

195

No. 17(4)/2008(2)-D(Pen/Pol)
Ministry of Defence
Department of Ex-Servicemen Welfare
D(Pen/Policy)

13th October 2010

To,
Controller General of Defence Accounts
Ulan Butar Road, Palam, Delhi Cantt

Subject: Implementation of Government's decision on the recommendation of the Sixth Central Pay Commission regarding revision of pension of pensioners / family pensioners etc.- Grant of full pension to Government servants who retired on or after 1.1.2006.

A copy of Ministry of Personnel, Public Grievances & Pensions, Deptt of P&PW letter No. 38/37/08-P&PW(A) dated 10th December 2009 is enclosed herewith along-with letter dated 13.8.2010 from Lt. Col(Retd) Devender Kurmar Dahiya.

2. The issue raised by the individual has been considered in this department in consultation with Ministry of Defence(Fin/Pen) who had agreed to the proposal that the cases settled prior to issue of orders No. 17(4)/08(2)-D(pen/Pol) dated 30.10.2009, no recovery on account of gratuity should be made.

3. It is, therefore, requested that para 4 of above cited Government letter may please be acted upon and no recovery of gratuity would be made in the cases already settled. Necessary instructions may please be issued to the pension sanctioning authorities.

M. Narayanan
(Malathi Narayanan)

Under Secretary (Pen/Pol)

Copy to:

1. PCDA(Pensions) Allahabad
2. PCDA(Navy) Mumbai
3. CDA(AF) West Block-V, R.K.Puram New Delhi
4. Lt.Col (Retd) Devender Kurmar Dahiya
104, Vikar Nagar
ROHTAK(HARYANA)-124001

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F.No.38/37/08-P&PW(A)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Pension & Pensioners' Welfare
Lok Nayak Bhawan, New Delhi-110003

Dated, the 10th December, 2009.

OFFICE MEMORANDUM

Sub: Implementation of Government's decision on the recommendations of the Sixth Central Pay Commission regarding revision of pension of pensioners/family pensioners etc. – Grant of full pension to Government servants who retired on or after 1.1.2006

The undersigned is directed to say that in pursuance of Government's decision on the recommendations of Sixth Central Pay Commission, orders were issued vide this Department's O.M. No. 38/37/08-P&PW(A) dated 2.9.2008 for introducing modifications in the rules regulating pension, Retirement/Death/Service Gratuity/Family Pension/ disability pension and ex-gratia lump-sum compensation. In accordance with para 5.2 and para 5.3 of that OM, once a Government servant becomes entitled to pension on completion of 20 years/10 years of qualifying service, he shall be paid pension at 50% of the emoluments or average emoluments received during the last 10 months, whichever is more beneficial to him. In terms of para 5.4 of the OM, these revised provisions have come into force w.e.f. 2.9.2008 and shall be applicable to Government servants retiring on or after that date. Subsequently, it was clarified vide O.M. No. 38/37/08-P&PW(A) dated 11.12.2008 that pension of Government servant retiring on or after 1.1.2006 will also be calculated based on the emoluments or average emoluments received during the last 10 months, whichever is more beneficial to him but his pension would continue to be proportionate to the pension on completion of 33 years of qualifying service. Para 5.4 of this Department's O.M. No. 38/37/08-P&PW(A) dated 2.9.2008 was modified to that extent.

2. This matter has been reconsidered by the Government. In partial modification of the instructions/order issued in this respect, it has now been decided that linkage of full pension with 33 years of qualifying service shall be dispensed with, with effect from 1.1.2006 instead of 2.9.2008. The revised provisions for calculation of pension in para 5.2 and 5.3 of the OM No.38/37/08-P&PW(A) dated 2.9.2008 shall come into force with effect from 1.1.2006 and shall be applicable to the Government servants retired/retiring after that date. Para 5.4 will further stand modified to that extent.

3. Consequent upon the above revised provisions, in partial modification of para 7.1 of the OM No.38/37/01-P&PW(A)-P&PW(A) dated 2.9.08, the extant benefit of adding years of qualifying service for the purpose of computation of pension and gratuity shall stand withdrawn with effect from 1.1.2006.


