R.B.E. No. 47/2005

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

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No. F(E)III/2000/PN1/57-Vol.II **NEW DELHI** **Dt. 18 .03.2005**

The GMs/ FA&CAOs,
All Indian Railways/Production Units,
(As per Mailing List).

Sub: Payment of difference of gratuity to pre-1996 Central Government Pensioners – clarification regarding.

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A copy of Department of Pension & Pensioners' Welfare's O.M. No. 38/42/2005-P&PW(F) dated 17th February, 2005 on the above referred subject, is enclosed for information and guidance of the Railways.

2. Department of Pension & Pensioners' Welfare OMs dt. 4.12.2001 and 18.2.2003 referred to in the DOP&PW's enclosed OM dt. 17.2.2005, have been adopted/circulated on the Railways vide Board's letters No. F(E)III/97/PN1/22 dated 25.2.2002 and No. F(E)III/2000/PN1/57 dated 20.5.2003 respectively.

3. Please acknowledge receipt.

4. Hindi version is enclosed.

(S.SREERAM)
Dy. Director Finance (Estt.)III.,
Railway Board.

DA: As above.

No. F(E)III/2000/PN1/57-Vol.II **NEW DELHI** **Dt. 18 .03.2005**

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

(S.SREERAM)
for Financial Commissioner/Railways.

..2..

Copy forwarded to:

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2. The General Secretary, AIRF (with 35 spares)
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9. The Secretary, Railway Board Class IV Staff Association.
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11. The Secretary General, All India RPF Association, Room No. 256-D, Rail Bhavan, New Delhi-110 001. (5 spares)

for Secretary/Railway Board

No. F(E)III/2000/PN1/57-Vol.II **NEW DELHI** **Dt. 18 .03.2005**

1. The G.M, N.F Railway(Const.), C.A.O. Southern Railway (Const) and C.A.O. Central Railway (Const.)
2. The FA&CAOs, N.F Railway (Const.) and Southern Railway (Const.)
3. The Director General and Ex.officio General Manager, RDSO/Lucknow.
4. The General Manager and FA&CAO, Metro Railway/Kolkata.
5. The CAOand FA&CAO, COFMOW/New Delhi.
6. The General Manager and FA&CAO, CORE/Allahabad.
7. Director General, Railway Staff College/Vadodara.
8 The CAO(Const.), MTP(R)/Mumbai.
9. The CAO(Const.),MTP(R)/Chennai.
10.The Executive Director, CAMTECH/Gwalior-474020
11. The Director, IRICEN/Pune, IRIEEN/Nasik Road,IRIMEE/Jamalpur, IRISET/Secunderabad.
12.The Managing Director, IRCON, IRFC, MRVC, IRWO, IRC&TC, CONCOR of India Limited, Executive Director, CRIS.
13. The Chairman –cum-Managing Director, KRC Limited/New Delhi
14. Office of the Chief Project Administrator(Telecom), Indian Railway Central Organisation for Telecom(IRCOT) Consultancy, Shivaji Bridge/New Delhi.
15. The Director(Movement) Railways/Kolkata.
16. The Joint Director, Mil Rail, Ministry of Defence.
17. The Joint Secretary, Iron & Steel,5 Koila Ghat Street/Kolkata.
18. Chief Mining Advisor, Ministry of Railway, Dhanbad, Bihar
19. The Chairman, RCC,Lok Sabha Secretariat/New Delhi.
20. The Chairman, RCT/Delhi.

..3..

