No. 1(3)/98 D(Pens/Sers), Government of India, Ministry of Detence, New Delhi, Dated the 27<sup>th</sup> May 1998.

To

The Chief of the Army Staff The Chief of the Naval Staff The Chief of the Air Staff

SUBJECT: IMPLEMENTATION OF GOVERNMENT DECISIONS ON THE RECOMMENDATIONS OF THE FIFTH CENTRAL PAY COMMISSION: REVISION OF PENSION OF PRE-1986/PRE-1996 SERVICE PENSIONERS ETC/ORDINARY FAMILY PENSIONERS BELONGING TO ARMED FORCES COMMISSIONED OFFICERS

Sir,

The undersigned is directed to state that in pursuance of Government decision on the recommendations of Fifth Central Pay Commission notified vide Government of India, Ministry of Personnel, Public Grievances & Pension, Department of Pension and Pensioners' Welfare Resolution No. 45/86/97-P&PW(A) dated 30.9.1997, Department of Pension and Pensioners' Welfare OM F.No.45/86/97-P&PW(A)-Part III dated 10 Feb 1998 and this Ministry's letter no. 1(2)/97/D(Pens/Sers) dated 24.11.1997, sanction of the President is hereby accorded to the revision of pension/ordinary family pension w.e.f.01.01.1996 in respect of all pre-1986/pre-1996 Armed Forces pensioners/ ordinary family pensioners who were in receipts of following types of pensions as on 01.01.1996, in the manner indicated in the succeeding paras:-

(a)Retiring Pension (b)Invalid Pension

(c)Ordinary Family Pension

(d)Service element of disability pension.

(e)Service element of war injury pay.

- 2. These orders apply to all the Armed Forces Commissioned officers, i.e., PRC, including MNS, EC/SSC and T.A. Officers and Officers of State Forces and their NOKs who were drawing pension/ Ordinary family pension as on 01.01.1996 under the Pension Regulations of the three Services/State Forces and various orders issued from time to time.
- Consolidation of pension/ ordinary family pension in terms of para 4.1.1
  of Ministry of Defence letter No. 1(2)/97/D(Pens/Sers) dated 24.11.1997
  in respect of following categories will be treated as final as no revision is
  due under these orders:-
  - (a) Retiring pension/invalid pension/service element of disability pension /service element of war injury pay/special pension granted to Armed Forces officers retired/discharged/ released/ invalided out of service between 01 January 1986 and 31st December 1995.
  - (b) Ordinary family pension granted in respect of officers who died between 01.01.1986 and 31.12.1995 at the rate of 30% of reckonable emoluments last drawn.
- 4. The provisions of this letter do not apply to the following categories:-
  - Gallantry awardees-monetary allowance attached to the award, such as Param Vir Chakra, Ashok Chakra etc.,
  - (ii) UK/HKSRA Pensioners
  - (iii) KCIOs who were in receipt of pension in pound sterling as on 01.01.1996.
  - (iv) Persons in receipt of Disability element only.
- 5. In accordance with the Government instructions issued from time to time, retiring pension of all pre-1986 Commissioned Officers was based on the standard rates of retiring pension and standard service period for the rank held by the officer on his retirement provided it was held on active list for a minimum period of ten months(except in case of Generals). Whereas, w.e.f. 1.1.1986 the pension of Armed Forces Commissioned Officers is based on the average reckonable emoluments drawn by them during the last ten months immediately preceding the date of retirement. Ordinary Family Pension in case of Armed Forces Commissioned Officers is based on the last pay drawn by the deceased. Government has, inter alia accepted the recommendation of the Fifth Central Pay Commission to the effect that

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pension of all the pre-1986 retirees may be updated by notional fixation of their pay as on 01.01.1986 by adopting the same formula as for the serving Armed Forces Officers and thereafter for the purpose of consolidation of their pension/tamily pension as on 01.01.1986, they may be treated alike those who have retired on or after 01.01.1986.