4. The overall calculation may take into account revised gratuity and revised pension, including arrears up to date of revision based on these instructions. However, no recoveries would be made in the cases already settled.

5. It is impressed upon all the Ministries/Departments of the Government of India to keep in view the above modifications/clarifications while disposing of the cases of revision of pension. They are also advised to dispose of the representations received by them from pensioners on the above issues without referring the same to this Department.

6. This issues with the concurrence of Ministry of Finance (Department of Expenditure) vide their U.O. No.375/EV/2009 dated 19.11.2009.

7. In their application to the employees of the Indian Audit and Accounts Departments, these orders issue in consultation with the Comptroller & Auditor General of India.

8. Hindi version will follow.


(Raj Singh)
Director

To

1. All Ministries/Departments of Government of India
2. All Pensioners' Association

Please visit: <http://pensionersportal.gov.in>

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13 Aug 2010 192

Reference : DKD/PERS/GRA/10
PPO NO : M/004004/2007
CORR PPO : M/CORR/009235/2009

IC-43381-A Lt Col (Retd)
Devender Kumar Dahiya
104, Vikas Nagar
Rohatki - 124001, Haryana

Mr. Harbans Singh
Director
Pension Grievance Cell
Room No. 206, A Wing
Sena Bhawan, New Delhi - 110011

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SUBJECT: RECOVERY OF GRATUITY AMOUNT OF RS. 1,05,277/-

Dear Mr Harbans Sir,

DIR/PERS

1. May I draw your attention to File Number 38/37/08-P&PW (A) dated 10 Dec 2009 of Ministry of Personnel, Public Grievances and Pensions, Department of Pension and Pensioners Welfare. Kindly refer to Para 4 of the above quoted letter (Copy attached).

2. I understand that all such letters of Ministry of Personnel apply to all departments of the Government "MUTATIS-MTANDIS" including Ministry of Defence. However no cognigence has been taken by your office to that effect, which can be termed as overlooking or not interested. Due to your this action, CDAP Allahabad has affected recovery of gratuity amount which was paid in full to me as I had 31 years of service (+) 7 years weightage (Total 38 years and my case was already settled) but an amount of Rs 1,05,277/- (Rupees One lac five thousand two hundred seventy seven only) has been recovered by my bankers vide CORR PPO No. M/CORR/009235/2009 (Copy attached). Like wise all other officers have also suffered financially due to sheer negligence of your office. Your office should be proactive in looking after the welfare of retired veterans whereas the action on ground proves otherwise.

3. I thus call upon you to please clarify the matter at the earliest but not later than 10 days of receipt of this letter in your office as to why no reference of Para 4 of Ministry of Personnel letter cited was made by your office to all concerned including PCDA Pension and willful financial loss was caused to me and all other officers.

5725/01/Retd
06/09/10

Pl. notes
& put up
with authority
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Office of Secretary (ESW)

Diary No. 2730

1/9/10

Office of
AS (to Secretary Welfare)
Diary No. 6046
Dated 03/09/10

26/3/10/Pers/Policy
7/9/2010

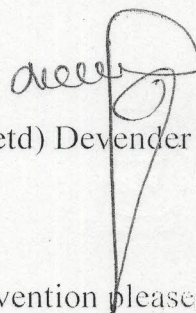
1/9/07

AO

4. In case your reply is not received within the stipulated time mentioned in Para 3 above, I will resort to legal course at your risk and expense with a claim of damages. Kindly accord priority. I had sent a grievance mail to Ministry of Personnel which stands registered at P&PW/W/2010/00677 dated 08 Jul 2010. This mail was marked to you by them but you have not replied till date due to reasons best know to you please.

5. With best regards.

Yours truly,



Lt Col (Retd) Devender Kumar Dahiya

Copy to:

✓ **Ms Neelam Nath**
Secretary
(Ex-Servicemen Welfare)
198-B, South Block
New Delhi - 110011

: For your kind intervention please.

Mr C K Bhattjiwale
SAO
PCDA (Pension)
Draupadi Ghat
Allahabad, (UP)

: Please refer to lots of correspondence on the subject matter. Your reply is awaited till date. Please communicate to me your position for my further necessary legal action.