21. The Chairman,RRT, Chennai.
22. The Chairman,RRB/Ajmer, Ahmedabad, Allahabad, Bangalore, Bhopal, Bhubaneshwar, Chandigarh, Chennai, Kolkata, Jammu, Gorakhpur, Guwahati, Malda, Mumbai, Muzaffarpur, Patna, Ranchi, Secunderabad, and Trivandrum.
23. The Editor, " Bharatiya Rail"
24. The Editor " Indian Railways"
25. Chairman, Passsenger Services Committee.
26. Member, Passenger Amenities Committee.
27. The Pay & Accounts Officer, Ministry of Railways(Railway Board)
28. The General Secretary, IRCA/New Delhi.
29. The Chief Commissioner of Railway Safety/Lucknow.
30. Chairman, RITES
31. Chairman, CAT.
32. Computerised Facilitation Counter, Room No.5, Near Gate No.1, Rail Bhavan, New Delhi.
33. Rail Vikas Nigam Ltd., C-2/10, Safdarjung Development Area, Aurobindo Marg, New Delhi.

Copy to:-

1. Shri V.K. Sthanunathan, National President, National Federation of Railway Pensioners,36, Venkatanarayana Road, T. Nagar, Chennai-600 017.
2. Shri K. Gopinath Menon, The Secretary General, National Federation of Railway Pensioners, Kunnathurmedu, Palghat- 678 013.
3. Shri Y.N.Sastry, President, AIRRF, Rly Block-303, Railway Colony High School, Chilkalguda, Secunderabad-500 025.
4. B. Jayajaya Rao, President, All India Railway Officer's Association, 12-13-268 (505)New, Street-2, Lane 9, Tarnaka, Secunderabad-500 017.
5. The General Secretary, Railway Pensioners' Council Kiran Kutir, Larkania Tola, Katihar.
6. The General Secretary, All India Federation of Pensioners Association, T.P.M Hall,22, Kavirai Street, Saidapet West, Chennai-600 015.
7. Shri S.S.Ramachandra, Secretary General , All India Central Committee of Pensioners Association. Flat No.144, New Suryakiran Apartments, Plot No. 65,Patparganj, New Delhi-110 092.
8. Shri M.S.Solanki, General Secretary, Central and AIS Pensioners Association, E-i/164, Arena Colony, Bhopal(M.P) 462 016
9. Shri Nirmal Dass Gupta, Vice President, Federation of Central Government Pensioners' Organisation, P-24C, Sagar Manna Road, Kolkata. 700 060
10. Shri B.S Dard, Secretary General, Central Government Pensioners' Association, 1874/2, Sector-64, S.A.S Nagar, Chandigarh 160 061.
11. Shri C.R. Chatwani, Central Government Pensioners' Association, "SHIVANAND", 11/13, Krishna Kunj Society, Chhotunagar-7, Raiya Road, Rajkot 360 001.
12. Secretary General, Bharat Pensioners' Samaj, Post Box 3303, Jangpura Extension, New Delhi-110 014.

..4..

13. M/s. Bahri Bros., Publishers, Booksellers and Distributors, 742, Lajpat Rai Market, Delhi-110 006.

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Sr. PPSs/ PPSs/PSs/PAs to: CRB,FC, MT,ME,MS,MM, ML, DG(RHS),DG(RPF), Adv. (S), All Additional Members, Secretary, All Executive Directors, IG/RPSF, JS, JS(G), DS(D), JS(E), DS(G),EDE(N), JDMPP), DE(G), DPC, DE(N), JDE(N), JDE(P&A), JDEGC), JDE(Rep),JDE (Rep)III, JDE(G),JDE(D&A),DPC-I,II, JDE(Gaz),JDE(W), JDE(GP), JDE(Res), DDPC-III,IV, V, DDV(A&P), DDF(E)-I,II, III,JDE(L), DDE(LR)I,II,III, DDE(R)II,DDE(D&A), US(A), US(D),US(E), W.O./Railway Board.

Cash-I,II,III,IV,E(P&A)I/II, E(G), E(NG)I&II, PC-V,IV,III, E(Trg),E(MPP), E(LR)I&II, F(E)-II,I, F(E)Spl, Security(E), Security(ABE), Accounts-III(with 10 spares), Accounts (Insp.), ERB-I,II,III,IV,V&D, G(Pass),G(Acc), E(Welfare), E(SCT) I & II, E(O)I,II,III&III(CC), E(GR)I,II, E(GP),E(GC), PR, E(D&A), Budget, O&M, Code Revision Cell(with 2 spares), Acs-II, PG, E(Rep)-I,II,III Railway Board.