### Updation of Pension of Service Officers who retired before 01 Jan, 1986

Accordingly, pay of all those Armed Forces officers who retired prior to 01.01.1986 and were in receipt of any type of pension mentioned in para 1.1 above as on 01.01.1986 will be fixed on a notional basis in the revised scale of pay for the rank held by the pensioner at the time of retirement introduced subsequent to retirement of Armed Forces officer consequent upon promulgation of Revised Pay Rules on implementation of recommendations of successive Pay Commissions or Departmental Committee (Post War Pay Committee/ Raghuramaiah Committee/ Kamath Committee) or award of Board of Arbitration or judgement of Court or due to general revision of the scale of pay for the post etc. The last occasion shall be fixation of pay in the scale introduced on the basis of Fourth Central Pay Commission and made effective from 01.01.1986. While fixing of pay on a notional basis on each occasion, the pay fixation formulae approved by the Government and other relevant instructions on the subject in force at the relevant time shall be strictly followed. However, the benefit of any notional increments admissible in terms of the rules and instructions applicable at the relevant time shall not be extended in any case of refixation of pay on notional basis. The notional pay so arrived shall not be less than the minimum pay prescribed for each rank in SAI 1/S/87 and SNI 2/S/87 and SAFI 1/S/87 as amended from time to time or Government Orders issued on the subject from time to time to implement Fourth Central Pay Commission recommendations. The notional pay so arrived as on 01.01.1986 shall be treated as average emoluments for the purpose of calculation of pension and accordingly the pension shall be calculated as on 01.01.1986 as per the pension formula then prescribed. For calculation of pension with reference to notional pay as on 01 Jan 1986 weightage as admissible vide para 5(b) of Ministry of Defence's letter No. 1/(5)/87/D(Pension/Services) dt. 30<sup>th</sup> October, 1987 shall be added to actual qualifying service (including former service, if any, already admitted and notified in the Army/Naval/Air Force list). The pension so worked out shall be consolidated as on 01.01.1996 in accordance with the provisions contained in para 4.1.1 of this Ministry's letter No.1(2)/97/D(Pens/Sers) dated 24 November 1997 and shall be treated as basic pension for the purpose of grant of Dearness Relief in future.

# Updation of Ordinary Family Pension in respect of Armed Forces Commissioned Officers

- 7. The notional pay of all Armed Forces Officers who died prior to 01.01.1986, in respect of whom ordinary family pension was being paid on 01.01.1986, will be fixed in the same manner as outlined in para 6 above. The notional pay so arrived as on 01.01.1986 shall be treated as last pay drawn by the deceased and the ordinary family pension shall be calculated thereon at the rate in force as on 01.01.1986. This ordinary family pension shall be consolidated in accordance with the provisions contained in para 4.1.1 of this Ministry's letter No.1(2)/97/D(Pen./Ser) dated 24 November, 1997.
- 8. It has been separately decided that w.e.f. 01.01.1996, Ordinary Family Pension shall be calculated at a uniform rate of 30% of basic pay in all cases instead of slab system and shall be subject to a minimum of Rs.1275/- p.m. and maximum of 30% of the highest pay in the Government. It has also been decided that the benefit of increased rate of Ordinary Family Pension introduced w.e.f.01.01.1996 may also be extended to pre-1996 family pensioners from the same date. Accordingly, in case of those pre-1986 pensioners whose ordinary family pension has been calculated on notional pay under the slab system at the rate of less than 30% as per para 7 above, Ordinary Family pension as on 01.01.1996 shall be re-calculated at the rate of 30% of the notional pay as determined on 01.01.1986. The additional Ordinary Family pension becoming due on account of difference between Ordinary Family Pension admissible under slab system and at a rate of 30% shall be added to the consolidated Ordinary Family pension worked out in accordance with the provision of para 7 above. The total of these two amounts i.e., consolidated ordinary family pension as on 01 Jan 96 plus additional Ordinary Family pension shall be basic ordinary family pension w.e.f. 01.01.1996 and shall be subject to a minimum of Rs.1275/- per month and a maximum of 30% of highest pay in the Government as on 01.01.1996. Dearness Relief thereon shall be admissible in accordance with the orders issued from time to time after 01.01.1996. A few examples of calculation of Ordinary Family Pension in the manner prescribed above are given in Annexure I to this letter.

