

12

**OFFICE OF THE CONTROLLER OF DEFENCE ACCOUNTS, GUWAHATI
UDYAN VIHAR, NARANGI, GUWAHATI- 781171**

Phone No. 0361 2640394

Fax No. 0361 2640204

Important Circular No.64

NO.-AN/II/02/PENS/ORDER/Vol-IV

Date: 02/ 11/2015

TO

1. All LAOs
2. ALL AOs GE
3. PA to CDA
4. Subject File
5. All GO Concern

Sub: Revision of pension of Pre 1996/ Pre 2006 Pensioners -inclusion of NON Practicing Allowance (NPA) for revision of pension of retired medical officers w.e.f.1.1.1996/w.e.f.1.1.2006

Ref: PCDA (P) Allahabad Important Circular No. 57 dt.17.09.2008,62 dt.12.11.2008,102 dt.11.02.2013 & C-144 dt.14.08.2015.

PCDA (P) Allahabad Circular No. C-145 dated 11/09/2015 on the above subject is reproduced herewith through the Website of CDA Guwahati for information, guidance and necessary action please.

Sd/-
(K. Lalbiakchhunga)
(ACDA)

Copy to:

✓ EDP Section :-

For uploading the same to the official website of CDA Guwahati please.

Debasish Dey
Debasish Dey
(Sr. A.O.)

2/15/10 BRB 2

AN II / I



कार्यालय रक्षा लेखा प्रधान नियंत्रक (पेंशन)
OFFICE OF THE PR. CONTROLLER OF DEFENCE ACCOUNTS (PENSIONS)
द्रौपदी घाट इलाहाबाद -211014
DRAUPADI GHAT, ALLAHABAD- 211014

Registered

Important Circular No: C-145

No:-GI/C/0198/Vol- V/Tech
O/o the Pr.C.D.A. (Pensions)
Draupadighat Allahabad -211014
Dated: - 11/09/2015

To,

The Treasury Officer
The PO- Master, Kathua, Srinagar (J&K)
The PO- Master, Campbell Bay (Andman & Nicobar)
The Defence Pension Disbursing Officer

Pay & Accounts Officer

Military & Air Attache, Indian Embassy, Kathmandu,
Nepal (through Gorkha Record Officer, Kurnaghat, Gorakhpur)
Director of Accounts, Panji (Goa)
Finance Secretary, Gangtok, PO-I, Thimpu Bhutan
The General Manager (Nodal Officer, PSBs)
All Managers, CPPC of Public Sector Banks.
All Managers, CPPC of Authorized Private Banks.

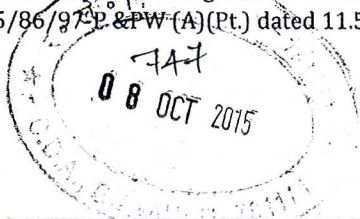
Subject: Revision of pension of Pre-1996/Pre-2006 pensioners – Inclusion of Non-Practicing Allowance (NPA) for revision of pension of retired medical officers w.e.f 1.1.1996/ w.e.f 1.1.2006.

Reference: This office Important Circulars No. 57 dt. 17.09.2008, 62 dt. 12.11.2008, 102 dt. 11.02.2013 & C-144 dt. 14.08.2015.
(Available on this office website: <http://pcdapension.nic.in>)

On the subject matter in its judgment dated 27.11.2013 in Civil Appeal No. 10640-46/2013 and other connected matters, Hon'ble Supreme Court has directed to recalculate the pension payable to the Applicants (i.e. pre-1996 retired medical officers) by adding the element of NPA. The Review Petitions filed by the Government against the above mentioned judgment have been dismissed by Hon'ble Supreme Court on 31.7.14.

