

Important Circular No.C-149

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

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NO.-AN/II/02/Pens/Order Vol -IV

Date: 16/06/2016

TO

- 1.All L.A.O.S.
- 2.All AOs G.E.
- 3.P.A. to C.D.A.
- 4.All G.O.Concern
- 5.P.A. to C.D.A.

Subject: Revision of pension of Pre-2006 pensioners – reg.

Reference: This office Important Circular No.102, dated 11.02.2013 & C-144 dated 14/08/2015

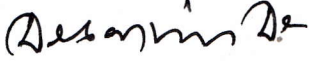
PCDA (P) Allahabad Important circular No.C-149 dated 08.04.2016 on the above subject is reproduced herewith through the web site of the CDA Guwahati for information, guidance and necessary action please..


(K.Lalbiakchhunga)
ACDA

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1. ✓ EDP Section.

- For up loading the same to the official website of CDA Guwahati, please


(DEBASHIS DE)
Sr. Accounts Officer
AN-II, Gp-I



कार्यालय रक्षा लेखा प्रधान नियंत्रक (पेंशन)
OFFICE OF THE PR. CONTROLLER OF DEFENCE ACCOUNTS (PENSIONS)
द्रौपदी घाट इलाहाबाद -211014
DRAUPADI GHAT, ALLAHABAD- 211014
Toll Free No. 1800-180-5321

Important Circular No: C-149

Registered

No:-GI/C/0198/Vol- V/Tech
O/o the Pr.C.D.A. (Pensions)
Draupadighat Allahabad -211014
Dated: - 08 /04/2016

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-2006 pensioners – reg.

Reference: This office Important Circulars No. 102 dated 11-02-2013 & C-144 dated 14-08-2015.

(Available on this office website <http://pcdapension.nic.in>)

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Attention of all Pension Disbursing Authorities is invited to above cited circulars wherein instructions had been issued for implementation of GOI, Ministry of P,PG and pensions, Deptt of P&PW OM No. 38/37/08-P&PW(A,) dated 28 January, 2013 w.e.f **01.01.2006**. According to these orders " *The revised pension of the pre-2006 pensioners shall 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, subject to the pension so arrived 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. 3500/- p.m*".

(2) Now, GOI, Ministry of P, PG and pension, Dept of P&PW have further issued order under their OM No. 38/37/08 P&PW (A) dated 6th April, 2016, that "*The revised consolidated pension of pre-2006 pensioners shall not be lower than 50% of the sum of minimum of the pay in the Pay Band and the Grade Pay (wherever applicable) corresponding to the pre-revised pay scale as per fitment table annexed to Ministry of Finance, Department of Expenditure OM No. 1/1/2008-IC dated 30th August, 2008 without pro-rata reduction of pension even if they had qualifying service of less than 33 years at the time of retirement.*" Accordingly, Para 5 of the OM dated 28.01.2013 would stand deleted. The arrears of revised pension would be payable **with effect from 01.01.2006**.

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4 MAY 2016

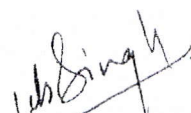
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(3) In case the consolidated pension calculated as per Para 4.1 of OM No. 38/37/08-P&PW dated 01-09-2008 is higher than the pension calculated in the manner indicated in the OM dated 6th April, 2016, the same (higher consolidated pension) will continue to be treated as basic pension.

(4) 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.

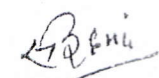
(5) All pension disbursing authorities (PDAs) are therefore, requested to revise the pension in affected cases in terms of **Govt. OM No. 38/37/08-P&PW(A), dated 06-04-2016** w.e.f. **01.01.2006**. Payment made w.e.f. **01.01.2006** will be adjusted against the arrears now being paid and these cases may be reflected in the monthly account sent to this office as 'change item'.

(6) Where the PDAs are in doubt in regulating the payment of revised pension under these orders, the cases with full details of pensioner and PPO number etc. may be referred to Audit Section of this office for advice and further action.


(Dr. Upinderbir Singh)
Dy. CD A (P)

Copy to:

