

WESTERN RAILWAY

P.S.No. 119/2014

Headquarter Office,  
Churchgate, Mumbai-20

No. E(S)789/0 Vol.XXIII

Date: 11/11/2014

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

Sub: Revision of pension of pre-1996 pensioners'- inclusion of Non-Practicing Allowance (NPA) for revision of pension of Retired Medical Officers w.e.f. 01.01.1996.

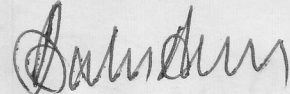
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A copy of Railway Board's letter No.F(E)III/2008/PN 1/12 pt. dated 27.10.2014 (RBE No.119/2014) is sent herewith for information, guidance and necessary action.

Board's letters referred to therein were circulated as under :

Sr.No.	Railway Bd's letter No. & Date	GM(E)-CCG's letter No. & Date.
i.	No.F(E) III/98/PN 1/29 dt.15.01.99	E(S)789/0 Vol.XVII dated 25.01.99 (P.S.No.15/99)
ii.	No.F(E) III/98/PN 1/29 dt.12.11.99	E(S)789/0 Vol.XVII dated 22.11.99 (P.S.No.304/99)
iii.	F(E)III/99/PN 1/20 dated 20.08.2001	E(S)789/0 Vol.XIX dt.29.08.2001 (P.S.No.176/2001)

Encl: As above.



( Babu Augustine )  
APO(B&A)  
For General Manager (E)

RBE No. 119/2014

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

No. F(E)III/2008/PN1/12 pt.

New Delhi, Dated: 27.10.2014.

The GMs/FA&CAOs,  
All Indian Railways/Production Units.  
(As per mailing list) Western Railway / Mumbai

Subject: Revision of pension of pre-1996 pensioners' -inclusion of  
Non-Practicing Allowance (NPA) for revision of pension of  
Retired Medical Officers w.e.f. 01.01.1996.

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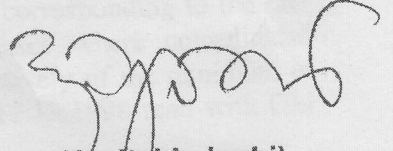
A copy of Department of Pension and Pensioners' Welfare(DOP&PW)'s  
O.M. No. 38/31/11-P&PW(A)(Vol. IV) dated 14.10.2014 on the above subject is  
enclosed for information and compliance. These instructions shall apply mutatis  
mutandis on the Railways.

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	Corresponding instructions of Railway Board
1.	45/10/98-P&PW(A) dated 17.12.1998	F(E)III/98/PN1/29 dated 15.01.1999
2.	45/3/99-P&PW(A) dated 29.10.1999	F(E)III/98/PN1/29 dated 12.11.1999
3.	45/86/97-P&PW(A)(Pt.) dated 11.05.2001	F(E)III/99/PN1/20 dated 20.08.2001

3. Please acknowledge receipt.

D.A.: One.

  
(Amitabh Joshi)  
Deputy Director Finance (Estt.)III,  
Railway Board.

No.38/31/11-P&PW(A)(Vol.IV)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Pension and P.W

3<sup>rd</sup> Floor, Lok Nayak Bhawan,  
Khan Market, New Delhi.  
Dated the 14<sup>th</sup> October, 2014

**OFFICE MEMORANDUM**

Subject :- Revision of pension of pre-1996 pensioners - inclusion of Non-Practicing Allowance (NPA) for revision of pension of retired medical officers w.e.f. 1.1.1996.

The undersigned is directed to say that in this Department's OM No.45/10/98-P&PW(A) dated 17.12.1998, it was provided that pension of all pensioners irrespective of their date of retirement would not be less than 50% of the minimum of the revised scale of pay introduced w.e.f. 1.1.1996. In this Departments OM No.45/3/99-P&PW(A) dated 29.10.1999, it was clarified that in the case of retired medical officers, Non-Practicing Allowance (NPA) was not to be added to the minimum of the revised scale of pay as on 1.1.1996 for stepping up of the consolidated pension/family pension to 50% / 30% respectively, in terms of the OM dated 17.12.1998.

2. In its judgment dated 27.11.2013 in Civil Appeal No.10640-46/2013 and other connected matters, Hon'ble Supreme Court has observed that in accordance with Ministry of Health and Family Welfare's OM No.45012/11/97-CHS.V dated 7.4.1998, NPA counts as pay for all service benefits including retirement benefits. Hon'ble Supreme Court has further observed that clarification issued vide this Department's aforesaid OM dated 29.10.1999 is legally unsustainable. Hon'ble Supreme Court has directed to recalculate the pension payable to the Applicants (i.e. pre-1996 retired medical officers) by adding the element of NPA. The Review Petitions filed by the Government against the above mentioned judgment have been dismissed by Hon'ble Supreme Court on 31.7.14.

3. It has now been decided, in consultation with Ministry of Finance, Department of Expenditure and Ministry of Law, Department of Legal Affairs to implement the judgment dated 27.11.2013 of Hon'ble Supreme Court in CA No.10640-46 of 2013 and other connected matters. Accordingly, in the case of pre-1996 retired medical officers, NPA @ 25% shall be added to the minimum of the revised scale of pay as on 1.1.1996 corresponding to the pre-1996 pay scales from which the pensioner had retired, in cases where consolidated pension/family pension was to be stepped up to 50% / 30% respectively of the minimum of revised pay-scale in terms of OM No.45/10/98-P&PW(A) dated 17.12.1998 read with OM No.45/86/97-P&PW(A) (Pt.) dated 11.5.2001.

4. This issues with the approval of Ministry of Finance, Department of Expenditure vide their I.D. No. 518/E-V/2014 dated 29.9.2014.

5. Hindi version will follow.

*J. Patra*  
(Tripti P. Ghosh)  
Director

To  
(i) All Ministries/Departments of Government of India.  
(ii) O/oCAG/CGDA