

## **DEPARTMENT OF PENSION & PENSIONERS' WELFARE**

### **MINUTES OF THE MEETING TAKEN BY THE SECRETARY (PENSION, AR & PG) WITH THE REPRESENTATIVES OF STAFF SIDE OF NATIONAL COUNCIL (JCM) ON PENSIONARY MATTERS ON 8.1.2010 at Lok Nayak Bhawan.**

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The meeting with the representatives of Staff Side of National Council (JCM) was held on 8.1.2010 to discuss various issues relating to pension under the Chairmanship of Secretary (Pension, AR & PG)

2. The list of participants is at Annexure.
3. Welcoming the members, Secretary (Pension, AR&PG) inquired about the constitution of the Forum and the periodicity of the meetings. It was stated that it was not a formal forum and the meetings of the Forum are being convened to look into the matters of pensioners on the directions of National Council (JCM) as the matters concerning serving employees only are taken for consideration in the National JCM.
3. The Staff Side mentioned that the present meeting is being held after a gap of two years and there was need to convene the meetings more frequently and suggested a periodicity of six month for a meeting. Secretary (Pension, AR & PG) agreed with the suggestion of the Staff Side and directed that henceforth meetings may be convened once in every six month. Thereafter, the agenda items were taken up for discussion.

#### **A. Action Taken on the Decisions taken in the last meeting held on 11.12.2007**

1. **Ex-gratia payment to SRPF retirees (Railways).**

The matter concerning the revision of ex-gratia amount to SRPF retirees basically is the concern of Railway Board, Ministry of Railways. It was decided that the matter may be referred to Ministry of Railways for necessary action and the issue be treated as closed.

(Action : Desk - E)

2. **Release of commutation of pension even if Departmental proceedings are pending.**

The Staff Side were informed that the matter had already been examined and the decision on the same was informed to them on 29<sup>th</sup> October, 2009. Issue was closed.

3. **Grant of family pension to the dependents of Government employees who had been kidnapped.**

This period for grant of family pension to the eligible family members of the employees kidnapped by insurgents/terrorists had been

reduced from one year to six months and orders have accordingly been issued. The matter as such may be treated as closed.

4. **Anomaly in revision of pension to pre -1996 retirees.**

Official side was informed that no action could be taken as necessary details were not received from the Staff Side. The Staff Side stated that they had submitted necessary details. The Staff Side promised to submit a copy of the same for further necessary action of the Department.

( Action : Desk - A)

5. **Extension of benefits of upgraded pay scales in organized Accounts & Audit Service to the pensioners/employees for the period between 1.1.1996 - 19.2.2003 and even prior to 1.1.1996.**

It was informed that the matter had been examined in consultation with Ministry of Finance and the pensioners/employees were given notional benefit w.e.f. 1.1.1996 and the actual benefit from 19.2.2003. The matter was closed.

6. **Fixation of pension on the basis of Notional Pay to UDCs on notional basis to pre 1985 employees/pensioners on the basis of award by the Board of Arbitration.**

It was mentioned that the issue had been examined and it was not found possible to accede to the demand of the Staff Side and they were informed accordingly. The issue was dropped.

7. **New Pension Scheme not to be made applicable to trainees of pre 1.1.2004.**

It was informed that the demand had been acceded to and orders to the same had been issued. The matter was closed.

8. **Raising quantum of ex-gratia to CPF retirees on the lines of SRPF.**

It was mentioned that the matter had been referred to the 6<sup>th</sup> CPC but the CPC did not give any recommendations on the issue. It was further stated that the Department of Pension & Pensioners Welfare is in the process of finalizing/submission of a Cabinet Note, as advised by the Ministry of Finance, to increase the quantum of ex-gratia payment to CPF beneficiaries and their families. Secretary (Pension) desired that necessary information from the CPAO may be expedited so that the file could be re-submitted to Min. of Finance.

(Action : Desk - E)

9. **Payment of DCRG to pre-86 retirees taking DA into account.**

It was stated that since 1.1.1996, DA has been made part of emoluments for the purpose of gratuity. In accordance with the judgement in the case of Shri Amarnath Goyal Vs. UOI, the Hon'ble Supreme Court also agreed with the view of Government of India that DA should not form part of emoluments for pre-1996 retirees. Item was closed.

**10. Grant of family pension to Smt. N. Lalitha.**

The Ministry of Defence which is concerned with the subject matter, has already replied to the petitioner stating that it would not be possible to pay family pension in the case of persons who were not permanent, as in the case in question. The item was dropped.

