

No. 25014/1/2013-AIS-II
Government of India
Ministry of Personnel, Public Grievances and Pension
(Department of Personnel & Training)

North Block, New Delhi

Dated: 17/08/2015

To

All the Chief Secretaries of State Governments/UTs.

Subject: Revision of pension/family pension of pre-2006 pensioners of All India Services.

Sir,

I am directed to refer to the above mention subject and to say that in compliance to the judicial pronouncement, the Department of Pension & Pensioners vide its O.M. No. 38/37/08-P&PW(A) dated 30/07/2015 has decided that the pension/family pension of all pre-2006 pensioners/family pensioners may be revised in accordance with their Department's O.M. NO. 38/37/08/-P&PW(A) dated 28/1/2013 w.e.f. 01.01.2005 instead of 24.9.2012. The applicability of the provisions of the aforesaid O.M. dated 30/07/2015 to All India Services pensioners of pre-2006 has been considered by this Department and it is decided that provisions of the aforesaid O.M. of Department of Pension & Pensioners Welfare shall be applicable *mutatis-mutandis* to All India Service pensioners of pre-2006.

Yours faithfully,

(Rajiv Jain)

Under Secretary to the Government of India

Copy to: *M/o Environment & Forests*

*DIARY NO. - 597-119-II
25/8/15*

1. Central Government Ministries/Departments
2. Accountant General in the States and UTs.
3. Department of Expenditure, Ministry of Finance, North Block, New Delhi
4. PAO of all Ministries/Departments
5. C&AG, Bahadur Shah Zafar Marg, New Delhi
6. Ministry of Railways, Railway Board, New Delhi
7. CGA, Department of Expenditure, 7th Floor, Lok Nayak Bhavan, Khan Market, New Delhi

*Ms B
per. for copy
in DV Rao file*

*Sh. Irfan
for uploading on
website*

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No.38/37/08-P&PW(A)
Government of India
Ministry of Personnel, PG & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan
Khan Market, New Delhi
Dated the 30th July, 2015

Office Memorandum

Sub:- Revision of pension of pre-2006 pensioners — reg.

The undersigned is directed to say that as per Para 4.2 of this Department's OM of even number dated 1.9.2008 relating to revision of pension of pre-2006 pensioners w.e.f. 1.1.2006, the revised pension w.e.f. 1.1.2006, in no case, shall be lower than 50% of the sum of the minimum of pay in the pay band and the grade pay thereon corresponding to the pre-revised pay scale from which the pensioner had retired. A clarification was issued vide DoP&PW OM of even number dated 3.10.2008 that the pension calculated at 50% of the minimum of pay in the pay band plus grade pay would be calculated at the minimum of the pay in the pay band (irrespective of the pre-revised scale of pay) plus the grade pay corresponding to the pre-revised pay scale.

2. Several petitions were filed in Central Administrative Tribunal, Principal Bench, New Delhi inter alia claiming that the revised pension of the pre-2006 pensioners should not be less than 50% of the minimum of the pay band + grade pay, corresponding to the pre-revised pay scale from which pensioner had retired, as arrived at with reference to the fitment tables annexed to Ministry of Finance, Department of Expenditure OM No.1/1/2008-IC dated 30th August, 2008. Hon'ble CAT, Principal Bench, New Delhi vide its common order dated 1.11.2011 in OA No.655/2010 and three other connected OAs directed to re-fix the pension of all pre-2006 retirees w.e.f. 1.1.2006 based on the Resolution dated 29.8.2008 of the Department of Pension & Pensioners' Welfare and in the light of the observations of Hon'ble CAT in that order.

3. The above order was challenged by the Government by filing Writ Petition No.1535/2012 in respect of OA No. 655/2010 and WP No.2348-50/12 in respect of the three other connected OAs in the High Court of Delhi. The Hon'ble High Court in its common Order dated 29.4.2013 noted that the DoP&PW had, in the meanwhile, issued an OM No.38/37/08-P&PW (A) dated 28.1.2013 which provided for stepping up of pension of pre-2006 pensioners w.e.f. 24.9.2012 to 50% of the minimum of pay in the pay band and grade pay corresponding to pre-revised pay scale from which the pensioner had retired. Hon'ble High Court observed that the only issue which survived was, with reference to Paragraph 9 of OM dated 28.1.2013 which makes it applicable w.e.f. 24.9.2012 instead of 1.1.2006. Hon'ble High Court of Delhi dismissed the Writ Petition No.1535/2012 along with three other Writ Petitions vide its order dated 29.4.2013. Special Leave Petitions (No.23055/2013 and No.36148-50/2013) filed against the said order dated 29/4/2013 of the Hon'ble Delhi High Court have also been dismissed by the Hon'ble Supreme Court.

