unreserved vacancies shall also be fixed according to the provisions of Rule 3 of the aforesaid Rules. For the purpose of fixation of pay of such Emergency Commissioned Officers and Short Service Commissioned Officers who were commissioned to Army between 1st November 1962 and 10th January 1968 and were/are appointed against unreserved vacancies, the following procedure should be followed :-

(I) IN CASE OF APPOINTMENT OF EMERGENCY COMMISSIONED OFFICERS AND SHORT SERVICE COMMISSIONED OFFICERS AGAINST NON-TECHNICAL POSTS.

The pay (but not the seniority) of Emergency Commissioned Officers/Short Service Commissioned Officers who joined pre-commission training or were commissioned to Army between 1st November 1962 and 10th January 1968 and who were/are appointed against unreserved vacancies shall be determined on the assumption that they entered the service or the posts as the case may be, at the first opportunity they had after the training prior to their commission or the date of their commission where there was only post-Commission training, that is --

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in the case of services or posts recruitment to which is made on the results of a competitive examination conducted by the Commission, the released Emergency Commissioned Officer or Short Service Commissioned Officer who competes successfully at the first or second available opportunity would be deemed to have passed the examination at the first or second occasion he could have appeared at the relevant examination had he not joined military service and shall be assigned the year of allotment correspondingly.

(II) IN CASE OF APPOINTMENT OF EMERGENCY COMMISSIONED OFFICERS/SHORT SERVICE COMMISSIONED OFFICERS OF INST ENGINEERING AND MEDICAL SERVICES.

The pay (but not the seniority) of the released Emergency Commissioned Officers/Short Service Commissioned Officers who joined pre-commission training or were commissioned to the Army between 1st November 1962 and 10th January 1968 and were/are appointed against unreserved vacancies, shall be fixed on the assumption that they would have been appointed to the service or posts, as the case may be, on the date arrived at after giving credit for their approved military service as Emergency Commissioned Officer/Short Service Commissioned Officer, as the case may be, including the period of training.

2. The drawal of pay as determined according to the principles mentioned above shall be subject to the provisions of the Bombay Civil Services Rules, 1959. Where an officer appointed on probation is required to remain on fixed pay during the period of his probation, the pay determined according to the foregoing principles shall be fixed for such period, and his future increments shall be regulated accordingly.

3. In the case of released defence services personnel who cannot be appointed to a civil service or post immediately after their release, the period of break in service upto one year between the military service and the civil service should be treated as condoned. The break in service exceeding one year but not exceeding 3 years may for purpose of pension be condoned under special orders of State Government. The break in service will, not, however, be counted for the purpose of grant of national increments.

4. The above provisions regarding fixation of pay should also apply to the released defence services personnel belonging to all other ranks (including released Short Service Regular Commissioned Officers) on their appointment to unreserved vacancies in the services and posts under the State Government.

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5. These orders should take effect from 1st October 1975. The pay fixation in all existing cases should be revised and the revised rates of pay should be allowed from 1st October 1975. No arrears on account of re-fixation of pay as aforesaid shall be payable for any period prior to 1st October 1975.

6. The Secretariat Departments are requested to bring these instructions to the notice of the Public Sector Undertakings under their administrative control and request them to implement these instructions.

7. This Resolution issues with the concurrence of the Finance Department - vide its u.o.r. No. CR-1585/76/SER-3. dated the 22nd September 1976.

By order and in the name of the Governor of Maharashtra.

A.S. Kharkar  
Under Secretary to the Government of Maharashtra.  
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To,

- The Secretary to the Governor,
- The Secretary to the Chief Minister,
- The Personal Assistants to all Ministers, Ministers of State and Deputy Ministers.
- The Prothonotary and Senior Master, High Court, Bombay
- The Registrar High Court, Appellate Side, Bombay
- The Secretary, Maharashtra Public Service Commission Bombay
- The Accountant General, Maharashtra I, Bombay
- The Accountant General, Maharashtra II, Nagpur
- The Pay and Accounts Officer Bombay
- The Resident Audit Officer Bombay
- All other Heads of Departments under the several Departments of the secretariat,
- The Finance Department (SER-3)
- \* The Secretary to the Government of India, Cabinet Secretariat, Department of Personnel and Administrative Reforms, New Delhi.

All other Departments of the Secretariat,

\* By letter.