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9. In cases where ordinary family pension has been granted between 01.01.1986 and 31.12.95 at the rate of less than 30% of pay last drawn by the deceased Armed Forces Officer, the benefit of additional ordinary family pension admissible under slab system and at a rate of 30% of pay last drawn shall be added to the consolidated Ordinary Family Pension payable under this Ministry's letter No.1(2)/97/D(Pen/Services) dated 24.11.1997. The total of these two amounts i.e., consolidated family pension as on 01.01.1996 plus additional ordinary family pension shall become basic ordinary family pension w.e.f. 01.01.1996 subject to minimum and maximum limits as above. Dearness relief thereon shall be admissible in accordance with the orders issued from time to time after 01.01.1996.

10.In the case of existing pre-1986 pensioners in whose case the ordinary family pension has not come into operation as pensioners are / were alive on 01.01.1996, while updating their pension on the basis of notional pay as on 01.01.1986 / the ordinary family pension shall also be revised, consolidated and updated, wherever necessary, in terms of these orders and noted on their Pension Payment Order by the Pension Sanctioning Authority. The updated rate of ordinary family pension will apply as and when family pension becomes payable in such cases.

11. No arrears on account of revision of pension/family pension on notional fixation of pay will be admissible for the period prior to 01.01.1996.

12. No commutation will be admissible for the additional amount of pension accruing as a result of this revision. The existing commuted portion of pension, if any, would continue to be deducted from the consolidated pension while making monthly disbursements.

13. Notional fixation of pay as on 01.01.1986 will not affect DCRG entitlement already determined and paid with reference to rules in force at the time of retirement/death of the Armed Forces Officers.

14. Arrears already paid on account of consolidation of pension/family pension or in continuation of grant of personal pension (PP) or Unabsorbed Personal Pension (UPP) as an interim measure in the case of pre-1986 pensioners'/family pensioners' in accordance with the provisions contained in this Ministry's letter No. 1(2)/97/D(Pen/Sers) dated 24.11.1997 shall be adjusted by Pension Disbursing Authorities against arrears becoming due on the revision of pension/family pension on the basis of these orders.

15. The under mentioned elements will continue to be paid as separate elements in addition to the pension consolidated under these orders. These payments will not be taken into account for purposes of consolidation as well as for applying minimum limit of Rs.1275/- to the pension. As usual Dearness Relief is also not payable on these elements:-

(i)Adhoc Ex-gratia sanctioned to pre 01.01.1973 retiree officers.

(ii)Monetary allowance attached to Gallantry Awards such as Param Vir Chakra, Ashok Chakra etc.

(iii)Children Allowance and Children Education Allowance, where admissible.

(iv)Constant Attendance Allowance where admissible to Disability Pensioners.

16. Personal Pension (PP) if any, granted to officers retiring between 01.4.1985 and 31.12.1985 in addition to pension and One Time Increase (OTI) if any, granted to pre-01.01.1986 pensioners will not be payable w.e.f. 01.01.1996 in addition to revised consolidated pension admissible under this letter.

## ACTION BY PENSIONERS/FAMILY PENSIONERS

17. Each Pre-1986 pensioner/pre-1996 family pensioner who was in receipt of pension as on 01.01.1996, is required to apply for revision of his/her pension in the prescribed form (in duplicate) given at ANNEXURE-II of this letter, to his/her Pension Disbursing Authority latest by 28 Feb 1999. Pre 96 pensioners in whose case family pension has already been notified in their PPO may also apply by the date as prescribed above for revision of family pension. It will be in the interest of the pensioner to furnish full details available with him/her which may facilitate fixation of his/her pay on notional basis, in the application submitted by him/her.

18.In cases where the pensioner /family pensioner was alive as on 01.01.1996 and died subsequently, his/her legal heir(s) is / are also entitled to life time arrears w.e.f. 01.01.1996 till the date of death of pensioner/family pensioner. For this purpose legal heir(s) may also apply to Pension Disbursing Authority.

ACTION BY PENSION DISBURSING AUTHORITIES

19.On receipt of application from the pensioner/family pensioner, the Pension Disbursing Authority will pass on these documents alongwith one copy of the application after verifying relevant entries to the CDA(O), Pune in case of Army Officers/ Naval Pay Office, Mumbai in case of Naval Officers and AFCAO, New Delhi, in case of Air Force officers within a period of 30 days from the date of the receipt of application under intimation to pensioner/family pensioner. The full postal address of Pay Accounts Offices of Army, Navy and Air Force are given in Annexure III.

