

No.G.12011/1/2010/F3  
GOVERNMENT OF PUDUCHERRY  
FINANCE DEPARTMENT

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Puducherry, dt, 25.11.2016

**I.D.NOTE / OFFICE MEMORANDUM**

Sub: Finance Department – Revision of pension of pre-2006 pensioners – inclusion of Non-Practicing Allowance (NPA) in revision of pension of retired medical officers and delinking of revised pension from qualifying service of 33 years - Orders of Government of India - Communicated.

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A Copy of each of the Office Memorandum on the subjects indicated below is communicated for information and necessary action.

| Sl. No | Reference: No. & Date  | Issued by   | Subject   |
|--------|--|---|---|
| 1      | O.M.No.38/31/11-P&P W(A)(Vol.IV), dated 18 <sup>th</sup> May, 2015 | Government of India, Ministry of Personnel, Public Grievances and Pension, Department of Pension and PW, New Delhi. | Inclusion of Non-Practicing Allowance (NPA) in revision of pension of retired medical officers. |
| 2      | O.M.No.38/31/08-P&P W(A), dated 06 <sup>th</sup> April, 2016       | Government of India, Ministry of Personnel, Public Grievances and Pension, Department of Pension and PW, New Delhi  | Delinking of revised pension from qualifying service of 33 years.                               |

  
(K. GOVINDARAJAN)

UNDER SECRETARY TO GOVT. (FINANCE)

To

All Secretaries to Government/All Secretariat Departments/  
All Heads of Departments/Offices.

**Copy to:**

1. The Director of Accounts and Treasuries, Puducherry
2. The Dy. Director of Accounts and Treasuries, Karaikal/Mahe/Yanam.
3. The Director, Information & Technology Department,  
Puducherry - to be hosted in State Web Site.
4. The Web Site of Finance Department – to be hosted in the official Web Site.

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 18<sup>th</sup> February, 2015

**OFFICE MEMORANDUM**

**Subject :-** Revision of pension of pre-2006 pensioners – inclusion of Non-Practicing Allowance (NPA) in revision of pension of retired medical officers

The undersigned is directed to say that in accordance with para 4.2 of this Department's OM 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 per cent 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 per cent of the minimum of the revised pay scale. Further, in accordance with OM No.38/37/08-P&PW(A) dated 28.1.2013, the normal pension in respect of pre-2006 pensioners/family pensioners as revised w.e.f. 1.1.2006 in terms of para 4.1 or para 4.2 of the aforesaid OM dated 1.9.2008 would also be further stepped up w.e.f. 24.9.2012 to 50% of the sum of minimum of pay in the pay band and the grade pay corresponding to the pre-revised pay scale in which the Government servant had retired, as arrived at with reference to the fitment tables annexed to the Ministry of Finance, Department of Expenditure OM No.1/1/2008-IC dated 30<sup>th</sup> August, 2008. In the case of HAG and above scales, this will be 50% of the minimum of the pay in the revised pay scale arrived at with reference to the fitment tables annexed to the above OM dated 30.8.2008 of Ministry of Finance (Department of Expenditure).

2. In its judgment dated 27.11.2013 in Civil Appeal No.10640-46/2013 and other connected matters, Hon'ble Supreme Court 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. In implementation of the aforesaid judgement of Hon'ble Supreme Court, orders have been issued vide this Department's OM No.38/31/11-P&PW(A)(Vol.IV) dated 14.10.2014 read with OM dated 21.10.2014 that 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.

3. In this Department's OM of even number dated 14.7.2009, it was clarified that in the case of pre-2006 pensioners, Non-Practicing Allowance 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 & Pensioners' Welfare OM No.38/37/08-P&PW(A) dated 1.9.2008 (as clarified vide OM dated 3.10.2008 and 14.10.2008).




4. In the OM No. A.45012/2/2008-CHS.V dated 29.9.2008 of Ministry of Health & FW, it is provided that NPA will be treated as pay for the purpose of computing Dearness Allowance, entitlement of Travelling Allowance and other allowances as well as for calculation of retirement benefits. Therefore, the ratio of the said judgement dated 27.11.2013 in CA No.10640-46/2013 would be applicable for revision of pension/family pension of pre-2006 retired civilian medical officers w.e.f. 1.1.2006 also. Accordingly, the OM dated 38/37/08-P&PW(A) dated 14.7.2009 is hereby withdrawn. In the case of pre-2006 retired medical officers, NPA @ 25% would be required to be added to the minimum of the pay in the revised pay band plus grade pay (or minimum of pay in the revised pay scale in the case of HAG and above) as on 1.1.2006 corresponding to the pre-revised pay scale from which they retired, in cases where pension/family pension is to be stepped up to 50%/30% of the minimum pay respectively.

5. Similarly, for revision of pension/family pension w.e.f. 24.9.2012 in terms of OM dated 28.1.2013, NPA @ 25% would be required to be added to the minimum of the pay in the revised pay band plus grade pay (or minimum of pay in the revised pay scale in the case of HAG and above) corresponding to the pre-revised pay scale from which they retired as arrived at with reference to the fitment table annexed to the Department of Expenditure's OM dated 30.8.2008 subject to the condition that the basic pay plus NPA does not exceed Rs.85,000/- .

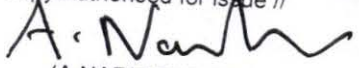
6. This issues with the approval of Ministry of Finance, Department of Expenditure vide their I.D. No. 721/E-V/2014 dated 2.1.2015 and Ministry of Law F.No.213/Advice'A'/2015 dated 29.1.2015.

7. Hindi version will follow.

  
(Tripti P. Ghosh)  
Director

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

// Copy Authorised for issue //

  
(A.NARENDIRAN)  
Superintendent  
Finance Department, Puducherry.



