

Eastern Railway

CPO's Serial No. 141 /2014.

No.E.787/0/Pen/Pt-XXVII.

Kolkata, dated 12.11.2014.

ALL CONCERNED

Sub:-Revision of pension of pre-1996 Pensioners'-Inclusion of Non-Practicing Allowance(NPA) for revision of pension of Retired Medical Officers w.e.f. 01.01.1996.

Copy of Railway Board's letters No.F(E)III/2008/PN1/12 pt. dated 27.10.2014(RBE No 119/2014) along with DOP&PW's O.M. No.38/31/11-P&PW(A)(Vol.IV) dated 14.10.2014 on the above subject are sent herewith for information, guidance and necessary action. Board's earlier letters as referred to therein have been circulated vide CPO's S.L.No.19/99,21/2000 & 125(9)/2001. In this connection, Railway Board's letter no.2011/E(0)II/24/16 dated 31.10.2014 forwarding a list petitioners filing contempt petitions before Hon'ble Supreme Court is also enclosed.

DA: As above.

(S.K.Chatteropadhyay)

Asstt. Personnel Officer/HQ
For Chief Personnel Officer

INDEX No.1058:- Revision of pension and family pension of Pre-1996 retired medical officers will be updated by adding NPA @ 25% to the minimum of the revised scale of pay as on 01.01.1996 corresponding to the pre-1996 pay scales from which the pensioners had retired.

Copy of Railway Board's letters No.F(E)III/2008/PN1/12 pt. dated 27.10.2014(RBE No.119/2014) along with DOP&PW's O.M.No.38/31/11-P&PW(A)(Vol.IV) dated 14.10.2014 and Board's letter no. 2011/E(0)II/24/16 dated 31.10.2014 forwarding a list petitioners filing contempt petitions before Hon'ble Supreme Court addressed to General Managers/ FA&CAOs / CPOs, All Indian Railways /Production Units and copy to others are circulated herewith.

Sub:- Revision of pension of pre-1996 Pensioners'-Inclusion of Non-Practicing Allowance(NPA) for revision of pension of Retired Medical Officers w.e.f. 01.01.1996.

Railway Board's letters dated 27.10.2014 & 31.10.14 are

enclosed.

DA:As above.

Contd--2/-

RBE No. 119/2014

GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)
(RAILWAY BOARD)

No. F(E)III/2008/PN1/12 pt.

New Delhi, Dated: 27.10.2014.

The GMs/FA&CAOs,
All Indian Railways/Production Units.
(As per mailing list)

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. 01.01.1996.

A copy of Department of Pension and Pensioners' Welfare(DOP&PW)'s
O.M. No. 38/31/11-P&PW(A)(Vol. IV) dated 14.10.2014 on the above subject is
enclosed for information and compliance. These instructions shall apply mutatis
mutandis on the Railways.

2. A concordance of DOP&PW's instructions referred to in the enclosed O.M.
and Railway Board's corresponding instructions is given below :-

S.No.	DOP&PW's instructions	Corresponding instructions of Railway Board
1.	45/10/98-P&PW(A) dated 17.12.1998	F(E)III/98/PN1/29 dated 15.01.1999
2.	45/3/99-P&PW(A) dated 29.10.1999	F(E)III/98/PN1/29 dated 12.11.1999
3.	45/86/97-P&PW(A)(Pt.) dated 11.05.2001	F(E)III/99/PN1/20 dated 20.08.2001

3. Please acknowledge receipt.

D.A.: One.


(Amitabh Joshi)
Deputy Director Finance (Estt.) III,
Railway Board.

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.

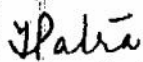
The undersigned is directed to say that in this Department's OM No.45/10/98-P&PW(A) dated 17.12.1998, it was provided that pension of all pensioners irrespective of their date of retirement would not be less than 50% of the minimum of the revised scale of pay introduced w.e.f. 1.1.1996. In this Department's 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