

SWAMY'S
REVISION OF PRE-2006 PENSIONS
(SIXTH PAY COMMISSION)

Cat. No. C-67 — [Second Edition] — [English Edition only]

(1)

Page 22.—

Add the following as Order No. (5):—

**G.I., Dept. of Pen. & P.W., O.M. No. 38/37/08-P&PW (A),
dated the 13th February, 2013**

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

It 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 pension *vide* this Department's O.M. No. 38/37/08-P&PW (A), dated 1-9-2008, as amended from time to time.

2. The pension / family pension of pre-2006 pensioners was 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 O.M. No. 1/1/2008-IC, dated the 30th August, 2008 with effect from 24-9-2012 *vide* this Department OM of even number, dated the 28th January, 2013.

3. In regard to disbursement of revised pension / family pension, while Head of Departments are responsible for sanctioning of pension / family pension, in cases where revision has already been done by PAOs consequent to Sixth Central Pay Commission, the revision may be effected at the level of PAOs. A copy of the revised authority may be sent to HoD / DDO for record. In cases where no revision has been effected, Head of Offices may follow normal procedure for revision of pension / family pension. Even in cases where there is no change in pension / family pension as a result of the issue of this OM, a revised authority for no change may be issued by the PAOs. The finalized authority will be sent to CPAO for further necessary action.

4. A suitable entry regarding the revised pension / family pension shall be recorded by the pension Disbursing Authority in both halves of the Pension Payment Order.

5. In case the pension / family pension in respect of pre-2006 pensioners / family pensioners has not already been revised with effect from 1-1-2006, the same may also be revised for the period up to 23-9-2012 in terms of order, dated 1-9-2008 and subsequent orders thereto and for the period from 24-9-2012 in terms of order of even number, dated 28-1-2013.

6. CGA / CPAO / Ministry of Defence / Ministry of Railways / Department of Posts / Department of Telecom will devise their own monitoring mechanism to ensure that enhanced pension and arrears are disbursed to all civil pensioners / family pensioners expeditiously.

(2)

Add the following as Order No. (6):—

**G.I., Dept. of Pen. & P.W., O.M. No. 38/37/08-P&PW(A)
dated the 30th July, 2015**

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

It 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 with effect from

1-1-2006, the revised pension with effect from 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 *plus* 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, O.M. No. 1/1/2008-IC, dated the 30th August, 2008. Hon'ble CAT, Principal Bench, New Delhi *vide* its common order, dated 1-11-2011 in O.A. No. 655 of 2010 and three other connected OAs directed to re-fix the pension of all pre-2006 retirees with effect from 1-1-2006 based on the Resolution, dated 29-8-2008 of the Department of Pension and 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 of 2012 in respect of O.A. No. 655 of 2010 and W.P. No. 2348-50 of 2012 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 O.M. No. 38/37/08-P&PW (A), dated 28-1-2013 which provided for stepping up of pension of pre-2006 pensioners with effect from 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 with effect from 24-9-2012 instead of 1-1-2006. Hon'ble High Court of Delhi dismissed the Writ Petition No. 1535 of 2012 along with three other Writ Petitions *vide* its Order, dated 29-4-2013. Special Leave Petitions (No. 23055 of 2013 and No. 36148-50 of 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.

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 O.M. 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 O.A. No. 655 of 2010 *vide* OM of even Number, dated 26-8-2014 read with OM, dated 19-9-2014 following dismissal of SLP (C) No. 23055 of 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 OM, 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 O.M. 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.