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

3<sup>rd</sup> Floor, Lok Nayak Bhawan  
Khan Market, New Delhi-110 003.  
Dated the 06<sup>th</sup> April, 2016

**OFFICE MEMORANDUM**

**Sub:- Revision of pension of pre-2006 pensioners – delinking of revised pension from qualifying service of 33 years.**

The undersigned is directed to say that as per Para 4.2 of this Department's OM of even number dated 1.9.2008 relating to revision of pension of pre-2006 pensioners w.e.f. 1.1.2006, the revised pension w.e.f. 1.1.2006, in no case, shall be lower than 50% of the sum of the minimum of pay in the pay band and the grade pay thereon corresponding to the pre-revised pay scale from which the pensioner had retired. A clarification was issued vide DoP&PW OM of even number dated 3.10.2008 that the pension calculated at 50% of the minimum of pay in the pay band plus grade pay would be calculated at the minimum of the pay in the pay band (irrespective of the pre-revised scale of pay) plus the grade pay corresponding to the pre-revised pay scale.

2. Several petitions were filed in the Central Administrative Tribunal, Principal Bench, New Delhi inter alia claiming that the revised pension of the pre-2006 pensioners should not be less than 50% of the minimum of the pay band + grade pay, corresponding to the pre-revised pay scale from which pensioner had retired, as arrived at with reference to the fitment tables annexed to Ministry of Finance, Department of Expenditure OM No. 1/1/2008-IC dated 30<sup>th</sup> August, 2008. Hon'ble CAT, Principal Bench, New Delhi vide its common order dated 1.11.2011 in OA No.655/2010 and three other connected OAs directed to re-fix the pension of all pre-2006 retirees w.e.f. 1.1.2006 based on the Resolution dated 29.8.2008 of the Department of Pension & Pensioners' Welfare and in the light of the observations of Hon'ble CAT in that order.

3. Orders were issued vide this Department's OM of even number dated 28.1.2013 for stepping up of pension of pre-2006 pensioners w.e.f. 24.9.2012 to 50% of the minimum of pay in the pay band and grade pay corresponding to pre-revised pay scale from which the pensioner retired. Para 5 of this OM provides that in case the consolidated pension/family pension calculated as per para 4.1 of O.M. No.38/37/08-P&PW (A) dated 1.9.2008 is higher than the pension/family pension calculated in the manner indicated in the O.M. dated 28.1.2013, the same (higher consolidated pension/family pension) will continue to be treated as basic pension/family pension.

4. Subsequently, in compliance of the order dated 1.11.2011 of the Hon'ble CAT, Principal Bench in OA No. 655/2010, order dated 29.4.2013 of Hon'ble High Court of Delhi in WP (C) No. 1535/2012 and order dated 17.3.2015 of Hon'ble Supreme Court in SLP (C) No. 36148/2013, order were issued vide this Department's OM of even number dated 30.7.2015 that the pension/family pension of all pre - 2006 pensioners/family pensioners may be revised in accordance with this Department's O.M. No.38/37/08-P&PW(A) dated 28.1.2013 with effect from 1.1.2006 instead of 24.9.2012.



5. In accordance with the order issued in implementation of the recommendation of the 6<sup>th</sup> CPC, the pension of Government servants retired/retiring on or after 1.1.2006 has been delinked from qualifying service of 33 years. In OA No. 715/2012 filed by Shri. M.O. Inasu, a pre-2006 pensioner, Hon'ble CAT, Ernakulam Bench, vide its order dated 16.8.2013 directed that the revised pension w.e.f. 1.1.2006 under para 4.2 of OM dated 1.9.2008 would not be reduced based on the qualifying service of less than 33 years. The appeals filed by Department of Revenue in the Hon'ble High Court of Kerala and in the Hon'ble Supreme Court have also been dismissed. Similar orders have been passed by Hon'ble CAT/High Court in several other cases also.

6. The matter has been examined in consultation with the Ministry of Finance (Department of Expenditure). It has now been decided that the revised consolidated pension of pre-2006 pensioners shall not be lower than 50% of the minimum of the pay in the Pay Band and the grade pay (wherever applicable) corresponding to the pre-revised pay scale as per fitment table without pro-rata reduction of pension even if they had qualifying service of less than 33 years at the time of retirement. Accordingly, Para 5 of this Department's OM of even number dated 28.1.2013 would stand deleted. The arrears of revised pension would be payable with effect from 1.1.2006.

7. Ministry of Agriculture, etc. are requested to bring the contents of these orders to the notice of Controller of Accounts/Pay and Accounts Officers and Attached and Subordinate Offices under them for revising the pension of all those pre - 2006 pensioners who had rendered less than 33 years of qualifying service at the time of retirement in the manner as indicated above on top priority. Revised Pension Payment Orders in all these cases may also be issued immediately.

8. All pension disbursing offices/banks are also advised to prominently display these orders on their notice boards for the benefit of pensioners.

9. This issues with the approval of Ministry of Finance, Deptt. of Expenditure vide ID Note No. 2(9)/EV/2015, dated 15.3.2016.

10. Hindi version will follow.

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(Seema Gupta) 6/11/2016  
Deputy Secretary to the Government of India

To

1. All Ministries/Departments of Government of India. (as per standard mailing list).
2. All SCOVA Members
3. All identified Pensioners Association

Copy to (i) NIC Cell for uploading on the website of the Department.  
(ii) AD (OL), DoPPW for Hindi Version

// Copy Authorised for issue //  
A. Narendiran  
(A.NARENDIRAN)  
Superintendent  
Finance Department, Puducherry.