

RAILWAYS SENIOR CITIZENS WELFARE SOCIETY

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IDENTIFIED & RECOGNISED BY MINISTRY OF PENSION & PENSIONERS' WELFARE (DOP&PW)

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No. RSCWS/ HO /Memo / 2017-5

Dated: 12-4-2017

Shri Narindera Modi,
Hon. Prime Minister of India, New Delhi

Dear Sir,

Subject: Restoration of two-third commuted portion of pension after 15 years from the date of commutation in respect of the Government servants who had drawn lump sum amount on their absorption in a Public Sector Undertaking / Autonomous Body.

Reference: i) Supreme Court judgment in CIVIL APPEALS NO. 6048 OF 2010 and No. 6371 of 2010 decided on 1-9-2016

ii) Supreme Court Orders dated 22-3-2017 in REVIEW PETITION NO. 465 OF 2017

iii) DOP&PW OM No. No.4/3/86-P&PW (D) Dated 30/09/1996

iv) Our Memorandum No. RSCWS/ HO /Memo DOP&PW / 2016-22 Dated: 27-10-2016 to Secretary Pension.

1. In continuation of our Memorandum dated 27-10-2016, we draw your kind attention to the orders of the Supreme Court dated 22-3-2017 on the Review Petition wherein the Apex Court has upheld its orders dated 1-9-2016 and has directed as under:

a) **ORDERS OF SUPREME COURT DATED 22-3-2017 ON REVIEW PETITION (CIVIL) NO. 465 OF 2017 IN CIVIL APPEAL NO. 6048 OF 2010**

“The instant petitions, which have been filed by the petitioners (UOI) for review of order dated 1.9.2016 passed by this Court in the aforementioned civil appeals, are barred by limitation. The Review Petition (Civil) No.465 of 2017 is barred by 70 days, whereas Review Petition (C) No.472 of 2017 is barred by 138 days. We do not find any justification to condone the said delay. That apart, we have carefully perused the petitions for review, the order impugned and the papers annexed in support thereof. We do not find any ground therein warranting review of the aforementioned order.

The review petitions are, accordingly, dismissed on the ground of delay as well on merits.

b) **ORDERS OF SUPREME COURT DATED 1-9-2016 IN CIVIL APPEAL NO. 6371 OF 2010**

Civil Appeal No. 6048/2010

Having heard learned counsel for the appellants, and having perused the record of the case, we find no justification whatsoever to interfere with the impugned order, directing restoration of 2/3rd pension in respect of the respondent herein, after the expiry of the requisite period of commutation. The instant appeal is accordingly dismissed.”

2. a) 100% Pension of all Central Government Pensioners is restored after 15 years – (whether they got one-third of their Pension Commuted or 40% as applicable thereof) and they continue to get balance two-third or 60% (as applicable) of their Pension after their retirement till the full commuted portion of pension is restored to them after 15 years. But PSU absorbees who got the 100% Commutation done got no pension after their retirement till one-third was restored vide DOP&PW orders dated 30-9-1996 cited above and they continued to be deprived of the

restoration of the balance two-third of their Pension after 15 years of the commutation, with the result that, unlike other Central Government Pensioners who receive full Pension after 15 years of retirement, PSU absorbees receive only one-third of pension after 15 years of retirement.

3. This is discriminatory and in violation of law of natural justice as well violation of Articles 14, 16 and 39 of the Constitution of India.

4. It is to remove this discrimination that the Hon'ble Supreme Court has restored the balance two-third of the Commuted portion of pension after 15 years from the date of commutation in respect of the Government servants who had drawn lump-sum amount on their absorption in a Public Sector Undertaking / Autonomous Body.

5. Rationale for this restoration was that the lump-sum settlement given to this group of pensioners was tantamount to commutation as permissible as per Secn.10 of the Pension Act.

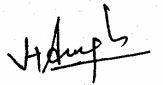
6. It is, therefore, once again requested that:

i) Two-third commuted portion of pension after 15 years from the date of commutation may please be restored in case of all Government servants who had drawn lump-sum amount on their absorption in a Public Sector Undertaking / Autonomous Body.

ii) Further delay and litigation on this issue may please be avoided - compelling other similarly placed elderly pensioners to approach the Courts of law.

Thanking you,

Yours faithfully,



(Harchandan Singh)
Secretary General, RSCWS

Copy for information & favourable action to:

1. Shri Jitendra Singh, Hon. MOS Personnel, PG & Pension, GOI, North Block, New Delhi-110001
2. Secretary, GOI, Department of Pension, Patel Bhawan, New Delhi-110001
3. Mrs. Vandana Sharma, Additional Secretary, Department of Pension & Pensioners Welfare, 3rd Floor Lok Nayak Bhawan, Khan Market, New Delhi - 110003.