

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

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

New Delhi, Dated: 17.07.2009.

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

**Subject: Implementation of Government's decision on the
recommendations of the Sixth Central Pay Commission -
Revision of pension of pensioners/family pensioners etc.**

A copy of Department of Pension and Pensioners' Welfare (DOP&PW)'s O.M. No. 38/37/08-P&PW(A) dated 14th July, 2009 on the above subject is enclosed for information and compliance. These instructions shall apply mutatis mutandis on the Railways also. DOP&PW's O.Ms dated 1.9.2008, 3.10.2008 and 14.10.2008, referred to in the enclosed O.M., were adopted on the Railways vide Railway Board's letters of even number dated 08.09.2008, 08.10.2008 and 18.11.2008 respectively.

2. Please acknowledge receipt.



DA: One.

**(SUNIL BHARDWAJ)
Deputy Director Finance(Est.)III,
Railway Board.**

F.No.38/37/08-P&PW(A)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Pension & Pensioners' Welfare

Lok Nayak Bhawan, New Delhi-110003

Dated the 14th July, 2008.

OFFICE MEMORANDUM

Sub: Implementation of Government's decision on the recommendations of the Fifth Central Pay Commission - Revision of pension of pre-2006 pensioners.

The undersigned is directed to say that in accordance with para 4.2 of this Department's O.M. No. 38/37/08-P&PW(A) dated 1.9.2008 (as clarified vide OM dated 3.10.2008 and 14.10.2008), the revised pension of pre-2006 pensioners shall, in no case, be lower than fifty percent of the minimum of the pay in the pay band plus the grade pay corresponding to the pre-revised pay scale from which the pensioner had retired. In the case of HAG+ and above scales, this will be fifty percent of the minimum of the revised pay scale. Clarifications have been sought by Ministries/Departments as to whether Non-Practicing Allowance (NPA) is to be added to the minimum of the revised pay band plus the grade pay/ revised pay scale while considering stepping up consolidated pension on 1.1.2006. The matter has been examined in consultation with the Ministry of Finance (Department of Expenditure).

2. On implementation of the recommendations of Fifth Central Pay Commission, NPA was not added to the minimum of the revised scale of pay as on 1.1.1996 in cases where consolidated pension/family pension was to be stepped up to 50% / 30% respectively. Hon'ble Supreme Court in its judgement dated 10.10.2006 in Transfer Case (civil) 72 of 2004 - Col. (Retd.) B.J. Atkara vs. UOI & others, upheld the validity of OM dated 11.9.2001 of Ministry of Defence not allowing the benefit of NPA in the case of retired medical officers of Armed Forces to be added to the minimum of revised scale of pay as on 1.1.1996 corresponding to the scale of pay held by the pensioner at the time of his retirement. Hon'ble Supreme Court held that NPA is not the part of minimum of the revised pay scale as on 1.1.1996.

3. NPA granted to medical officers does not form part of the Pay Bands/scales of pay. It is a separate element, although it is taken into account for the purpose of computation of pension. It is, therefore, clarified that in the case of pre-2006 pensioners NPA is not to be added to the minimum of the revised pay band+Grade pay/revised pay scale in cases where consolidated pension/family pension as on 1.1.2006 is to be stepped up to 50% / 30% respectively. In terms of para 4.2 of Department of Pension & PW's O.M. No. 38/37/08-P&PW(A) dated 1.9.2008 (as clarified vide OM dated 3.10.2008 and 14.10.2008).

4. It is impressed upon all the Ministries/Departments of the Government of India to keep in view the above clarifications while disposing of the cases of revision of pension/family pension. They are also advised to dispose the representations received by them from pensioners on the above issues without referring them to this Department.

5. This issues with the concurrence of Ministry of Finance (Department of Expenditure) vide their U.O. No. 264/EV/2009 dated 9.7.2009.


(M.P. Singh)
Director (PP)

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To

1. All Ministries/Departments of Government of India
2. All Pensioners' Association

Please visit: <http://pensionersportal.gov.in>