No. 73/2/2013-Adm.I
Government of India
Ministry of Labour & Employment
Labour Bureau

S.C.O. 28-31, Sector-17 A,
Chandigarh-160017
Dated 20.08.2013

Office Memorandum

This Office has received representations from Investigators Grade-II for issue of appropriate orders for reclassification of the post of Investigator Grade-II of Labour Bureau as Group 'B' post consequent on restoration of the scale of pay of Rs.5500-175-9000 w.e.f. 01.01.1996 vide this office order No. 95 of 2013 dated 18.07.2013 (issued under file No.79/20/2011-Adm.I) and in terms of Department of Personnel and Training (DOP&T) Notification No. 13012/1/98-Estt. (D), dated the 20th April, 1998.

2. Department of Personnel and Training (DOP&T) Notification No.13012/1/98-Estt.(D), dated the 20th April, 1998 under S.O. 332(E) provides revised Classification of all Civil Posts under the Union as Group 'A', Group 'B', Group 'C' & Group 'D' posts. In this regard the explanation (ii) attached to the notification dated 20th April,1998 (supra) is reproduced, for enlightening the issue, *ibid*, as under:

" 'Pay or scale of pay', in relation to a post, means the pay or the scale of pay of the post prescribed under the Central Civil Services (Revised Pay) Rules,1997."

3. Further, DOP&T vide their O.M. No.13012/1/98-Estt.(D), dated the 12th June,1998 had clarified that all posts would now stand classified strictly in accordance with the norms of pay scales/pay as prescribed under the notification dated 20.04.1998 (supra) for Revised Classification of Posts as Group 'A', 'B', 'C', &'D' Posts.

4. It is pertinent to recall here that the Rules were made and notified under proviso to Article 309 and clause (5) of Article 148 of the Constitution, by the President under G.S.R. 569(E), dated 30.09.1997. The rules so notified are known as Central Civil Services (Revised Pay) Rules, 1997, which are deemed to have come into force w.e.f. 01.01.1996 and whereby the scale of pay of Rs.5500-175-9000 was approved for the post of Investigator Grade-II in Ministry of Labour, Directorate General of Labour Bureau.

5. The another notification dated 30.04.2001(whereby the scale of pay of Investigators Grade-II of Labour Bureau was reduced from Rs.5500-175-9000 to Rs.5000-150-8000) of the Department of Expenditure, Ministry of Finance modifying the Gazette Notification No. 569(E) dated September 30, 1997 of the Department (supra), has been quashed and set aside by the Hon'ble CAT, Chandigarh Bench in its order dated 09.03.2004.

6. The Hon'ble CAT, Chandigarh Bench vide its order dated 09.03.2004 have restored the scale of pay of Rs.5500-175-9000 to Investigators Grade-II of Labour Bureau w.e.f 01.01.96 that was initially granted to them vide Gazette Notification dated September 30, 1997 of Department of Expenditure, Ministry of Finance notified under G.S.R. 569(E).

7. Subsequently the Hon'ble High Court of Punjab & Haryana in its judgment dated 21.03.2011 has upheld the aforementioned order of Hon'ble CAT. Hence the notification dated 30.04.2001 of the Department of Expenditure, Ministry of Finance has been rendered null & void by the Hon'ble Courts.

In light of the above facts the issue of reclassification of the post of Investigator Grade II as Group 'B' post has been thoroughly examined. Since no new scale of pay is being granted to Investigators Grade-II of Labour Bureau and as a sequel to the Orders of Hon'ble Courts restoring the scale of pay of Rs.5500-175-9000 to Investigator Grade-II of Labour Bureau w.e.f. 01.01.1996, *ipso facto* the post of Investigator Grade II of Labour Bureau *dejure* stands classified as Group 'B' post (w.e.f. 20.04.1998) and hence there is no requirement for issue of any fresh order now for reclassification of the post of Investigator Grade-II of Labour Bureau as Group 'B' post.

In view of the facts enunciated above and chronicles and in the light of Central Civil Services (Revised Pay) Rules,1997 granting scale of pay of Rs.5500-175-9000 to Investigators Grade-II of Labour Bureau, DOP&T Notification dated 20.04.1998 and DOP&T O.M. dated 12.06.1998 (supra), *ipso facto* the post of Investigator Grade-II in Labour Bureau *dejure* stands classified as Group 'B' post w.e.f. 20th April,1998.

This disposes of all the representations received in this regard.

This issues with the approval of Director General, Labour Bureau.

(Kailash G Sharma)
Joint Director (Admn.)

Distribution:

1. All the officials concerned.
2. Sh. R.S. Yadav, Deputy Secretary, SSS division, MOSPI, Sardar Patel Bhawan ,New Delhi w.r.t. O.M. No. 12039/03/2013-SSS dated 26th July,2013 and for further necessary action, if any, in respect of SSS incumbents who were borne on the cadre of Labour Bureau as Investigator Grade-II and subsequently got absorbed in SSS cadre of MOSPI.
3. Sh. Harpreet Singh, Under Secretary(ESA), Ministry of Labour & Employment, Shram Shakti Bhawan, Rafi Marg" New DelhI - 110001.
4. Head Of Office, Labour Bureau, Chandigarh/Shimla/ROs
5. EDP Manager, Labour Bureau, Chandigarh for uploading on the official website of Labour Bureau.
6. PS to Director General, Labour Bureau, Chandigarh