

# RAILWAY SENIOR CITIZENS WELFARE SOCIETY CHANDIGARH

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M.S. Batra  
President, RSCWS / CHD.  
1543 Sector 42-B, Chandigarh  
(Ph. 0172-2604713)

Harchandan Singh  
Secretary, RSCWS  
H.O.32, Phase- 6, Mohali-160055  
(Ph. 0172-2228306 & 09316131598)  
Email- harchandan\_chd32@yahoo.co.in  
Date 31.10. 2008

No. RSCWS / CHD / SCPC

Dr. Manmohan Singh,  
Hon. Prime Minister of India &  
Minister for Personnel, Public Grievances & Pensions  
Government of India,  
South Block, New Delhi

Respected Sir,

Subject: - Implementation of Sixth CPC Report  
- Regarding Disparities in Pension of Pre-2006 & Post-2006 Retirees

Reference:- i). Ministry of Personnel (DOP & PW) Office Memorandum No F.No. 38/37/08-P&PW (A), dated 1<sup>st</sup> September, 2008 - regarding revision of pension of pre-2006 pensioners and Family Pensioners.

ii) Ministry of Personnel (DOP&PW) O.M. – F.No. 38/37/08-P&PW (A) pt.1 dated 3. 10. 2008 - Clarifications for implementing the provisions of Para 4.2 of O.M. cited above.

Dear Sir,

We very humbly seek your benign intervention and submit the following facts for your kind & favourable consideration, on behalf of the thousands of Pre-2006 retirees:

1. The Government had accepted the following recommendations of the Sixth Pay Commission and issued the orders accordingly, vide its orders dated 1.9.2008 (*supra*):

*“4.2 The fixation of pension will be subject to the provision that the revised pension, in no case, shall be lower than fifty percent of the pay in the revised pay band plus the grade pay corresponding to the pre-revised pay scale from which the pensioner retired. In case of HAG + and above, this will be fifty percent of the minimum of the revised pay scale.”*

2. The clarification contained in the OM quoted *supra* of 3rd October, 2008 in respect of Para 4.2 of OM dated 1<sup>st</sup> September, 2008 is more of a modification than a clarification as it has totally changed the intent of Para 4.2 as well as that of 6<sup>th</sup> CPC Report - inasmuch as that as per accepted 6<sup>th</sup> CPC Report, pension was to be not less than 50% of the sum of the minimum of the pay in the Pay Band and the Grade Pay “corresponding to the pre-revised pay scale” from which the pensioner had retired, whereas now it is changed to minimum of Pay Band “irrespective of the pre-revised scale of pay” plus the Grade Pay .

3. This is not only against the spirit of the recommendations of the Sixth Pay Commission but also against the very spirit of the established Law upheld by the Apex court as well as contrary to the orders of the Government of India in this regard issued after the Fifth Pay Commission Report. Thousands of Pre-2006 pensioners will unjustly suffer substantial recurring financial loss, (*as per details indicated in the attached Annexure - which is submitted herewith, for your kind & favourable consideration*).

4. As a result of this change in the method of calculation of pension for pre-2006 pensioners, two major disparities have arisen, as clearly illustrated in Annexure attached herewith.

i) Firstly, the pension worked out (*in column 4 of the attached Annexure*) (50% of sum of minimum of PB plus Grade Pay) and pension of post-2006 pensioner at minimum of scale of pay (*in column 5 of the attached Annexure*) (50% of the sum of minimum of the pay in PB and Grade Pay) has been compared. Clearly there is an appreciable financial loss to pre-2006 pensioners compared to similarly placed post-2006 incumbents.

The worst hit pensioners are from S-30 in PB 4, the difference being of Rs 7,225 p.m. in basic pension. This difference in basic pension in other Pay Bands is of the order of Rs 1585 in PB 1, Rs 2790 in PB 2 and Rs 4060 in PB 3.

ii) The pension of a pre-2006 pensioner shall be even lesser than the 50 % of the Entry Pay in the revised pay structure for new recruits appointed on or after 1.1.2006 (as would be apparent from a comparison of col. 5 & 6 of the Annexure attached herewith)

iii) A much more glaring disparity has arisen inasmuch as that the pension of a pre-2006 pensioner (in Column 6 of the attached Annexure) and retiring from a higher post / pay scale would be lower than a post-2006 pensioner, retiring from lower pay scale / scales, example being as follows:

(Ref. Column 6 & 7 of Annexure attached herewith):

- Pension of S-6 (PB 1) will be Rs 3600, whereas the pension of a post-2006 pensioner retiring from minimum of scale of S-5 and S-4 works out to Rs 3890 and 3665 respectively.
- Pension of S-15 (PB 2) will be Rs 7350, whereas the pension of a post-2006 pensioner retiring from minimum of scale of S-14 and S-13 will be Rs 9375 and 9230 respectively.
- Pension of S-23 (PB 3) will be Rs 11600, whereas the pension of a post-2006 pensioner retiring from minimum of scale of S-22 to S-18 will be Rs 15660, 14960, 13205, 12600 and 12905 respectively.
- Pension of S-29 (PB 4) will be Rs 23,700 whereas the pension of a post 2006 pensioner retired from minimum of scale of S-27 & S-26 will be Rs 24,295 and that of S-25 to Rs 24195.
- Apart from the above examples, one from each of the four Pay Bands, there are many other similar cases, as clearly shown in Column 9 of the attached Annexure.