**11. Grant of 50% of minimum of pension of revised scale of pay/post in the upgraded scale since 1.1.1996.**

It was stated that the benefit of upgraded post has not been given in any of the pay scales as per decision of the Government of India, and as upheld by Supreme Court in K. S. Krishnaswamy Vs. UOI. The matter was closed.

**12. Revision of family pension in r/o spouses of pensioners retired on compulsory retirement based on modified parity.**

It was stated that the matter is being examined in consultation with Ministry of Finance and as required by Ministry of Finance, the matter has been referred to CPAO to ascertain the practice for the period between 1.1.1996 to 31<sup>st</sup> December, 2005.

(Action – Desk – A).

**13. Grant of pension on IDA pay scales with CDA pattern of DA to FCI employees.**

It was stated that the employees who are in the IDA pay scales will get DA on the IDA pattern only. The same position has been upheld by the Supreme Court in VSNL Vs. Ajit Kumar Kar. However the matter concerning FCI employees is presently subjudice in the Supreme Court. The matter was dropped.

**14. Grant of fixed medical allowance to pensioners residing in areas not covered by CGHS.**

It was informed that the issue of enhancement of FMA from Rs. 100/- to Rs. 500/- was referred to Ministry of Finance and is presently pending their consideration.

(Action : Desk – D)

**15. Medical Allowance (FMA) to pensioners from Coffee Board.**

It was mentioned that on the basis of judgement of the Single Judge/Bench of the Karnataka High Court, Coffee Board has started paying FMA to its pensioners. It was further stated that the Coffee Board has filed an appeal in the Division Bench of the same High Court. The item was dropped.

16. **Revision of pension of those who were in service on 1/1/1996 and belong to the categories whose pay scales have been upgraded notionally from 1-1-96.**

As stated against item No. 5 above, orders were already issued on 5.11.2008 disposing of the issue. The item was closed.

17. **Treating employees retiring on 31-12-95 AN as having retired on 1-4-95 for pensionary benefits.**

As decided in the case of Shri K. J. George Vs. UOI, the demand of the Staff Side could not be accepted. The matter was closed.

18. **Revision of compulsory retirement pensions.**

As stated against Sl. No. 12, the matter was under examination in consultation with the Ministry of Finance and CPAO.

( Action : Desk - A )

19. **Special pay and deputation allowance inclusion in calculation of pension of pre-86 retirees under Vth CPC.**

The demand of the Staff Side was not agreed to and they were informed about the same on 18.8.2008. The item was closed.

20. **Fresh option for pension to non-statutory canteen employees.**

It was decided that as the issue concerns DOPT, therefore the same may be transferred to them.

( Action : Desk - A )

21. **Updating family pension for pre-86 retirees w.e.f. 1-1-96.**

As decided in the last meeting and according to disagreement recorded by Shri Vyas, Member, Staff Side, the matter was referred to DOPT to put up the matter to the Committee of Ministers. It was decided that DOPT may be reminded to take further necessary action.  
(Action : Desk - A)

22. **Payment of ex-gratia to mentally retarded children of SRPF retirees.**

In view of decision taken by Railways to revise the ex-gratia amount to SRPF pensioners, it was decided that the Ministry of Railways be informed to take further necessary action in the matter.

(Action : Desk - E)

23. **Grant of 50% of minimum pay of revised pay scales of the post as pension w.e.f. 1-1-96.**

The matter closed as modified parity was agreed to.

24. **Representation of SCOVA to NCCP representatives.**

It was informed that SCOVA has since been re-constituted by keeping in mind the suggestions given in the last meeting. The Staff Side, however, were not satisfied with the re-constituted SCOVA and wanted some more transparent method based on certain parameters such as the membership strength to be taken into consideration for re-constitution of SCOVA. It was decided that the suggestion of the Staff Side may be kept in mind while reconstituting SCOVA in future.

(Action: US (G))

25. **Ex-gratia payment to widow of a Railway employee retired on medical invalidation after 20 years service.**

As the subject matter concerns Ministry of Railways, the same may be referred to them for further necessary action.

(Action: US (E))

26. **Clarification regarding commutation upto 40% for post-96 pensioners.**

As reply had already been sent to the Staff Side on 4.2.2008, the matter was closed.

27. **Payment of various grants and dues to NOK of Defence personnel killed in action.**

It was stated that the Ministry of Finance had already made necessary provisions for sharing of family pension among NOKs of Defence personnel killed in action. It was further stated that sharing of family pension in respect of civilians was not feasible. Item was dropped.

28. **Family Pension to dependent parents.**

Orders in this regard have since been issued, the matter may be treated as closed.