....2/-

4. Accordingly, in compliance with the above judicial pronouncements, it has been decided that the pension/family pension of all pre-2006 pensioners/family pensioners may be revised in accordance with this Department's OM No.38/37/08-P&PW(A) dated 28.1.2013 with effect from 1.1.2006 instead of 24.9.2012. Further, this benefit has already been granted to the Applicants in OA No. 655/2010 vide OM of even No. dated 26/08/2014 read with OM dated 19/09/2014 following dismissal of SLP (C) No.23055/2013 by the Hon'ble Supreme Court.

5. In case the consolidated pension/family pension calculated as per para 4.1 of O.M. No.38/37/08-P&PW (A) dated 1.9.2008 is higher than the pension/family pension calculated in the manner indicated in the O.M. dated 28.1.2013, the same (higher consolidated pension/family pension) will continue to be treated as basic pension/family pension.

6. All other conditions as given in OM No. 38/37/08-P&PW (A) dated 1.9.2008, as amended from time to time shall remain unchanged.

7. Ministry of Agriculture, etc. are requested to bring the contents of these orders to the notice of Controller of Accounts/Pay and Accounts Officers and Attached and subordinate Offices under them on a top priority basis. All pension disbursing offices are also advised to prominently display these orders on their notice boards for the benefit of pensioners.

8. This issues with the approval of Ministry of Finance ID Note No. 1(9)/EV/2011-Vol.II dated 24.7.2015.

9. Hindi version will follow.

(Harjit Singh)

Deputy Secretary to the Government of India

To

1. All Ministries/Departments (as per standard mailing list)
2. All SCOVA Members
3. All identified Pensioners Associations

Copy to NIC for uploading on the website of the Department.

F.No.38/37/08-P&PW(A)
Government of India
Ministry of Personnel, PG & Pensions
Department of Pension & Pensioners' Welfare
3rd Floor Lok Nayak Bhawan,
Khan Market, New Delhi-110 003.
Dated the 28th January, 2013

OFFICE MEMORANDUM

Sub:- Revision of pension of pre-2006 pensioners – reg.

The undersigned is directed to say that in pursuance of Government's decision on the recommendations of Sixth Central Pay Commission, orders were issued for revision of pension/family pensioners vide this Department's OM No.38/37/08-P&PW(A) dated 1.9.2008, as amended from time to time.

2. It has been decided that the pension of pre-2006 pensioners as revised w.e.f. 1.1.2006 in terms of para 4.1 or para 4.2 of the aforesaid OM dated 1.9.2008, as amended from time to time, would be further stepped up to 50% of the sum of minimum of pay in the pay band and the grade pay corresponding to the pre-revised pay scale from which the pensioner had retired, as arrived at with reference to the fitment tables annexed to the Ministry of Finance, Department of Expenditure OM No.1/1/2008-IC dated 30th August, 2008. In the case of HAG and above scales, this will be 50% of the minimum of the pay in the revised pay scale arrived at with reference to the fitment tables annexed to the above-referred OM dated 30.8.2008 of Ministry of Finance, Department of Expenditure.
3. The normal family pension in respect of pre-2006 pensioners/family pensioners as revised w.e.f. 1.1.2006 in terms of para 4.1 or para 4.2 of the aforesaid OM dated 1.9.2008 would also be further stepped up to 30% of the sum of minimum of pay in the pay band and the grade pay corresponding to the pre-revised pay scale in which the Government servant had retired, as arrived at with reference to the fitment tables annexed to the Ministry of Finance, Department of Expenditure OM No.1/1/2008-IC dated 30th August, 2008. In the case of HAG and above scales, this will be 30% of the minimum of the pay in the revised pay scale arrived at with reference to the fitment tables annexed to the above OM dated 30.8.2008 of Ministry of Finance (Department of Expenditure).
4. A revised concordance table (Annexure) of the pre-1996, pre-2006 and post 2006 pay scales/pay bands indicating the pension/family pension (at ordinary rates) payable under the above provisions is enclosed to facilitate payment of revised pension/family pension.
5. The pension so arrived at in accordance with para 2 above and indicated in Col. 9 of Annexure will be reduced pro-rata, where the pensioner had less than the maximum required service for full pension as per rule 49 of the CCS (Pension) Rules, 1972 as applicable before 1.1.2006 and in no case it will be less than Rs.3,500/- p.m.

