

PC. VI - 32

R.B.E. No. - 149

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

No. F(E)III/2008/PN1/13

NEW DELHI, Dt. 10.10.2008

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

Sub: Implementation of Government's decision on the recommendations of the Sixth Central Pay Commission - Revision of provisions regulating pension/gratuity/commutation of pension/family pension/disability pension.

In pursuance of Government's decision on the recommendations of the Sixth Central Pay Commission, orders were issued vide Board's letter of even number dt. 15.9.2008 for introducing modifications in the rules regulating pension, Retirement/Death/Service Gratuity, Family Pension and Disability Pension under the Railway Services (Pension) Rules, 1993, and Commutation of Pension under Railway Services (Commutation of Pension) Rules, 1993, and Railway Services (Extraordinary Pension) Rules, 1993. A number of references are being received in this Ministry seeking clarifications in regard to various provisions of the aforesaid letter. The matter has been considered in consultation with the Department of Pension & Pensioners' Welfare and the Department of Expenditure and the following clarifications/modifications are made in regard to the aforesaid letter dt. 15.9.2008:

S.No.	Point raised in regard to Board's letter No. F(E)III/2008/PN1/13 dt. 15.9.2008	Clarification/modification
1.	Para 5.2 to Para 5.4 Whether the recommendation of the Sixth CPC for payment of pension at	(i) Yes. The Sixth Central Pay Commission has recommended in

50% of the average emoluments received during the last 10 months or the pay last drawn, whichever is more beneficial to the retiring employee, will also take effect from 2nd September, 2008.

para 5.1.33 of its Report that linkage of full pension with 33 years of qualifying service should be dispensed with. Once an employee renders the minimum pensionable service of 20 years, pension should be paid at 50% of the average emoluments received during the past 10 months or the pay last drawn, whichever is more beneficial to the retiring employee. In para 6.5.3, the Commission has recommended that the recommendation regarding payment of full pension on completion of 20 years of qualifying service will take effect only prospectively for all Government employees other than PBQRs in Defence Forces from the date it is accepted by the Government. The recommendation in para 5.1.33 is to be taken as one package and in view of para 6.5.3 of the report of Sixth CPC, the whole recommendation in para 5.1.33 has been given prospective effect.


(ii) It is, however, clarified that the pension of a post-1.1.2006 pensioner shall also not be lower than fifty percent of the sum of the minimum of the pay in the pay band and the grade pay (or 50% of the minimum of the scale in the case of HAG+ and above) from which the pensioner has retired. For example, if a pensioner has retired in the grade pay of Rs. 10,000/- p.m. in the pay band of Rs. 37400 -67000, his minimum guaranteed pension would be 50% of Rs. 37,400 + 10,000 (i.e. Rs. 23,700). For those who have retired between 1.1.2006 and 2.9.2008, the pension will be reduced pro-rata, where the pensioner had less than the maximum required service for full pension as per rule 69 of Railway Services (Pension) Rules, 1993, as

		<p>applicable during that period and in no case it will be less than Rs. 3500 p.m. In case the pension calculated in accordance with rule 69 of Railway Services (Pension) Rules, 1993 as applicable before 2.9.2008, is higher than the pension calculated in the manner indicated above, the same (higher pension) will be treated as Basic Pension.</p>
2.	<p>Para 5.7 and Para 8.3</p> <p>Whether the additional pension/family pension available to old pensioners would be payable from the date of attaining the age of 80 years or above or from the first day of the month in which the date of birth falls.</p>	<p>The additional quantum of pension/family pension, on attaining the age of 80 years and above, would be admissible from the 1st day of the month in which his date of birth falls. For example, if a pensioner/family pensioner completes age of 80 years in the month of August, 2008, he will be entitled to additional pension/family pension w.e.f. 1.8.2008. Those pensioners/family pensioners whose date of birth is 1st August, will also be entitled to additional pension/family pension w.e.f. 1.8.2008 on attaining the age of 80 years and above.</p>
3.	<p>Para 8.2</p> <p>Whether the period of 10 years for payment of enhanced family pension would also apply in the case of a Railway servant who died before 1.1.2006 and in respect of whom the family was receiving enhanced family pension as on 1.1.2006.</p>	<p>Yes. The period of 10 years for payment of enhanced family pension will count from the date of death of the Railway servant. These orders will, however, not apply in a case where the period of seven years for payment of enhanced family pension has already been completed as on 1.1.2006 and the family was in receipt of normal family pension on that date.</p>
4.	<p>Para 10.1</p> <p>(a) Whether the Constant Attendant Allowance is payable from 1.1.2006 or from 2.9.2008.</p> <p>(b) Whether the pensioners who</p>	<p>(a) Constant Attendant Allowance is payable from 1.1.2006.</p>

	<p>retired on disability pension before 1.1.2006 would also be entitled to Constant Attendant Allowance.</p> <p>(c) Whether Dearness Relief will be admissible on Constant Attendant Allowance.</p>	<p>(b) Yes, the pensioners who retired on disability pension before 1.1.2006 and fulfilling the conditions mentioned in para 10.1 would also be entitled to Constant Attendant Allowance.</p> <p>(c) No.</p>
<p>5.</p>	<p>Para 11</p> <p>The Railway servants who retired within 10 months from 1.1.1996 were allowed the benefit of notional increase of 40% on the pre-1996 basic pay for the purpose of calculation of average emoluments. Whether similar benefit would be given in the case of Railway servants who have retired within 10 months from the date of coming over to the revised Pay structure after 1.1.2006.</p>	<p>For the purpose of computing average emoluments in the case of Railway servants who have opted for fixation of pay in the revised Pay Band and retire within 10 months from the date of coming over to the revised Pay Band, basic pay for 10 months period preceding retirement shall be calculated by taking into account pay as follows:</p> <p>(i) For the period during which pay is drawn in revised Pay Structure --- Pay drawn in the prescribed pay band plus the applicable grade pay or the pay in the pay scale in the case of HAG+ and above.</p> <p>(ii) For the remaining period during which pay is drawn in pre-revised scale of pay ---</p> <p>(a) Basic pay plus dearness pay and actual D.A. appropriate to the basic pay at the rates in force on 1.1.2006 drawn during the relevant period.</p> <p>(b) Notional increase of the basic pay by applying the fitment benefit of 40%</p>

		<p>on the basic pay in the pre-revised pay scale. The clarification (ii) against S.No. 1 above will also be applicable in such cases. Para 11 will stand modified to this extent.</p>
6.	<p>Para 12 (ii)</p> <p>Whether the benefit of calculation of pension @ 50% of emoluments will be available to Railway servants who retain the pre-revised scale of pay and also retire from the pre-revised scale of pay.</p>	<p>The provision in para 12 (ii) of the letter dated 15.9.2008 will be applicable in the case of those who retire on or after 2.9.2008. Pension of Railway servants who retain the pre-revised scale of pay and also retired from the pre-revised scale of pay between 1.1.2006 and 2.9.2008 will be calculated at 50% of average emoluments in accordance with the orders in force immediately before 2.9.2008.</p> <p>Para 12 (ii) will stand modified to this extent.</p>

2. It is impressed upon the Zonal Railways etc. to keep in view the above clarifications while disposing of the cases of revision of pension/family pension.
3. Please acknowledge receipt.
4. Hindi version will follow.


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