

Revision of pension of Pre-2006 Pensioners with less than 33 years of service on par with post 2016 Pensioners – a case won !

The Background

The modified parity in pension between pre-2006 & post -2006 Pensioners recommended by the 6th Central Pay Commission in para 5.1.47 of its report was implemented partially consequent upon issuance of O M No.38/37/08-P&PW(A) dated 30th July, 2015 read with OM dated 28-1-2013 by the Department of Pension & Pensioners' Welfare. However, the recommendation needed its implementation in letter and spirit by further liberalisation of the provisions of OM dated 28-1-2013 by extending the benefit to pre-2006 Pensioners with less than 33 years of service & also to Pensioners who retired from Upgraded posts.

The 6th Pay Commission had recommended that” *in order to maintain the existing Modified parity between present and future retirees,..... The fixation.... will be subject to the provision that the revised pension, in no case, shall be lower than 50% of the sum of the Minimum of the Pay in the Pay Band and the Grade Pay thereon Corresponding to the pre revised Pay Scale from which the Pensioner had retired “.* DoP & PW, in its OM dated 1-9-2008 did incorporate the recommendation on modified parity - verbatim - in para 4.2. But, the clarificatory Orders issued subsequently vide OMs dated 3-10-2008 and 14-10-2008 were not in consonance with the recommendation of 6th CPC.

The Central Administrative Tribunal, Principal Bench, New Delhi, in OA 655/2010, in its order passed on 1-11-2011, quashed and set aside DoP&PW O.M. dated 3-10-2008, clarificatory O.M. dated 14-10-2008 and O.M. dated 11-2-2009, and directed the Government to re-fix pension of all pre-2006 retirees w.e.f. 1-1-2006 based on the resolution dated 29-8-2008. The issue attained finality with the dismissal of SLPs by the Hon'ble Supreme Court on 17-3-2015 and the DoP&PW issuing OM No.38/37/08-P&PW(A) dated 30th July, 2015 ordering implementation of the provisions of its OM dated 28-1-2013 from 1-1-2006 itself instead of 24-9-2012. Thus the revision of pension and family pension as envisaged in para 4.2 of OM dated 1-9-2008, issued in implementation of the recommendations of 6th CPC, was partially complied with, **since the condition of the requirement of 33 years of service for computation of revised pension at 50 % of the emoluments in terms of para 4.2 had not been removed .Hence, the revised pension of pre 2006 pensioners with less than 33 years of service was reduced pro rata depending upon the number of years of their service.**

The demand for grant of full pension, irrespective of completion of 33 years of service, on par with post 2006 Pensioners, was vigorously pursued by Pensioners' Associations and Employees Unions in several fora and by many Pensioners through filing Applications before CAT benches. All judicial pronouncements were in favour of the Applicants. Karnataka P&T Pensioners Association notified this issue for discussion in the 27th meeting of SCOVA held on 13-10-2015. DoP&PW informed the Association that the

matter was under active consideration. (Details in pages 3&4 of *Pensioners Champion*-September 2015 and pages 5&6 of October 2015 issue)

Finally, as result of the combined efforts of all stake holders and with the intervention of the Judiciary as also the issue having attained legal finality, DoP&PW liberalised the provisions of its OM dated 28-1-2013 on modified parity in pension and deleted par 5 of the OM which had linked pension with 33 years of service.

With the issue of OM dated 6-4-2016 the long pending demand of pre-2006 Pensioners - with qualifying service of less than 33 years of service - for grant of full pension on par with post 2006 pensioners gets resolved. However, the grievance of pre-2006 pensioners for revision of their pension with reference to the pay scale of the **post from which they had retired** which were upgraded subsequent to their retirement is still to be redressed.

DoP&PW OM dated 6-4-2016:	Page- 15, of this journal
Table indicating revised minimum pension admissible:	Page -19
Formula for calculation of arrears for the period from 1-1-2006 to 31-12-2015 with examples:	Page-21