6

CPO's Serial No. 144 /2013.

Eastern Railway

No.E.787/0/Pen/Pt-XXVI. Kolkata, dated 31 .12.2013.

ALL CONCERNED

Sub:-Revision of 1/3rd commuted portion of pension in respect of Government servants who had drawn lump sum payment on absorption in Central Public Sector Undertakings/Central Autonomous Bodies-Implementation of Government's decision on the recommendations of the 6th Central Pay Commission.

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Copies of Railway Board's letters No. F(E)III/2005/PN1/23 dated 11.12..2013 (RBE. No.130/2013) and 31.07.2013(RBE No.77/2013) on the above subject are sent herewith for information, guidance and necessary action. Board's earlier letters as referred to therein has been circulated vide CPO's S.L.No.116/2008, 112/2009 and 90/2008 respectively.

DA: As above.

(S.K.Chattopadhyay)
Asstt.Personnel Officer/HQ
For Chief Personnel Officer

S/c

INDEX No.1058:- Clarification regarding determination of revised 1/3rd commuted portion of pension of the permanent absorbees under 6th CPC Award.

Copies of Railway Board's letters No. F(E)III/2005/PN1/23 dated 11.12..2013 (RBE. No.130/2013) and 31.07.2013(RBE No.77/2013) addressed to General Managers/ FA&CAOs / CPOs, All Indian Railways /Production Units and copy to others are circulated herewith.

Sub:- Revision of 1/3rd commuted portion of pension in respect of Government servants who had drawn lump sum payment on absorption in Central Public Sector Undertakings/Central Autonomous Bodies-Implementation of Government's decision on the recommendations of the 6th Central Pay Commission.

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A copy of Department of Pension and Pensioners' Welfare(DOP&PW)'s O.M. No. 4/30/2010-P&PW(D) dated 28.10.2013 is enclosed for information and compliance These instructions shall apply mutatis mutandis on the Railways only.

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

S.No.	DOP&PW's O.M.	Railway Board's corresponding instructions
1.	O.M. No.4/38/2008-P&PW(D) dated 15.09.2008	Letter No. F(E)III/2005/PN 1/23 dated 22.09.2008.
2.	O.M. No. 4/30/2010-P&PW(D) dated 11.07.2013.	Letter No. F(E)III/2005/PN1/23 dated 31.07.2013.

3. Please acknowledge receipt.

DA:As above.

Sd/-
(Mrs.Sukhender Kaur)
Joint Director/ Finance (Estt.)
Railway Board.

Contd....2/-

No.4/30/2010-P&PW(D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Pension and Pensioners Welfare
Lok Nayak Bhavan, Khan Market,
New Delhi-110003,

Dated the 28th October, 2013

OFFICE MEMORANDUM

Sub: Revision of 1/3rd commuted pension portion of pension in respect of Government servants who had drawn lump sum payment on absorption in Central Public Sector Undertakings/Central Autonomous Bodies-Implements of Government's decision on the recommendations of the 6th Central Pay Commission.

The undersigned is directed to say that orders have been issued vide this Department's OM of even number dated 11.7.2013 for revision of 1/3rd restored pension of absorbees w.e.f. 1.1.2006 by multiplying pre-revised 1/3rd pension by a factor of 2.26, if it is more beneficial than the revised 1/3rd restored pension as per this Department's O.M. No.4/38/2008-P&PW(D) dated 15.9.2008. These orders have been issued in compliance of the order dated 27.9.2011 of the CAT Hyderabad Bench in OA No.710/2010 read with their order dated 22.4.2013 in C.P. 26/2012.

2. Representations have been received from the absorbees pensioners, who had taken lump-sum payment in lieu of 100% pro-rata pension on absorption, that the benefit allowed to the absorbee pensioners in terms of O.M. dated 11.7.2013 is not adequate. These representations have been examined in this Department. The main thrust of these representation is that the 1/3rd restored pension may be revised w.e.f. 1.1.2006 by adding dearness pension and dearness relief as on 1.1.2006 alongwith 40% fitment benefit to the pre-revised 1/3rd restored pension.