...2/-

6. The family pension at enhanced rates (under sub rule (3)(a) of Rule 54 of the CCS (Pension) Rules, 1972) of pre-2006 pensioners/family pensioners revised w.e.f. 1.1.2006 in terms of para 4.1 or this Department's OM No.1/3/2011-P&PW(E) dated 25.5.2012 would be further stepped up in the following manner:

(i) In the case of Government servants who died while in service before 1.1.2006 and in respect of whom enhanced family pension is applicable from the date of approval by the Government, i.e.24.9.2012, the enhanced family pension will be stepped up to 50% of the sum of minimum of pay in the pay band and the grade pay corresponding to the pre-revised pay scale in which the Government servant had died, as arrived at with reference to the fitment tables annexed to the Ministry of Finance, Department of Expenditure OM No.1/1/2008-IC dated 30th August, 2008. In the case of HAG and above scales, this will be 50% of the minimum of the pay in the revised pay scale arrived at with reference to the fitment tables annexed to the above-referred OM dated 30.8.2008 of Ministry of Finance, Department of Expenditure.

(ii) In the case of a pensioner who retired before 1.1.2006 and in respect of whom enhanced family pension is applicable from the date of approval by the Government, i.e.24.9.2012, the enhanced family pension will be stepped up to the amount of pension as revised in terms of para 2 read with para 5 above. In case the pensioner has died before from the date of approval by the Government,i.e. 24.9.2012, the pension will be revised notionally in terms of para 2 read with para 5 above. The amount of revised enhanced family pension will, however, not be less than the amount of family pension at ordinary rates as revised in terms of para 3 above.

7. In case the pension consolidated pension/family pension/enhanced family pension calculated as per para 4.1 of OM No.38/37/08-P&PW(A) dated 1.9.2008 is higher than the pension/family pension calculated in the manner indicated above, the same (higher consolidated pension/family pension) will continue to be treated as basic pension/family pension.

8. All other conditions as given in OM No. 38/37/08-P&PW(A) dated 1.9.2008, as amended from time to time shall remain unchanged.

9. These orders will take effect from the date of approval by the Government, i.e. 24.9.2012. There will be no change in the amount of revised pension/family pension paid during the period 1.1.2006 and 23.9.2012, and, therefore, no arrears will be payable on account of these orders for that period.

10. In their application to the persons belonging to the Indian Audit and Accounts Department, these orders issue in consultation with the Comptroller and Auditor General of India.

11. All the Ministries/Departments are requested to bring the contents of these orders to the notice of Controller of Accounts/Pay and Accounts Officers and Attached and subordinate Offices under them on a top priority basis. All pension disbursing offices are also advised to prominently display these orders on their notice boards for the benefit of pensioners.

12. Hindi version will follow.

Shakti
(Tripti P. Ghosh)
Director
Tel. 24624802

To

All Ministries/Departments of Government of India.
as per mailing list.

ANNEXURE

**DEPARTMENT OF PENSION & PENSIONERS' WELFARE
REVISED PENSION/FAMILY PENSION OF PRE-2006 PENSIONERS FOR POSTS CARRYING
PRESENT SCALES IN GROUP 'A', 'B', 'C' & 'D' [Annexure to OM No.38/37/08-P&PW(A) Dated 28.1.2013**

S.No	Pay scale w.e.f. 1.1.1986	Grade	Post/ Grade and Pay scale w.e.f. 1.1.1996	Name of Pay Band/ scale	Corresponding 6th CPC Pay Bands/scales	Corresponding Grade Pay	Sum of minimum pay in the pay band and grade pay/ minimum pay in the pay scale as per fitment table	Pension= 50% of Sum of minimum pay in the pay band and grade pay/ minimum pay in the pay scale as per fitment table	Family Pension = 30% of Sum of minimum pay in the pay band and grade pay/ minimum pay in the pay scale as per fitment table
							8	9	10
1	750-12-870-14-940	S-1	2550-55-2660-60-3200	-1S	4440-7440	1300	6050	3500	3500
2	775-12-871-12-1025	S-2	2610-60-3150-65-3540	-1S	4440-7440	1400	6260	3500	3500
3	775-12-871-14-955-15-1030-20-1150	S-2A	2610-60-2910-65-3300-70-4000	-1S	4440-7440	1600	6460	3500	3500
4	800-15-1010-20-1150	S-3	2650-65-3300-70-4000	-1S	4440-7440	1650	6580	3500	3500
5	825-15-900-20-1200	S-4	2750-70-3800-75-4400	PB-1	5200-20200	1800	7330	3665	3500
6	950-20-1150-25-1400 950-20-1150-25-1500 1150-25-1500	S-5	3050-75-3950-80-4590	PB-1	5200-20200	1900	7780	3890	3500

