



Railways Senior Citizens Welfare Society

(Estd. 1991, Regd. No. 1881 – Under Registration of Societies Act),

Head Office: 32, Phase- 6, Mohali Chandigarh -160055

Website <http://www.rscws.com> Email: rscws1991@gmail.com

Identified & Recognised by DOP&PW GOI under Pensioners Portal

No. RSCWS/ CHD/Memo/2016-2

Dated: 12 9-2016

1. Secretary, AR PG & Pension, Patel Bhawan, Parliament Street, New Delhi -110001
2. Mrs. Vandna Sharma, Joint Secretary, Department of Pensions & Pensioners' Welfare, 3rd Floor, Lok Nayak Bhawan, Khan Market, New Delhi – 110003

Sir / Madam,

Subject: Revision of Pension of Pre 2006 Pensioners – Reg. Benefit of Upgraded / Merged Pay Scales

Reference: i) Resolution of GOI No. 38/37/08-P&PW (A) dated 29-8-08 & OM Dated 1-9-08,

ii) DOP&PW O.M. F.No. 38/37/08-P&PW (A) dated 3-10-08, 14-10-08 & 11-2-09

iii) DOP&PW O.M. F.No. 38/37/08-P&PW (A) dated 30-7-2015

iv) Our Memorandum No. RSCWS/ CHD/Memo/2016-2 Datd 24-2-2016 to Prime Mister of India and a copy to your office Reg. Reg: minimum pension for Pre-2006 Pensioners who retired from posts where pay scales have been merged / upgraded.

We invite your kind attention to our Memorandum cited above, to the Hon'ble Prime Minister of India, to which no reply has been received by us even after more than 6 months after its submission and even though we represent an Identified Association under the Pensioners Portal for redressal of Grievances of the Pensioners.

We, therefore, once again request you to please consider the issue in the light of the submissions made in our Memorandum and the numerous legal pronouncements on the subject and to please give the benefit of upgraded Pay Band and Grade Pay to the Pre-2006 Pensioners of the post from which they retired so that, their minimum revised pension be not lower than 50% of the pay in the revised pay band plus the grade pay corresponding to the post from which the pensioner retired.

Thanking you,

Yours faithfully,

Secretary General, RSCWS



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No. RSCWS/ CHD/Memo/2016-2

Dated: 24-2-2016

Shri Narendra Modi, Hon. Prime Minister of India & Minister of Personnel, PG & Pensions,
South Block, New Delhi.

Dear Sir,

Subject: Revision of Pension of Pre 2006 Pensioners – Reg: minimum pension for Pre-2006 Pensioners who retired from posts where pay scales have been merged / upgraded

Ref:- i) Resolution of GOI No. 38/37/08-P&PW (A) dated 29-8-08 & OM Dated 1-9-08,
ii) DOP&PW O.M. F.No. 38/37/08-P&PW (A) dated 3-10-08, 14-10-08 & 11-2-09
iii) DOP&PW O.M. F.No. 38/37/08-P&PW (A) dated 30-7-2015

We seek your benign intervention in the followingS matter of serious injustice with a section of Pre-2006 Central Government Pensioners:

1. Sixth Pay Commission recommended for “Modified Parity” between Pre-2006 & post-2006 Pensioners. Its Recommendations were accepted by the Cabinet vide Resolution dated 29-8-08 cited above, which inter-alia provided that “The fixation (of Pension) will be subject to the provision that the revised pension, in no case, shall be lower than 50% of the sum of the minimum of the pay in the pay band and the grade pay thereon corresponding to the pre-revised pay scale from which the pensioner had retired.” DOP&PW issued the orders thereon vide OM dated 1-9-08.

2. Later on, DOP&PW made changes in the above said orders (vide Para 5 of OM dated 11-2-09 cited above) & inter-alia laid down the condition that “benefit of up-gradation of posts subsequent to their retirement would not be admissible to the pre-2006 pensioners in this regard.”

3. The above said condition changed the very nature and content of the decision of the Cabinet notified vide Gazette Notification dated 29-8-2008 as the said Resolution did not provide for it.

4. DOP&PW’s OM dated 11-2-09 has since been quashed by the CAT New Delhi vide OA 655/2010 directed for fixation of Pension as per Resolution dated 29-8-2008.

4. All SLPs of the Government in this regard, against the judgements of the CAT and High Courts, had been conclusively been rejected by the Apex Court vide its judgement dated 17-3-15.

5. a) DOP&PW vide OM dated 28-1-2013 ordered for Revision of Pension of Pre-2006 Pensioners to 50% of minimum of the Pay in the Pay Band plus Grade Pay of the Corresponding to Pre-revised scale w.e.f. 24-9-2012 whereas the decision of the Cabinet on 24-9-2012.

b) This order was modified and implemented w.e.f. 1-1-2006 vide DOP&PW OM dated 30-7-15 - as per Orders of the Supreme Court on 17-3-2015.

6. The order dated 30-7-15 only partially implemented the orders of the Courts and the orders are yet to be issued in respect of revision of Pension as per pay scales of merged/upgraded posts.

7. DOP&PW OM No. 38/77-A/09- P&PW(A) Pt. of 5.3.2015 (para 2) says “Hon’ CAT/PB in orders dt. 1.11.2011 directed that the past pensioners may be granted w.e.f. 1.1.2006 C to revise pension of pre 2006 Civilian Pensioners with ref. to Fitment Table for the Post, as adopted for pay fixation of serving employees as on 1.1.2006.”

8. Delhi High Court in *W.P.(C) 8012/2013* had held that “policy decision of the Government in the OM dated September 01, 2008 to fix pension for all category of pensioners did not classify post of pre January 01, 2006 retirees and all were entitled to pension as per a common formula”

9. All the above said judgements have been conclusively upheld by the Supreme Court.

10. It is, therefore, requested that Pre-2006 Pensioners be given the benefit of upgraded Pay Band and Grade Pay of the post from which they retired so that, minimum pension be not lower than 50% of the pay in the revised pay band plus the grade pay corresponding to the post from which the pensioner retired

Yours faithfully,

Secretary General, RSCWS

Copy for information & favourable consideration to:

1. Shri Jatinder Singh, Hon. MOS, GOI, Ministry of Personnel, PG & Pensions, Patel Bhawan, New Delhi
2. Secretary Personnel AG PG & Pension, Patel Bhawan -110001, New Delhi – 110001