#### ACTION BY PAY ACCOUNTING AUTHORITIES

concerned Pay Accounting 20.It will be the responsibility of the Authorities viz., CDA(O)/NPO/AFCAO for fixation of Pay on notional basis and verifying the qualifying service at the earliest and pass on both the copies of application from the pensioners/ family pensioners (Annexure II) along with letter of intimation of notional pay (Annexure IV) as on 01.01.1986 of the rank last held by the officer addressed to Pension Sanctioning Authority viz Chief CDA(P), Allahabad within a period of 60 days from date of receipt of application duly verified from PDAs. However, such applications together with notional pay details in respect of Naval and Air Force officers who retired or died in harness on or after 01.11.85 shall be forwarded to CDA(Navy), Mumbai and CDA(AF), New Delhi as the case may be. The total qualifying service may be determined by respective Pay Accounting Authorities from the date of commission as available in the respective Army/Navy/Air Force lists held by them and the date of retirement/Invalidment and the rank held last by the pensioner, which will be available in the application of the pensioner verified and forwarded by the respective PDAs. The matter may be referred to Service Headquarters only in case the date of commission and date of retirement/.invalidment as clarified above is not available with the Pay Accounting Authorities. Based on the total qualifying service thus rendered and the rank held last, the notional pay will be worked out by respective Pay Accounting Authorities as indicated in para 6 above.

- 21. Concerted efforts should be made by all concerned authorities to ensure that pre-1986 pensioners /family pensioners are not put to any harassment or hardship in regard to re-fixation of their pay/ pension/family pension.
- 22. Revision of pay on notional basis from time to time as indicated in the preceding paragraphs will require locating old records for past periods. It is

likely that the service records of a large number of Armed Forces officers may not be available on account of having been destroyed on expiry of their scheduled retention period. Where the old records are not available, in such cases, pensioner/family pensioner may be asked to produce copies of relevant orders/ documents available with them indicating the scale of pay of post held by the Armed Forces officers at the time of retirement / death as also Qualifying Service rendered (in case of retiring /Invalid Pensioners/service element of disability pension and service element of war injury pay only). However, in such cases, the onus of verifying the correctness of the records made available by the pensioner/family pensioner shall be with the CDA(O), Pune/Naval Pay Office, Mumbai/ AFCAO, New Delhi. In case of pre-1973 retirees,/death, if no service records whatsoever, are available, the CDA(O)/NPO/AFCAO will record a certificate to the effect that it has not been possible to revise the pay on notional basis due to non-availability of service records. The pay of such pre-1973 pensioners/family pensioners will be notionaly fixed at the minimum pay prescribed for each rank in SAI 1/S/87, SNI 2/S/87 and SAFI 1/S/87 as amended from time to time or Government orders issued on the subject from time to time to implement Fourth Pay Commission recommendations.

23. Under normal circumstances, pension becomes payable from the date on which an officer ceases to be borne on the Establishment. As such the length of service could also be calculated taking into account the date of commission in the service and date of retirement/invalidment from the service.

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24. Application from pensioners/family pensioners for revision of ordinary family pension granted between 01.01.1986 to 31.12.1995 at the rate less than 30% shall be forwarded by Pension Disbursing Authority direct to Pension Sanctioning Authority for issue of revised PPO giving benefit of ordinary family pension at the uniform rate of 30% as indicated in para 8 above.

#### ACTION BY PENSION SANCTIONING AUTHORITIES

25. The Pension Sanctioning Authorities, on receipt of letter of intimations of notional pay from Pay Accounts Offices will recompute pension/ordinary family pension under these orders and notify the pensionary entitlements. The Pension Sanctioning Authorities besides notifying revised consolidated pension/ordinary family pension based on notional pay as on 01.01.1986 in

respect of pre-01.01.1986 retiree/deceased officer in their Corrigendum PPO, indicate the scale of pay under the Fourth Central Pay Commission for the rank last held and notional pay taken for computation of pension/ordinary family pension together with qualifying service in respect of all pre-01.01.1986 cases. The Corrigendum PPO of the pensioners shall also contain an endorsement about revised and consolidated ordinary family pension which shall become payable to the family on death of the pensioner. Similar action shall be taken by P.S.A. for endorsement of revised and consolidated ordinary family pension in the Corrigendum PPO of those existing pensioners who retired between 01.01.1986 and 31.12.1995. The Corrigendum PPO will be issued to Pension Disbursing Authorities within a period of 30 days from the date of receipt of application/ notional pay details from Pay Accounts Offices.