(2) In view of above, GOI, Ministry of P, PG and pension, Dept of P&PW have issued orders under their OM No. 38/31/11 P&PW (A)(Vol. IV) dated 14.10.2014 & 21.10.2014 (copy enclosed) that " *In case of pre-1996 retired medical officers, NPA @ 25% shall be added to the minimum of the revised scale of pay as on 1.1.1996 corresponding to the pre 1996 pay scales from which the pensioners had retired, in cases where consolidated pension/family pension was to be stepped up to 50% / 30% respectively of the minimum of revised pay -scale in terms of OM No. 45/10/98-P&PW (A) dated 17.12.1998 read with OM No. 45/86/97-P &PW (A)(Pt.) dated 11.5.2001, subject to condition that after revision of above terms pension does not exceed Rs. 15,000/- w.e.f. 1.1.1996.*"

(3) All other conditions as given in OM No. 45/10/98-P&PW (A) dated 17.12.1998 read with OM No. 45/86/97-P &PW (A)(Pt.) dated 11.5.2001, shall remain unchanged.

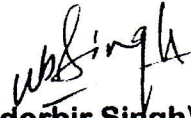


Contd..P/2

(4) Further, GOI, Ministry of P, PG and pension, Dept of P&PW has extended the above said benefits to Pre- 2006 under their OM No. 38/31/11 P&PW (A)(Vol. IV) dated 18th February, 2015 (copy enclosed) and directed that "For revision of pension/family pension in case of Pre-2006 retired medical officers w.e.f 01.01.2006, in terms of OM No. 38/37/08-P&PW (A) dated 28.01.2013 and dated 30.07.2015, NPA @25% would be required to be added to the minimum of the pay in the revised pay band plus grade pay (or minimum of pay in revised pay scale in the case of HAG and above) corresponding to the pre-revised pay scale from which they retired as arrived at with reference to the fitment table annexed to the Department of Min of Fin, Deptt of Expenditure OM No. 1/1/2008 - IC dated 30-08-2008, **subject to condition that the basic pay plus NPA does not exceed Rs. 85,000/-**."


(5) 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.

(6) Formula to calculate the above benefits in r/o **Pre-1996 & Pre-2006** retired medical officer is given as **Annexure - I & II** respectively. However, where, the PDAs are in doubt in regulating the payment of revised pension/family pension under these orders, the cases with full details of pensioner/family pensioners and PPO No, etc. may be referred to Audit Section of this office for advice and further action.


(Upinderbir Singh)
D C D A (P)

Copy to:

1. Director, Govt. of India, Ministry of PPG & Pensions (DP&PW), 6th floor Nirvachan Sadan, New Delhi.
25. Deputy Secretary Govt. of India, Ministry of Defence, New Delhi.
26. Army Head Quarters AG's Branch PAPS 4 (6) DHQ. PO, New Delhi.
27. Naval Head Quarters Dte, of Supply Pension Section DHQ PO New Delhi-110011
28. Air Head Quarters DP & PR DHQ PO New Delhi-110011.
29. Deputy Director of Audit Defence Services Pension, Allahabad.
30. Officer in charge Pension Grievances Cell, Ministry of Defence, New Delhi.
31. CGDA, Ulan Batar Road Palam, Delhi Cantt-10
32. Secretary Kendriya Sainik Board, Ministry of Defence West Block IV, wing V, New Delhi.
33. Director General Post & Telegraph, New Delhi.
34. CDA (PD) Belvedere Complex, Ayudh Path, Meerut Cantt-01
35. Chief Accountant, Reserve Bank of India, Deptt. of Govt. Bank Account, Central Office, C-7, 2nd floor, Bandra Kurla Copmlex, PB No. 8143, Bandra (East), Mumbai-400051.
36. Director of Treasury Accounts:- Please ensure that the copies of above Govt. OM are distributed to all PDA's under your administrative jurisdiction.
37. CDA (AF), Dehradun- 234001.
38. CDA (AF), West Block - IV, R.K. Puram, New Delhi-66.
39. CDA (Navy) No. 1 Cooperage Road, Mumbai-400039.
40. Zonal Officer (DPD), TC 17/1385, Kesave Puram Road, Trivendrum - 695012.
41. Zonal Officer (PD), 8/1, 8/2, S&T Road, Jalandhar Cantt.
42. Zonal Officer (PD), Tigris Road, New Delhi-110010.
43. Zonal Officer (PD), Arambagh Area, Opp. PWD Rest House, Pathankot.
44. Zonal Officer (PD), PCDA (P) Campus, Allahabad- 211014.
45. All Record Officers.
46. All Rajiya Sainik Board.
47. All Heads of Departments/HOOs.