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No. 38/42/2005-P&PW (F)
भारत सरकार
Government of India
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
Ministry of Personnel, PG & Pensions
पेंशन और पेंशन भोगी कल्याण विभाग
Department of Pension & Pensioners' Welfare

तीसरा तल, लोक नायक भवन
नई दिल्ली-110003
दिनांक 17 फरवरी 2005

OFFICE MEMORANDUM

Subject: Payment of difference of Gratuity to pre-1996 Central Government Pensioners - clarification regarding.

The undersigned is directed to say that a number of representations have been received seeking confirmation whether in pursuance of Supreme Court Judgement, vide this Department's OM No. 45/86/97-P&PW (A) Pt. I dated 04.12.2004; pre-1996 pensioners have been made eligible for receiving additional gratuity. They have asked the concerned pensioners to apply to their respective Departments by furnishing details of PPO number, date of retirement, Bank details etc. It also contains a portion of the OM purported to have been issued by this Department but does not indicate the name of Officer under whose signature it has been issued.

2. In view of the above, the factual position in the matter is as under:

(i) This Department has not issued any OM on 4.12.2004 granting additional gratuity to pre-1996 pensioners as there is no such Supreme Court Judgement in that respect; and

(ii) The extracts of OM reproduced by them purported to have been issued on 4.12.2004 is in fact a portion of this Department's OM dated 4.12.2001 bringing out certain modifications to OM dated 27.10.1997. In that OM, the Government consequent upon acceptance of the 5th Pay Commission recommendations, inter-alia, prescribed that 100% of DA be added to the pay and on this the retirement/death gratuity be calculated. This was made effective from 1.1.1996. It did not change any provisions regarding percentage on DA for those who retired before 1.1.1996. Vide OM dated 4.12.2001 the Government clarified that the addition to DA for calculation of gratuity would be applicable for calculation of all types of gratuities like death/ retirement/ service gratuity. In this OM also there is no change in other provisions of OM dated 27.10.1997 including the cut-off date of 1.1.1996. This was further clarified vide para (ii) of OM dated 18.2.2003. Hence, prior to 1.1.1996, only basic pay was reckoned as emoluments for computation of gratuity. It has not been agreed to extend the benefits to retirees prior to 1.1.1996 as for grant of any benefit, prescription of a cut-off-date is essential keeping in view various constraints including financial constraints.

(M.P. Singh)
Director (PP)
Tel. 24624802

To
1. 'persmin.nic.in' - website of the Ministry of Personnel, PG & Pensions
2. All Ministries/Departments of Government of India
3. Copy to C&AG
4. Controller General of Accounts
5. Controller of General of Defence Accounts
6. As per standard mailing list.

संख्या-38/42/2005-पी. एण्ड पी. डब्ल्यू(एफ)
भारत सरकार
कार्मिक, लोक शिकायत तथा पेंशन-मंत्रालय
(पेंशन और पेंशनभोगी कल्याण विभाग)

तीसरा तल, लोक नायक भवन,
नई दिल्ली-110 003
दिनांकः 17 फरवरी, 2005

कार्यालय ज्ञापन

विषयः 1996 से पूर्व के केन्द्रीय सरकार के पेंशन भोगियों को उपदान के अन्तर के भुगतान से संबंधित स्पष्टीकरकण ।

अधोहस्ताक्षरी को यह निवेदन करने का निदेश हुआ है कि इस बात की पुष्टि चाहने के क्रम में अनेक अभिवेदन प्राप्त हुए हैं कि क्या उच्चतम न्यायालय के निर्णय के अनुसरण में इस विभाग के दिनांक 4.12.2004 के कार्यालय ज्ञापन संख्या 45/86/97-पी.एण्ड पी.डब्ल्यू(ए)पार्ट-I द्वारा 1996 से पूर्व के पेंशनभोगी अतिरिक्त उपदान पाने के पात्र बना दिए गए हैं । उन्होंने संबंधित पेंशनभोगियों से अपने पेंशन भुगतान आदेश, सेवानिवृत्ति की तारीख, बैंक के ब्यौरे आदि देते हुए अपने-अपने विभाग में आवेदन करने को कहा है । इसमें इस विभाग द्वारा कथित रूप से जारी किए गए कार्यालय ज्ञापन का एक अंश भी निहित है परंतु जिस अधिकारी के हस्ताक्षर से यह ज्ञापन जारी किया गया है उस अधिकारी का नाम नहीं बताया गया ।