7	975-25-1150-30-1540 975-25-1150-30-1660	S-6	3200-85-4900	PB-1	5200-20200	2000	8060	4030	3500
8	1200-30-1440-30-1800 1200-30-1560-40-2040 1320-30-1560-40-2040	S-7	4000-100-6000	PB-1	5200-20200	2400	9840	4920	3500
9	1350-30-1440-40-1800-50-2200 1400-40-1800-50-2300	S-8	4500-125-7000	PB-1	5200-20200	2800	11170	5585	3500
10	1400-40-1600-50-2300-60-2600 1600-50-2300-60-2660	S-9	5000-150-8000	PB-2	9300-34800	4200	13500	6750	4050
11	1640-60-2600-75-2900	S-10	5500-175-9000	PB-2	9300-34800	4200	14430	7215	4329
12	2000-60-2120	S-11	6500-200-6900	PB-2	9300-34800	4200	16290	8145	4887
13	2000-60-2300-75-3200 2000-60-2300-75-3200-3500	S-12	6500-200-10500	PB-2	9300-34800	4200	16290	8145	4887

14	2375-75-3200- 100-3500 2375-75-3200- 100-3500-125- 3750	S-13	7450-225- 11500	PB-2	9300-34800	4600	18460	9230	5538
15	2500-4000	S-14	7500-250- 12000	PB-2	9300-34800	4800	18750	9375	5625
16	2200-75-2800- 100-4000 2300-100-2800	S-15	8000-275- 13500	PB-2	9300-34800	5400	20280	10140	6084
17	2200-75-2800- 100-4000	NEW SCALE	8000-275- 13500 (Group A Entry)	PB-3	15600-39100	5400	21000	10500	6300
18	2630/- FIXED	S-16	9000	PB-3	15600-39100	5400	22140	11070	6642
19	2630-75-2780	S-17	9000-275- 9550	PB-3	15600-39100	5400	22140	11070	6642
20	3150-100-3350	S-18	10325-325- 10975	PB-3	15600-39100	6600	25810	12905	7743
21	3000-125-3625 3000-100-3500- 125-4500 3000-100-3500- 125-5000	S-19	10000-325- 15200	PB-3	15600-39100	6600	25200	12600	7560
22	3200-100-3700- 125-4700	S-20	10650-325- 15850	PB-3	15600-39100	6600	26410	13205	7923
23	3700-150-4450 3700-125-4700- 150-5000	S-21	12000-375- 16500	PB-3	15600-39100	7600	29920	14960	8976

24	3950-125-4700-150-5000	S-22	12750-375-16500	PB-3	15600-39100	7600	31320	15660	9396
25	3700-125-4950-150-5700	S-23	12000-375-18000	PB-3	15600-39100	7600	29920	14960	8976
26	4100-125-4850-150-5300 4500-150-5700	S-24	14300-400-18300	PB-4	37400-67000	8700	46100	23050	13830
27	4800-150-5700	S-25	15100-400-18300	PB-4	37400-67000	8700	48390	24195	14517
28	5100-150-5700 5100-150-6150 5100-150-5700-200-6300	S-26	16400-450-20000	PB-4	37400-67000	8900	48590	24295	14577
29	5100-150-6300-200-6700	S-27	16400-450-20900	PB-4	37400-67000	8900	48590	24295	14577
30	4500-150-5700-200-7300	S-28	14300-450-22400	PB-4	37400-67000	10000	47400	23700	14220
31	5900-200-6700 5900-200-7300	S-29	18400-500-22400	PB-4	37400-67000	10000	54700	27350	16410
32	7300-100-7600	S-30	22400-525-24500	HAG SCALE	67000-79000	NIL	67000	33500	20100
33	7300-200-7500-250-8000	S-31	22400-600-26000	HAG+ SCALE	75500--80000	NIL	75500	37750	22650
34	7600/- FIXED 7600-100-8000	S-32	24050-650-26000	HAG+ SCALE	75500--80000	NIL	77765	38883	23330
35	8000/- FIXED	S-33	26000 (FIXED)	APEX SCALE	80000 (FIXED)	NIL	80000	40000	24000

36	9000/- FIXED	S-34	30000 (FIXED)	CAB. SEC.	90000 (FIXED)	NIL	45000	27000
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