(S. P. PANDEY)
Sr. Accounts Officer (P)

Annexure -I
(Pre- 1996 retired medical officers)

Computation of consolidation Pension/Family Pension in r/o pre-1996 retired medical officer(NPA @ 25%) in terms of OM No. 45/10/98-P&PW (A) dated 17.12.1998 and OM No. 45/86/97-P &PW (A)(Pt.) dated 11.5.2001 read with 38/31/11 P&PW (A)(Vol. IV) dated 14.10.2014 & 21.10.2014

Pension	Amount	Family Pension	Amount
(i) Minimum of the revised scale of pay as on 1.1.1996 corresponding to the pre -1996 pay scales from which the pensioner had retired.		(i) Minimum of the revised scale of pay as on 1.1.1996 corresponding to the pre -1996 pay scales from which the pensioner had retired.	
(ii) NPA @ 25% of (i) + (i)		(ii) NPA @ 25% of (i) + (i)	
(iii) 50% of the (ii) above		(iii) 30% of the (ii) above	
(iv) Qualifying Service (Maximum of 33 years)		-----	
Pension = (iii) X (iv)/33		Family Pension= (iii) above	

Note: If Pensioner/Family Pensioner is getting more pension in terms of ready reckoner table attached with DOP&PW OM No. 45/86/97-P & PW (A)-Part. II dated 27th October 1997, in comparison of pension so arrived; the same will be continued.

Annexure –II
(Pre- 2006 retired medical officers)

Computation of consolidation Pension/Family Pension in r/o Pre-2006 retired medical officer(**NPA @ 25%**) in terms of OM No. 38/37/08-P&PW (A) dated 28.01.2013 & 30.07.2015 read with OM No. 38/31/11 P&PW (A)(Vol. IV) dated 18th February, 2015.

Pension	Amount	Family Pension	Amount
(i) Minimum of the pay in the revised pay band plus grade pay (or minimum of pay in revised pay scale in the case of HAG and above) corresponding to the pre-revised pay scale from which they retired as arrived at with reference to the fitment table annexed to the Department of Min of Fin, Deptt of Expenditure OM No. 1/1/2008 - IC dated 30-08-2008. (Cir-102, dt. 11.2.2013)		(i) Minimum of the pay in the revised pay band plus grade pay (or minimum of pay in revised pay scale in the case of HAG and above) corresponding to the pre-revised pay scale from which they retired as arrived at with reference to the fitment table annexed to the Department of Min of Fin, Deptt of Expenditure OM No. 1/1/2008 - IC dated 30-08-2008. (Cir-102, dt. 11.2.2013)	
(ii) NPA @ 25% of (i) + (i)		(ii) NPA @ 25% of (i) + (i)	
(iii) 50% of the (ii) above		(iii) 30% of the (ii) above	
(iv) Qualifying Service (Maximum of 33 years)		-----	
Pension = (iii) X (iv)/33		Family Pension= (iii) above	

Note: If Pensioner/Family Pensioner is getting more pension in terms of ready reckoner table attached with DOP&PW OM No. 38/37/08-P & PW (A)-Part. II dated 1st September 2008, in comparison of pension so arrived; the same will be continued.

No.38/31/11-P&PW(A)(Vol.IV)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Pension and P.W

3rd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi.
Dated the 18th February, 2015

OFFICE MEMORANDUM

Subject :- Revision of pension of pre-2006 pensioners – inclusion of Non-Practicing Allowance (NPA) in revision of pension of retired medical officers

The undersigned is directed to say that in accordance with para 4.2 of this Department's OM No.38/37/08-P&PW(A) dated 1.9.2008 (as clarified vide OM dated 3.10.2008 and 14.10.2008), the revised pension of pre-2006 pensioners shall, in no case, be lower than fifty per cent of the minimum of the pay in the pay band plus the grade pay corresponding to the pre-revised pay scale from which the pensioner had retired. In the case of HAG and above scales, this will be fifty per cent of the minimum of the revised pay scale. Further, in accordance with OM No.38/37/08-P&PW(A) dated 28.1.2013, the normal 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 w.e.f. 24.9.2012 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 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 OM dated 30.8.2008 of Ministry of Finance (Department of Expenditure).

