

WESTERN RAILWAY

P.S.No.70/2013

Headquarter Office,
Churchgate, Mumbai-20

No. E(S)789/5/11 Vol.II

Date: 5.09.2013

To,
All DRMs / CWMs & Units Incharge,
C/- Genl. Secy., WREU-GTR / WRMS-BCT.
C/- ZG-All India SC/ST Rly Employees. Assn, 'W' Zone, Mumbai
C/- ZG-All India OBC Rly Empl. Assn, Mumbai.

Sub: 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 Railway Board's letter No.F(E)III/2005/PN1/23 dtd.31.7.2013 (R.B.E.No.77/2013) is sent herewith for information, guidance and necessary action.

The Board's letter have already been circulated under this office letter number quoted below.

Sr. No.	Board's letter No. & Date.	This office letter No. & date and P.S.No.
1.	No.F(E)III/2005/PN 1/23 dt.22.9.2008	No.E(S)789/5/11 Vol.II dt.24.9.2008 (P.S.No.116/2008)
2.	No.F(E)III/2005/PN 1/23 dt.1.6.2009	No.E(S)789/5/11 Vol.II dt.16.6.2009 (P.S.No.108/2009)
3.	No.F(E)III/2008/PN 1/12 dt.8.9.2008	No.E(PC)767/0/6 th CPC dt.17.9.2008 (P.S.No.108/2008)

Encl: As above.


(Smruti Jacob)
APO(B&A)
For General Manager (E)

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

RBE No. 77 /2013

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.

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
2.	O.M. No. 4/38/2008-P&PW(D) dated 27.05.2009.	Letter of even number, dated 01.06.2009.
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

3. Please acknowledge receipt.

DA: One

No. F(E)III/2005/PN1/23

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

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

New Delhi, Dated: 31.07.2013.

for Financial Commissioner/Railways.

भारत सरकार
रेल मंत्रालय (रेलवे बोर्ड)

सं. एफ (ई) III/2005/पीएन1/23

नई दिल्ली, दिनांक: 21.07.2013

महाप्रबंधक/वित्त सलाहकार एवं मुख्य लेखा अधिकारी,
सभी भारतीय रेलें/उत्पादन इकाइयां/महानिदेशक/अभ्यास।

(डाक सूची के अनुसार)

Western Ry/ Mumbai

विषय: उन सरकारी कर्मचारियों, जिन्होंने केन्द्रीय सार्वजनिक क्षेत्र के उपक्रमों/केन्द्रीय स्वायत्त निकायों में समाहित होने पर एकमुश्त राशि प्राप्त की थी, के संबंध में पेंशन के 1/3 संरक्षित भाग में संशोधन- केन्द्रीय छठे वेतन आयोग की सिफारिशों के आधार पर सरकार के निर्णय को लागू करना।

उपर्युक्त विषय पर पेंशन एवं पेंशनर्स कल्याण विभाग (डीओपी एंड पीडब्ल्यू) के दिनांक 11 जुलाई, 2013 के कार्यालय ज्ञापन सं.4/30/2010-पी एंड पीडब्ल्यू (डी) की एक प्रति सूचना एवं अनुपालन के लिए संलग्न है। ये अनुदेश यथोचित परिवर्तनों सहित रेलवे पर भी लागू होंगे।

2. संलग्न कार्यालय ज्ञापन में उल्लिखित पेंशन एवं पेंशनर्स कल्याण विभाग के अनुदेश पत्र सं. तथा रेलवे बोर्ड के तदनुसूची अनुदेश पत्र सं. नीचे आमने-सामने दिए गए हैं:-

क्र. सं.	डीओपी एंड पीडब्ल्यू के अनुदेश पत्र सं.	रेलवे बोर्ड के तदनुसूची अनुदेश पत्र सं.
1.	का. जा. सं. 4/38/2008-पी एंड पीडब्ल्यू (डी) दिनांक 15.09.2008	पत्र सं. एफ (ई) III/2005/पीएन1/23 दिनांक 22.09.2008
2.	का. जा. सं. 4/38/2008-पी एंड पीडब्ल्यू (डी) दिनांक 27.05.2009	दिनांक 01.06.2009 का समसंख्यक पत्र
3.	का.जा. सं. 38/37/08-पी एंड पीडब्ल्यू (ए) दिनांक 1.09.2008	पत्र सं. एफ (ई) III/2008/पीएन1/12 दिनांक 08.09.2008

3. कृपया पावती दें।

(सुखेन्द्र कौर)

संयुक्त निदेशक, वित्त (स्थापना),
रेलवे बोर्ड

संलग्नक: एक

SKM

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) dtd 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 60 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