26. The cases of Armed Forces Officers who have been permanently absorbed in Public Sector Undertaking/Autonomous bodies will be regulated as follows:-

(a) Where the Armed Forces Officers on permanent absorption in Public Sector Undertaking/Autonomous bodies continue to draw pension separately from the Government, the Pension of such absorbees will also be updated in terms of these orders. Cases of the Armed Forces personnel who have drawn one time terminal benefits in lumpsum equal to 100% of their pensions and are entitled to the restoration of 43% of commuted portion of pension as per para 4 of Government of India, Deptt of P &PW letter No. 4/3/86-P&PW(O) dated 30 Sep 96. shall not, however, be covered by these orders. Separate orders in this regard have been issued by DP&PW under their Office Memorandum dated 13.1.1998.

#### Family Pension

(b) Orders have been issued by the Government from time to time in regard to entitlement to family pension in case of those Armed Forces personnel who seek permanent absorption in Public Sector Undertakings/Autonomous bodies. In cases where eligible members of the family of the deceased absorbee were in receipt of /entitled to family pension as on 01.01.1986 in pursuance of the then existing orders their family pension will also be revised in accordance with these orders.

- 27. These orders issue with the concurrence of the Finance Division of this Ministry vide their u.o. No. 870 /DFA(Pen/Med) dated 25.5.1998.
- 28. Hindi version of these orders will follow.

Yours faithfully,

- stelle

(SUDHAKER SHUKLA) Deputy Secretary to the Government of India

#### Copy to:-

- 1. President's Secretariat,
- 2. Vice President"s Secretariat
- 3. Prime Minister's Office
- 4. Rajya Sabha Secretariat,
- 5. Lok Sabha Secretariat,
- 6. Cabinet Secretariat,
- 7. The Controller General of Defence Accounts,
- 8. The Controller of Defence Accounts(Pensions), Allahabad,
- 9. The Controller of Defence Accounts(pension Disbursement), New Delhi.
- 10. The Controller of Defence Accounts (Navy), Mumbai,
- 11. The Controller of Defence Accounts(Air Force), New Delhi.
- 12. The CDA(O), Pune,
- 13. The Director of Audit, Defence Services, New Delhi.
- 14. The Controller General of Accounts, New Delhi.
- 15.Army HQrs/AG/PS4
- 16.Naval HQrs/PP&A
- 17.Air HQrs/DPP&R and DPA
- 18.TA Directorate
- 19.Director General of Resettlement
- 20. Department of Pension and Pensioners' Welfare
- 21.Department of Expenditure(EV Section)
- 22.Parliament Libarary
- 23. National Library

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### ANNEXURE-I

#### EXAMPLES

(Referred to in para 8)

	NO.1 Colonel	NO.2 Major
i)Rank Last held Date of retirement	31.01.1984	31.12.1990
ii)Scale of pay at the time of	1950-2175	2300-5100
iii)Pay Last drawn	2025	3400
(iv)Scale of pay of rank as on 01.1.1986.	4500-5100	2300-5100
(v)Notional pay fixed on 01.1.1986 (pay last drawn for post 86 cases).	4500	3400
(vi)Rank,Pay, if any as on 01.1.1986	1000	600
(vii)Total of (v) & (vi)	5500	4000
(viii)Ordinary family pension(OFP) admissible on 01.1.1986 on notional pay for pre '86 cases or OFP admissible on last pay plus rank pay as at (vii) at the rate in force on 01.1.1986.	825	600
(ix)Consolidated family pension admissible on 01.01.1996 with reference to (v) above in terms of Min of Def letter No. 1(2)/97/D(Pens/Ser dated 24.11.1997.	2509	1838
(x)Family pension admissible on 01.01.1996 @ 30% of pay fixed on notional basis as at (iv) above.	1650	1200
(xi)Additional family Pension admissible on 01.01.96 (Col- vii-Col. v)		1200-600=600
(xii)Total Family Pension admissible on 01.01.1996 (Col., vi. + Col., viii)		1838+600=2438

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ANNEXURE-II (As referred to in para 17)

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FORM OF APPLICATION

(TO BE SUBMITTED IN DUPLICATE BY RETIRED Commissioned Officer or his family addressed to Pay Accounts Office/PSA concerned).