2. In its judgment dated 27.11.2013 in Civil Appeal No.10640-46/2013 and other connected matters, Hon'ble Supreme Court observed that in accordance with Ministry of Health and Family Welfare's OM No.45012/11/97-CHS.V dated 7.4.1998, NPA counts as pay for all service benefits including retirement benefits. In implementation of the aforesaid judgement of Hon'ble Supreme Court, orders have been issued vide this Department's OM No.38/31/11-P&PW(A)(Vol.IV) dated 14.10.2014 read with OM dated 21.10.2014 that in the case of pre-1996 retired medical officers, NPA @ 25% shall be added to the minimum of the revised scale of pay as on 1.1.1996 corresponding to the pre-1996 pay scales from which the pensioner had retired, in cases where consolidated pension/family pension was to be stepped up to 50% / 30% respectively of the minimum of revised pay-scale in terms of OM No.45/10/98-P&PW(A) dated 17.12.1998 read with OM No.45/86/97-P&PW(A) (Pt.) dated 11.5.2001.

3. In this Department's OM of even number dated 14.7.2009, it was clarified that in the case of pre-2006 pensioners, Non-Practicing Allowance is not to be added to the minimum of the revised pay band+Grade Pay/revised pay scale in cases where consolidated pension/family pension as on 1.1.2006 is to be stepped up to 50% / 30% respectively in terms of para 4.2 of Department of Pension & Pensioners' Welfare OM No.38/37/08-P&PW(A) dated 1.9.2008 (as clarified vide OM dated 3.10.2008 and 14.10.2008).

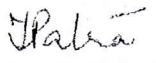
....2/-

4. In the OM No. A.45012/2/2008-CHS.V dated 29.9.2008 of Ministry of Health & FW, it is provided that NPA will be treated as pay for the purpose of computing Dearness Allowance, entitlement of Travelling Allowance and other allowances as well as for calculation of retirement benefits. Therefore, the ratio of the said judgement dated 27.11.2013 in CA No.10640-46/2013 would be applicable for revision of pension/family pension of pre-2006 retired civilian medical officers w.e.f. 1.1.2006 also. Accordingly, the OM dated 38/37/08-P&PW(A) dated 14.7.2009 is hereby withdrawn. In the case of pre-2006 retired medical officers, NPA @ 25% would be required to be added to the minimum of the pay in the revised pay band plus grade pay (or minimum of pay in the revised pay scale in the case of HAG and above) as on 1.1.2006 corresponding to the pre-revised pay scale from which they retired, in cases where pension/family pension is to be stepped up to 50%/30% of the minimum pay respectively.

5. Similarly, for revision of pension/family pension w.e.f. 24.9.2012 in terms of OM dated 28.1.2013, NPA @ 25% would be required to be added to the minimum of the pay in the revised pay band plus grade pay (or minimum of pay in the revised pay scale in the case of HAG and above) corresponding to the pre-revised pay scale from which they retired as arrived at with reference to the fitment table annexed to the Department of Expenditure's OM dated 30.8.2008 subject to the condition that the basic pay plus NPA does not exceed Rs.85,000/-.

6. This issues with the approval of Ministry of Finance, Department of Expenditure vide their I.D. No. 721/E-V/2014 dated 2.1.2015 and Ministry of Law F.No.213/Advice'A'/2015 dated 29.1.2015.

7. Hindi version will follow.


(Tripti P. Ghosh)
Director

To
(i) All Ministries/Departments of Government of India.
(ii) O/oCAG/CGDA

No.38/31/11-P&PW(A)(Vol.IV)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Pension and P.W

3rd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi.
Dated the 21st October, 2014


OFFICE MEMORANDUM

Subject :- Revision of pension of pre-1996 pensioners – inclusion of Non-Practicing Allowance (NPA) for revision of pension of retired medical officers w.e.f. 1.1.1996.