3. The matter has been examined in this Department. The instructions for revision of 1/3rd pension were issued by this Department's O.M. no.4/38/2008-P&PW(D) dated 15.9.2008, keeping in view the formula laid down by Hon'ble High Court of Andhra Pradesh in its judgment dated 24.12.2003 which was accepted in Supreme Court judgment dated 29.11.2006 and 24.7.2007. Hon'ble CAT, Hyderabad Bench in its order dated 27.9.2011 in OA 710/2010 inter-alia observed that the O.M. dated 15.9.2008 was legally sustainable. However, the Hon'ble CAT directed to pass an order so as to equalize the revised 1/3rd restored pension of absorbees with the revised pension of other Central Government pensioners.

4. Keeping in view the above direction of Hon'ble CAT, Hyderabad Bench, which was upheld by High Court of Andhra Pradesh and Supreme Court, orders were issued vide this Department's O.M. of even number dated 11.7.2013 to revise 1/3rd restored pension of absorbee pensioners to 2.26

times of the pre-revised 1/3rd restored pension. This is explained by the following example:

Pre-2006 full pension	Pre-2006 1/3rd restored pension	Revised full pension (for DR, etc.)	Revised 1/3rd restored pension in terms of OM dated 15.9.2008	Revised 1/3rd restored pension in terms of OM dated 11.7.2013
4073	3173	9207	6492	7173

The above formula for revision of 1/3rd pension is also in conformity with the demand made by the staff side in the meeting of National Council (JCM) held on 6.11.2012.

5. In view of the above position, no further change in the 1/3rd restored pension of the absorbee pensioners (who had drawn lump-sum payment of absorption in Central Public Undertaking/Central Autonomous Body) is required to be made. All the representations made by the absrobee pensioners and their Associations in this regard stand disposed off accordingly. All Ministries/All Departments are requested to inform the above position to the absorbee pensioners.

(Harjit Singh)
Deputy Secretary to the Government of India
Tel :24624752

To,

1. All Ministries/ All Departments.
2. All Pensioners Associations as per list.

Copy for Website of DoP&PW

RBE No. 77 /2013

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

No. F(E)III/2005/PN1/23 **New Delhi, Dated: 31. 07.2013.**

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

Subject: Revision of 1/3rd commuted portion of pension in respect of Government servants who had drawn lumpsum payment on absorption in Central Public Sector Undertakings/Central Autonomous Bodies – Implementation of Government's decision on the recommendations of the Sixth Central Pay Commission.

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A copy of Department of Pension and Pensioners' Welfare (DOP&PW)'s O.M. No. 4/30/2010-P&PW(D) dated 11th July, 2013 on the above subject is enclosed for information and compliance. These instructions will apply mutatis mutandis on the Railways also.

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	Railway Board's corresponding instructions.	
1.	O.M. No. 4/38/2008-P&PW(D) dated 15.09.2008	Letter No. F(E)III/2005/PN1/23 dated 22.09.2008	– 116/2008
2.	O.M. No. 4/38/2008-P&PW(D) dated 27.05.2009.	Letter of even number dated 01.06.2009.	– 112/2009
3.	O.M. No. 38/37/08-P&PW(A) dated 1.09.2008	Letter No. F(E)III/2008/PN1/12 dated 08.09.2008	– 96/2008

3. Please acknowledge receipt.

(Sukhender Kaur)
Joint Director Finance (Estt.),
Railway Board.

DA: One.

No. F(E)III/2005/PN1/23 **New Delhi, Dated: 31.07.2013.**

Copy to Deputy Comptroller and Auditor General of India (Railways), Room No.224, Rail Bhavan, New Delhi (40 spares).

for Financial Commissioner/Railways.

No.4/30/2010-P&PW (D)

GOVERNMENT OF INDIA

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS

(DEPARTMENT OF PENSION & PENSIONERS' WELFARE)

3rd Floor, Lok Nayak Bhawan
New Delhi-110 003.
Dated the 11th July, 2013

OFFICE MEMORANDUM

Sub:- Revision of 1/3rd commuted portion of pension in respect of Government servants who had drawn lump sum payment on absorption in Central Public Sector Undertakings/Central Autonomous Bodies –Implementation of Government's decision on the recommendations of the Sixth Central Pay Commission.