To

(Through Pension Disbursing Authority)

Sub:Revision of Pension/Family Pension in the case of pre-1986 pensioners/family pensioners as on 01.01.1996.

Sir,

With a view to revise my pension/ordinary family pension entitlement shown in my PPO in terms of the Ministry of Defence letter No. 1(3)/98/D(Pens/Sers) dated 27.5.98 the requisite particulars are given below:-

- 1.Name of the Commissioned Officer:
- 2.Rank & IC No.
- 3. Rank in which pensioned
- 4. Type of pension admissible
- Name of the family pensioner in case: of family pension(applicable only when applicant is a family pensioner)
- 6.Date of retirement/death of the officer
- 7. Date from which pension/family pension commenced
- 8. Pension Payment Order(PPO No.) :
- 9.Pension Disbursing Authority(Paying Bank Br. with SB/Current A/c No./ Treasury/ DPDO/PAO)

10.(a)Name of surviving spouse :
(b)PPO No. where ordinary family pension has been granted to spouse (separately through corrig. PPO)

 Name of applicant if the application is made on behalf of pensioner/family pensioner for Life-Time Arrears

12. Address of the pensioner/family Pensioner/applicant

DATE:

(SIGNATURE OF PENSIONER/FAMILY PENSIONER) or heir

PART.II (to be completed by PDA)

Particulars at S. No. 1 to 10 verified and forwarded to the undermentioned office

#### SIGNATURE Rubber Stamp of Pension Disbursing Authority

To 1. The CDA(Officers) Golibar Maidan, Pune-400001

3.AFCAO, Subroto Park New Delhi.  Logistic-Officer- In-Charge, Naval Pay Office, Shahid Bhagat Singh Marg Mumbai – 400023.

4.(i)Chief CDA(Pensions)
Draupadi Ghat,
Allahabad-211014
(ii)CDA(Navy)
1-Cooperage Road,
Mumbai-40039
(iii)CDA(Air Force)
Subroto Park,
New Delhi.

#### (ANNEXURE-III) (As referred to in para 19)

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# Postal address of Pay Accounts Offices

1. Army Officers-

Controller of Defence Accounts(Officers)

Golibar Maidan,

Pune-411001

2. Naval Officers-

Logistic-Officer-In-Charge

Naval Pay Office,

Shahid Bhagat Singh Marg

Mumbai - 400023.

3. Air Force Officers-

Air Force Central Accounts Office,

Subroto Park,

Delhi Cantt-110 010

## Address of Pension Sanctioning Authorities:

Army, Navy and Air Force Officers:

Chief Controller of Defence Accounts(Pensions)

Draupadighat,

Allahabad-211014

For such Naval and Air Force Officers who retired/died in service on

or after 01.11.1985.

Controller of Defence Accounts(Navy) 2.

1-Cooperage Road,

Mumbai-400 039

Controller of Defence Accounts(Air Force),

Subrato Park,

Delhi Cantt-110 010.

		ANNEXURE IV
		(Referred to in para 20)
		No.
		Office of
		Date:
То		Date.
(PSA)		
recommendations of	Fifth Central Pay	
evised and consolidated v	ith reference to no	tional pay as indicated at Seria
revised and consolidated w No.7/8 below:-	ith reference to no	n of the officer may please be tional pay as indicated at Seria
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(iv)

8. In case of pre-1973 retirees if no service records whatsoever are available	Certified that it has not been possible to revise the pay on notional basis due to non-availability of records and therefore pay last drawn is fixed at the minimum of scale introduced from 01.1.1973.
	(a)Pay Scale of the rank w.e.f.1.1.1973 (b)Minimum of scale of pay Rs. (c)Notional Pay as on 01.1.1986 Rs.

Station: Dated:

Signature of authorised Signatory Full Name: Office of: SEAL