1. Director, Govt. of India, Ministry of PPG & Pensions (DP&PW), 6th floor Nirvachan Sadan, N Delhi.
2. Deputy Secretary Govt. of India, Ministry of Defence, New Delhi.
3. Army Head Quarters AG's Branch PAPS 4 (6) DHQ. PO, New Delhi.
4. Naval Head Quarters Dte, of Supply Pension Section DHQ PO New Delhi-110011
5. Air Head Quarters DP & PR DHQ PO New Delhi-110011.
6. Deputy Director of Audit Defence Services Pension, Allahabad.
7. Officer in charge Pension Grievances Cell, Ministry of Defence, New Delhi.
8. CGDA, Ulan Batar Road Palam, Delhi Cantt-10
9. Secretary Kendriya Sainik Board, Ministry of Defence West Block IV, wing V, New Delhi.
10. Director General Post & Telegraph, New Delhi.
11. CDA (PD) Belvedere Complex, Ayudh Path, Meerut Cantt-01
12. Chief Accountant, Reserve Bank of India, Deptt. of Govt. Bank Account, Central Office, C-7, 2nd floor, Bandra Kurla Coprnlex, PB No. 8143, Bandra (East), Mumbai-400051.
13. Director of Treasury Accounts:- Please ensure that the copies of above Govt. OM are distributed to all PDA's under your administrative jurisdiction.
14. CDA (AF), Dehradun- 234001.
15. CDA (AF), West Block – IV, R.K. Puram, New Delhi-66.
16. CDA (Navy) No. 1 Cooperage Road, Mumbai-400039.
17. Zonal Officer (DPD), TC 17/1385, Kesave Puram Road, Trivendrum – 695012.
18. Zonal Officer (PD), 8/1, 8/2, S&T Road, Jalandhar Cantt.
19. Zonal Officer (PD), Tigris Road, New Delhi-110010.
20. Zonal Officer (PD), Arambagh Area, Opp. PWD Rest House, Pathankot.
21. Zonal Officer (PD), PCDA (P) Campus, Allahabad- 211014.
22. All Record Officers.
23. All Rajiya Sainik Board.
24. All Heads of Departments/HOOs.


(Sagir Ahmed)
Sr. Accounts Officer (P)

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 06th April, 2016

OFFICE MEMORANDUM

Sub:- Revision of pension of pre-2006 pensioners -- delinking of revised pension from qualifying service of 33 years.

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 the 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. Orders were issued vide this Department's OM of even number dated 28.1.2013 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 retired. Para 5 of this OM provides that 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.

4. Subsequently, in compliance of the order dated 1.11.2011 of the Hon'ble CAT, Principal Bench in OA No. 655/2010, order dated 29.4.2013 of Hon'ble High Court of Delhi in WP (C) No. 1535/2012 and order dated 17.3.2015 of Hon'ble Supreme Court in SLP (C) No. 36148/2013, order were issued vide this Department's OM of even number dated 30.7.2015 that the pension/family pension of all pre - 2006 pensioners/family pensioners may be revised in accordance with this Department's O.M. No.38/37/08-P&PW(A) dated 28.1.2013 with effect from 1.1.2006 instead of 24.9.2012.

5. In accordance with the order issued in implementation of the recommendation of the 6th CPC, the pension of Government servants retired/retiring on or after 1.1.2006 has been delinked from qualifying service of 33 years. In OA No. 715/2012 filed by Shri. M.O. Inasu, a pre-2006 pensioner, Hon'ble CAT, Ernakulam Bench, vide its order dated 16.8.2013 directed that the revised pension w.e.f. 1.1.2006 under para 4.2 of OM dated 1.9.2008 would not be reduced based on the qualifying service of less than 33 years. The appeals filed by Department of Revenue in the Hon'ble High Court of Kerala and in the Hon'ble Supreme Court have also been dismissed. Similar orders have been passed by Hon'ble CAT/High Court in several other cases also.


6. The matter has been examined in consultation with the Ministry of Finance (Department of Expenditure). It has now been decided that the revised consolidated pension of pre-2006 pensioners shall not be lower than 50% of the minimum of the pay in the Pay Band and the grade pay (wherever applicable) corresponding to the pre-revised pay scale as per fitment table without pro-rata reduction of pension even if they had qualifying service of less than 33 years at the time of retirement. Accordingly, Para 5 of this Department's OM of even number dated 28.1.2013 would stand deleted. The arrears of revised pension would be payable with effect from 1.1.2006.

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 for revising the pension of all those pre - 2006 pensioners who had rendered less than 33 years of qualifying service at the time of retirement in the manner as indicated above on top priority. Revised Pension Payment Orders in all these cases may also be issued immediately.

8. All pension disbursing offices/banks are also advised to prominently display these orders on their notice boards for the benefit of pensioners.

9. This issues with the approval of Ministry of Finance, Deptt. of Expenditure vide ID Note No. 2(9)/EV/2015, dated 15.3.2016.

10. Hindi version will follow.


(Seema Gupta) 5/11/2016

Deputy Secretary to the Government of India

To

1. All Ministries/Departments of Government of India. (as per standard mailing list).
2. All SCOVA Members
3. All identified Pensioners Association

Copy to (i) NIC Cell for uploading on the website of the Department.
(ii) AD (OL), DoPPW for Hindi Version