The undersigned is directed to say that orders were issued vide this Department's OM No.4/30/2008-P&PW(D) dted 15.9.08 for revision of 1/3rd restorable pension w.e.f.1.1.2006 of Government servants who had drawn lump sum payment in respect of pro-rata pension on absorption in a PSU/Autonomous Body. The implementation of these orders in some cases resulted in drop in the total amount of 1/3rd restored pension plus DR in comparison to total amount of 1/3rd restored pension plus admissible DP and DR as drawn by pensioners before issue of these orders. It was, therefore decided vide Department of Pension and Pensioners' Welfare O.M. No. 4/38/2008 P&PW(D) dated 27.05.2009 that wherever the restored amount of the revised pension plus DR of such absorbees, in terms of instructions contained in OM dated 15.9.2008, becomes less than 1/3rd pre revised restored pension plus admissible DP & DR as already drawn, the absorbed employees would be allowed to draw the pensionary benefits admissible to them till such time the restored amount of the revised pension in terms of instructions contained in OM dated 15.09.2008 plus admissible DR works out to be more than the pre revised 1/3rd restored pension plus admissible DP & DR as on 01.09.2008.

2. The Central Administrative Tribunal, in its order dated 27.9.2011 in OA No.710/2010 read with order dated 22.4.2013 in CP 26/2012 held that the OM dated 15.9.2008 was legally sustainable. However, Hon'ble CAT has directed to pass an order so as to equalize the amount of 1/3rd restored pension with the pension of other Central Government pensioners.

3. The matter has been examined. On the recommendations of the 6th Central Pay Commission, the pension of pre-2006 Central Government pensioners has been revised vide this Department's OM No.38/37/08-P&PW(A) dated 1.9.2008. In terms of para 4.1 of that OM, the revised pension of pre-2006 pensioners works out to 2.26 times of the pre-revised basic pension (without DP). Keeping in view the direction of Hon'ble CAT,

Hyderabad Bench, it has been decided that 1/3rd restored pension of those Government servants who had drawn lump-sum payment on absorption in PSU/AB and whose 1/3rd pension was restored from a date before 1.1.2006, the pre-revised 1/3rd restored pension will be revised w.e.f.1.1.2006 by multiplying the same by a factor of 2.26, if it is more beneficial than the amount of revised restored 1/3rd pension arrived at in terms of this Department's OM dated 15.9.2008. In the case of those absorbee pensioners in whose case the restoration of 1/3rd pension became due on or after 1.1.2006, the above formulation would apply with reference to notional 1/3rd restorable pension as on 31.12.2005.

4. These instructions are being issued as a special case in compliance of the orders of Hon'ble CAT, Hyderabad Bench in CP No.26/2012 in OA 710/2010. At the time of revision of 1/3rd pension on the basis of recommendations of next Pay Commission, the increase in 1/3rd restored pension on account of these instructions would not be considered and the 1/3rd restored pension of absorbees would be revised as per the usual procedure without taking into account the aforesaid dispensation.

5. Payment of DR and additional pension to old pensioners (of the age of 80 years and above) shall continue to be on full pension as per the instructions issued from time to time.

6. The benefit of revision of restored amount of 1/3rd commuted portion of pension shall be admissible w.e.f.1.1.2006 or from the date the commuted portion of pension is restored, whichever is later.

7. This issues with the concurrence of Ministry of Finance (Department of Expenditure) vide their ID No.561/E.V/2013 dated 21.6.2013.

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

9. Hindi version will follow.

(Harjit Singh)
Dy. Secretary to the Government of India

To

1. All Ministries/Departments of the Government of India
2. All concerned (as per mailing list)
3. O/o The Comptroller & Auditor General of India, 9,DDU Marg, New Delhi
4. O/o The Controller General of Accounts, Lok Nayak Bhavan, New Delhi
5. Ministry of Railways, Rail Bhawan, New Delhi.

Copy to NIC, 3rd Floor, Lok Nayak Bhawan, New Delhi, with a request to post the Office Memorandum on the website of this department.