The undersigned is directed to say that in this Department's OM of even number dated 14th October, 2014, it was provided that in the case of pre-1996 retired medical officers NPA @ 25% shall be added to the minimum of the revised scale of pay as on 1.1.1996 corresponding to the pre-1996 pay scales from which the pensioner had retired, in cases where consolidated pension/family pension was to be stepped up to 50% / 30% respectively of the minimum of revised pay-scale in terms of OM No.45/10/98-P&PW(A) dated 17.12.1998 read with OM No.45/86/97-P&PW(A) (Pt.) dated 11.5.2001.

2. After Vth CPC, the maximum pension admissible w.e.f. 1996 was 50% of the highest pay, i.e. Rs.15,000/-, applicable in the Central Government. Accordingly, the maximum pension admissible in terms of this Department's OM dated 14.10.2014 would also be 50% of Rs.30,000/-, i.e. Rs.15,000/- w.e.f. 1.1.1996. This may be taken into account while revising the pension of pre-1996 retired medical officers in terms of OM of even number dated 14.10.2014.

3. Hindi version will follow.


(Tripti P. Ghosh)
Director

To
(i) All Ministries/Departments of Government of India.
(ii) O/oCAG/CGDA

No.38/31/11-P&PW(A)(Vol.IV)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Pension and P.W

3rd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi.
Dated the 14th October, 2014

OFFICE MEMORANDUM

Subject :- Revision of pension of pre-1996 pensioners – inclusion of Non-Practicing Allowance (NPA) for revision of pension of retired medical officers w.e.f. 1.1.1996.


The undersigned is directed to say that in this Department's OM No.45/10/98-P&PW(A) dated 17.12.1998, it was provided that pension of all pensioners irrespective of their date of retirement would not be less than 50% of the minimum of the revised scale of pay introduced w.e.f. 1.1.1996. In this Departments OM No.45/3/99-P&PW(A) dated 29.10.1999, it was clarified that in the case of retired medical officers, Non-Practicing Allowance (NPA) was not to be added to the minimum of the revised scale of pay as on 1.1.1996 for stepping up of the consolidated pension/family pension to 50% / 30% respectively, in terms of the OM dated 17.12.1998.

2. In its judgment dated 27.11.2013 in Civil Appeal No.10640-46/2013 and other connected matters, Hon'ble Supreme Court has observed that in accordance with Ministry of Health and Family Welfare's OM No.45012/11/97-CHS.V dated 7.4.1998, NPA counts as pay for all service benefits including retirement benefits. Hon'ble Supreme Court has further observed that clarification issued vide this Department's aforesaid OM dated 29.10.1999 is legally unsustainable. Hon'ble Supreme Court has directed to recalculate the pension payable to the Applicants (i.e. pre-1996 retired medical officers) by adding the element of NPA. The Review Petitions filed by the Government against the above mentioned judgment have been dismissed by Hon'ble Supreme Court on 31.7.14.

3. It has now been decided, in consultation with Ministry of Finance, Department of Expenditure and Ministry of Law, Department of Legal Affairs to implement the judgment dated 27.11.2013 of Hon'ble Supreme Court in CA No.10640-46 of 2013 and other connected matters. Accordingly, in the case of pre-1996 retired medical officers, NPA @ 25% shall be added to the minimum of the revised scale of pay as on 1.1.1996 corresponding to the pre-1996 pay scales from which the pensioner had retired, in cases where consolidated pension/family pension was to be stepped up to 50% / 30% respectively of the minimum of revised pay-scale in terms of OM No.45/10/98-P&PW(A) dated 17.12.1998 read with OM No.45/86/97-P&PW(A) (Pt.) dated 11.5.2001.

4. This issues with the approval of Ministry of Finance, Department of Expenditure vide their I.D. No. 518/E-V/2014 dated 29.9.2014.

5. Hindi version will follow.


(Tripti P. Ghosh)
Director

To
(i) All Ministries/Departments of Government of India.
(ii) O/oCAG/CGDA