2. उपर्युक्त स्थिति के मद्देनजर इस मामले में तथ्यात्मक स्थिति इस प्रकार है :-

i) इस विभाग ने, 1996 से पूर्व के पेंशनभोगियों को अतिरिक्त उपदान प्रदान करने वाला 4.12.2004 को कोई कार्यालय ज्ञापन जारी नहीं किया है क्योंकि इस संबंध में उच्चतम न्यायालय का इस आशय का कोई निर्णय नहीं है; और

ii) 04.12.2004 को जारी किए गए कार्यालय ज्ञापन के उनके द्वारा पुनः उद्धृत उद्धरण, वस्तुतः इस विभाग के दिनांक 04.12.2001 के कार्यालय ज्ञापन का एक अंश हैं जिसके माध्यम से दिनांक 27.10.1997 के कार्यालय ज्ञापन में कुछ अशोधन किए गए हैं । इस कार्यालय ज्ञापन में, सरकार ने, 5वें वेतन आयोग की सिफ़ारिशें मान लेने पर, अन्य बातों के साथ-साथ, यह निर्धारित किया कि वेतन में 100% महंगाई-भत्ता जोड़ कर उस पर सेवानिवृत्त/मृत्यु उपदान परिकलित किया जाए । इस निर्णय को 01.01.1996 से लागू किया गया । इस में 01.01.1996 से पूर्व सेवानिवृत्त हो गए कर्मचारियों के संबंध में महंगाई भत्ते की प्रतिशतता से संबंधित कोई भी प्रावधान बदला नहीं गया । दिनांक 04.12.2001 के कार्यालय ज्ञापन द्वारा सरकार ने यह स्पष्ट किया कि उपदान के

परिकलन के लिए, महंगाई भत्ते को जोड़ा जाना, मृत्यु-उपदान/सेवानिवृत्ति-उपदान/सेवा-उपदान जैसे सभी प्रकार के उपदानों के परिकलन के संबंध में लागू होगा । इस कार्यालय ज्ञापन में भी, 01.01.1996 की विभाजक तारीख़ समेत दिनांक 27.10.1997 के कार्यालय ज्ञापन के अन्य प्रावधानों में कोई बदलाव नहीं है । इस स्थिति को दिनांक 18.02.2003 के कार्यालय ज्ञापन के पैरा (ii) द्वारा और आगे स्पष्ट किया गया । अतः, 01.01.1996 से पूर्व, उपदान के परिकलन के लिए केवल मूल वेतन को परिलब्धियों के रूप में गिना जाता था । 01.01.1996 से पूर्व सेवानिवृत्त हो गए कर्मचारियों को उपर्युक्त लाभ प्रदान किए जाने के प्रति सहमति नहीं हुई है क्योंकि कोई लाभ प्रदान किए जाने के लिए वित्तीय बाध्यकारिताओं समेत विभिन्न बाध्यकारिताओं को ध्यान में रखते हुए विभाजक तारीख़ निर्धारित किए जाने की आवश्यकता होती है ।

(एम.पी. सिंह)
निदेशक (पेंशन)
दूरभाष: 24624802

सेवा में,

1. कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय की वेबसाईट-पर्समिन.निक.इन ।
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3. नियंत्रक एवं महालेखा परीक्षक ।
4. लेखा महानियंत्रक ।
5. रक्षा लेखा महानियंत्रक ।
6. मानक डाक सूची के अनुसार ।