29. **Inclusion of NPA in emoluments.**

It was stated that NPA is being included in the emoluments for the purpose of pension. However, the demand of the Staff Side to re-fix the pension after 6<sup>th</sup> Pay Commission's recommendations to include NPA afresh has not been agreed to.

The Staff Side mentioned that there were certain petitioners/intervening parties to the case of the High Court which granted the benefit of inclusion of NPA in the emoluments for the purpose of pension, but the benefit has not been given to them. The Staff Side was requested to give details of such petitioners/intervening parties for further necessary action.

(Action : Desk – A)

**B. Fresh Agenda Items:**

**Agenda Item No. 1 – 9**

It was stated that the agenda item No. 1 to 9 were also agenda items for consideration of the National Anomaly Committee headed by Secretary (Personnel). It was, therefore, decided that the same items may not be considered by this Forum, which was agreed to by the Staff Side.

**Agenda Item No. 10 : Anomaly in the fixation of revised pension considering special pay/allowances.**

The Staff Side has represented that as per revised Pay Rules 1997, special pay/allowances were not included in the emoluments for the purpose of pension for the employees who retired between 1.1.1986 to 31.12.1995. However, the employees who continued after 1.1.1996, their pay was fixed giving them the benefit of special pay/allowances. Therefore, the employees retiring after 1.1.1996 got the benefit of merger of special pay/allowances in their pay which was not extended to pre 1.1.1996 retirees even if they retired one month prior to implementation of recommendations of 5<sup>th</sup> Pay Commission.

It was mentioned that the matter was referred to Ministry of Finance for their consideration.

(Action : Desk – A)

**Agenda Item No. 11 : Eligibility of family pension to widowed/divorced daughter/unmarried daughter who are now eligible for payment of family pension for inclusion of names in PPOs issued much earlier.**

It was stated that in the PPOs, as revised w.e.f. 1.1.1990, the details of all family members are being given. Where the names of eligible children including the widowed/divorced/unmarried daughter have not been mentioned in the PPO for various reasons, the pensioner can furnish a list of eligible children to the pension sanctioning authority and obtain an acknowledgement thereof from the pension sanctioning authority. The same shall be produced at the time of submission of claim for family pension. It was further clarified that family pension is admissible automatically to the widow or the widower. However, in respect of other family members it cannot be made automatic as family pension was admissible to other family members subject to their fulfilling certain conditions. Therefore, in respect of other family members, family pension could be given only on the authority issued by the Pension Sanctioning Authority. The Ministry of Railways will be informed accordingly in this regard.

(Action:US(E))

**Agenda Item No. 12: Grant of family pension in case of missing pensioners after two months.**

As against the demand of the Staff Side to grant family pension in case of missing pensioners while on tour/pilgrimage, it was stated that as per extant instructions, when a pensioner suddenly disappears leaving his family, the family pension as indicated in the PPO, may be granted to the eligible member of his family after one year from the date of lodging an FIR with the police. Government has already reduced the period for grant of family pension to the dependent of missing employees who are kidnapped by insurgents/terrorists from one year to six months. In view of complexity

involved in further reducing this period, it was stated that it may not be possible to accede to the demand.

4. The meeting ended with a vote of thanks to the chair.

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**Annexure**

**The meeting with the Staff Side of National Council (JCM) on pensionary matters held on 8.1.2010 at 3.00 PM in Room No. 310, Lok Nayak Bhawan, New Delhi.**

**List of Participants**

**OFFICIAL SIDE**

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<b>Sl. No.</b>	<b>Name</b>	<b>Designation</b>
1.	Shri Ramesh C. Misra	Secretary (Pen., AR & PG) - in the Chair
2.	Shri Raj Singh	Director (PW)
3.	Smt. Tripti P. Ghosh	Director (PP)
4.	Shri K. S. Chibb	Dy. Secretary
5.	Shri Harjit Singh	Under Secretary (A)
6.	Shri N. Mohan Ranganathan	Under Secretary (B)
7.	Shri Amitabh Dwivedi	Under Secretary (D)
8.	Smt. Geetha Nair	Under Secretary (E)
9.	Shri V. K. Wadhwa	Under Secretary (G)
10.	Shri Rajan Sood	Section Officer (F)

**STAFF SIDE**

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<b>Sl. No.</b>	<b>Name</b>	<b>Designation</b>
1.	Shri S. K. Vyas	Member (Staff Side) National Council (JCM)
2.	Shri Guman Singh	Member (Staff Side) & President (AFIR)
3.	Shri Shiva Gopal Mishra	Member (Staff Side) General Secretary (AIRF)