

Hearing fixed on 10 Oct, 2013 for Contempt case for Modified Parity to Pre-2006 Pensioners

Govt directed to issue Orders before that or face contempt proceedings

The contempt petition CP158/2012 filed by CG SAG (S 29) Pensioners Association came up for hearing before the full bench of PB CAT New Delhi today 25-9-2013. The attempt of Govt advocate for getting more time for filing reply was turned down by the court and he was told that in a Contempt Petition no new issues can be raised. The limited point was whether GOI will implement the CAT verdict and allow arrears w.e.f. 1-1-2006 or they should proceed ahead for action for contempt.

Finally, the Bench decided to revive the contempt petition and fixed the next date of hearing on 10th October, 2013 - when GOI will either come up with the commitment for implementation of its verdict failing which charges will be framed against the concerned officers for contempt.

As per CAT judgement, Pre-2006 Pensioners shall be entitled to arrears from 1-1-2006, in case their revised Pension after Sixth Pay Commission, had been fixed less than 50% of the sum of minimum of pay in the pay band and the grade pay in the corresponding pre-revised pay scale from which the pensioner had retired

It may be recalled that the CAT in its judgement dated 1-11-2011, in OA 655/2010, had directed to "re-fix the pension of all pre-2006 retirees w.e.f. 1.1.2006, based on the resolution dated 29.08.2008" and had set aside the the clarificatory OM dated 3.10.2008, OM dated 14.10.2008 and OM dated 11.02.2009 of the DOP&PW.

Delhi High Court and the Supreme Court have already rejected the Writ Petition and SLP respectively of the Govt against the above Orders of the Govt.

Meanwhile, the Govt had issued the orders vide DOP&PW OM Dated 28-1-2013, that the pension of pre-2006 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, as amended from time to time, would be further stepped up to 50% of the sum of minimum of pay in the pay band and the grade pay corresponding to the pre-revised pay scale from which the pensioner 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 30th August, 2008." These orders had taken effect from 24.9.2012.

The said judgments entitle the concerned Pensioners to arrears from 1-1-2006, instead of 24-9-2012, if their Revised pension is less than that indicated in the attached Table showing Minimum Revised Basic Pension of Pre-2006 Pensioners w.e.f. 1-1-2006.

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Vice President Bharat Pensioners' Samaj (BPS / AIFOPA)

**MINIMUM REVISED BASIC PENSION OF PRE-2006 PENSIONERS
W.E.F. 1-1-2006 FOR EACH OF CORRESPONDING 5TH CPC SCALE
(AS PER ACCEPTED RECOMMENDATIONS OF SCPC & AS UPHELD BY CAT, DHC & SC)**

Existing Pay Scales			Revised Pay As per accepted Recommendations of Sixth CPC			Consolidated pension with 40% Fitment Benefit (vide Para 4.1 of DOP OM of 1-9-08) i.e. 2.26 X B.P	Pension fixed (as per DOP OM Dt 3/10/08 Since quashed by CAT & DHC	MINIMUM REVISED BASIC PENSION of Pre-2006 Pensioners (50 % of Col 6)
Existing Pay Scales as per 5th CPC (BP)	SCPC Pay Band	Revised Pay Structure (Pay Band + Grade Pay)	Pay in the Pay Band (corresponding to minimum of Pre-Revised pay scale)	Grade Pay (GP)	Revised Basic Pay (Col. 4+ Col 5)			
1	2	3	4	5	6	7	8	9
S-4(2750-4400)	PB-1	5200-20200+1800	5530		7330	3500	3500	3665
S-5(3050-4590)	PB-1	5200-20200+1900	5880		7780	3500	3550	3890
S-6(3200-4900)	PB-1	5200-20200+2000	6060		8060	3616	3600	4030
S-7(4000-6000)	PB-1	5200-20200+2400	7440		9840	4520	3800	4920
S-8(4500-7000)	PB-1	5200-20200+2800	8370		11170	5085	4000	5585
S-9 (5000-8000)	PB-2	9300-34800+4200	9300		13500	5650	6750	6750
S-10 (5500-9000)	PB-2	9300-34800+4200	10230		14430	6215	6750	7215
S-11(6500-6900)	PB-2	9300-34800+4200	12090		16290	7345	6750	8145
S12((6500-10500)	PB-2	9300-34800+4200	12090		16290	7345	6750	8145
S-13 (7450-11500)	PB-2	9300-34800+4600	13860		18460	8419	6950	9230
S-14 (7500-12000)	PB-2	9300-34800+4800	13950		18750	8475	7050	9375
S-15 (8000-13500)	PB-2	9300-34800+5400	14880		20280	9040	7350	10140
New scale-GrA	PB-3	15600-39100+5400	15600		21000	9040	10500	10500
S-16,(9000)	PB-3	15600-39100+5400	16740		22140	10170	10500	11070
S-17(9000-9550)	PB-3	15600-39100+5400	16740		22140	10170	10500	11070
S-18 (10325-10975)	PB-3	15600-39100+6600	19210		25810	11666	11100	12905
S-19 (10000-15200)	PB-3	15600-39100+6600	18600		25200	11300	11100	12600
S-20 10650-15850)	PB-3	15600-39100+6600	19810		26410	12035	11100	13205
S-21(12000-16500)	PB-3	15600-39100+7600	22320		29920	13560	11600	14960
S-22 (12750-16500)	PB-3	15600-39100+7600	23720		31320	14408	11600	15660
S-23 (12000-18000)	PB-3	15600-39100+7600	22320		29920	13560	11600	14960
S-24 (14300-18300)	PB-4	37400-67000+8700	37400		46100	16159	23050	23050
S-25 (15100-18300)	PB-4	37400-67000+8700	39690		48390	17063	23050	24195
S-26 (16400-20000)	PB-4	37400-67000+8900	39690		48590	18532	23150	24295
S-27(16400-20900)	PB-4	37400-67000+8900	39690		48590	18532	23150	24295
S-28 (14300-22400)	PB-4	37400-67000+10000	37400		47400	16159	23700	23700
S-29 (18400-22400)	PB-4		44700		54700	20792	23700	27350

1. Consolidated pension figure in col. 7 is for basic pension (B.P.) based on the minimum pay of pre revised scale.
2. Those whose Revised Pension has been fixed higher than Col 9, shall not be affected by these orders

- By N. P. Mohan, Ex CE WR & President RSCWS