5. It will be observed from the aforementioned facts, that as a result of discriminatory policy, not only the pre-2006 pensioners will get lower pension than Post-2006 pensioners retiring at the minimum of the identical pre-revised scale but also a situation has arisen where even the juniors retiring at the minimum of pre-revised scale will get a higher pension than a pre-2006 pensioner retiring from a higher grade.

6. By applying different yardsticks - namely "*minimum pay in the Pay Band*" in one case and "*minimum of the Pay Band*" in the other - for the pension of two identical cases separated by a line of pre & post 2006 pensioners, it gives rise to a class within the class.

This question was taken up by a Constitution Bench of Supreme Court of India in the case of *D.S.Nakara and others vs. Union of India (1983)* where in no uncertain terms throughout the judgement it has been repeatedly observed that the date of retirement of an employee cannot form a valid criterion for classification, for if that is the criterion those who retired by the end of the month will form a class by themselves. Such classification based on a cut off date has been held arbitrary and unprincipled which does not stand the test of Article 14 of Constitution of India.

7. Since, the orders for payment of enhanced pension are to be issued as per latest OM of 14<sup>th</sup> October, 2008 and the arrears, based thereon, are to be paid by 15-11-2008, it is requested that, the said injustice be redressed early and the pension for pre-2006 and post-2006 pensioners be made uniform and it should not be less 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, as per accepted recommendations of 6<sup>th</sup> CPC Report.

Thanking you

Yours faithfully,

(Harchandan Singh),  
Secretary, RSCWS, Chandigarh.

*Copy for kind & favourable consideration to:*

1. Hon. Minister of Finance, Government of India, North Block, New Delhi.
2. Secretary, Department of Personnel & Pensioners' Welfare,  
Lok Nayak Bhawan, Khan Market, New Delhi.

**DISPARITIES IN PENSION OF PRE & POST 2006 RETIREES**  
**ARISING OUT OF PARA 4.2 OF CLARIFICATIONS OF DOP& PW's DATED 3.10.08**

5th CPC Pay Scale	Name of Pay Band	Corresponding 6th CPC Pay Bands+Grade Pay	Entry Pay in the Revised Pay Structure for Direct Recruits After 1.1.2006 – (As per Sec II of First Sch. Pt. A of Revised Pay Rules 2008)	50 % of Entry Pay in the Revised Pay Structure for Direct Recruits After 1.1.2006	Pension of Pre 2006 pensioners @ 50% of sum of min. of PB+GP as per col 7 DOP orders dated 3.10.08	Pension for post -2006 pensioners on min. of Pay in PB + GP at min. of scale	Diff. in pension of pre and post 2006 pensioners	Scales of Post 2006 retirees in lower Scales who will get higher pension than Pre 2006 Ret.
1	2	3	4	5	6	7	8	9
S-1 (2550 - 3200)	1S	4440-7440+1300	7000	3500	3500	3500	0	-
S-2 (2610 - 3540)	1S	4440-7440+1400	7000	3500	3500	3500	0	-
S-2A (2610 - 4000)	1S	4440-7440+1600	7000	3500	3500	3500	0	-
S-3 (2650 - 4000)	1S	4440-7440	7000	3500	3500	3500	0	-
S-4 (2750-4400)	PB-1	5200-20200+1800	7000	3500	3500	3665	165	-
S-5 (3050-4590)	PB-1	5200-20200+1900	7730	3865	3550	3890	340	S 4
S-6 (3200-4900)	PB-1	5200-20200+2000	8460	4230	3600	4030	430	S- 5,4
S-7 (4000-6000)	PB-1	5200-20200+2400	9910	4955	3800	4920	1120	S-6,5
S-8 (4500-7000)	PB-1	5200-20200+2800	11360	5680	4000	5585	1585	S-7,6
S-9 (5000-8000)	PB-2	9300-34800+4200	13500	6750	6750	6750	0	
S-10 (5500-9000)	PB-2	9300-34800+4200	13500	6750	6750	7215	465	
S-11 (6500-6900)	PB-2	9300-34800+4200	13500	6750	6750	8145	1395	S-10
S12 (6500-10500)	PB-2	9300-34800+4200	13500	6750	6750	8145	1395	S-11, 10
S-13 (7450-11500)	PB-2	9300-34800+4600	17140	8570	6950	9230	2280	S-12,11,10
S-14 (7500-12000)	PB-2	9300-34800+4800	18150	9075	7050	9375	2325	S 13
S-15 (8000-13500)	PB-2	9300-34800+5400	21000	10500	7350	10140	2790	S14 to S11
New scale - (Group A Entry) (8000-13500) (JS)	PB-3	15600-39100+5400	21000	10500	10500	10500	NA	-
S-16 (9000)	PB-3	15600-39100+5400	21000	10500	10500	11070	570	
S-17 (9000-9550)	PB-3	15600-39100+5400	21000	10500	10500	11070	570	S 16
S-18(10325-10975)	PB-3	15600-39100+6600	25350	12675	11100	12905	1805	
S-19 (10000-15200)SS	PB-3	15600-39100+6600	25350	12675	11100	12600	1500	S 18
S-20 (10650-15850)	PB-3	15600-39100+6600	25350	12675	11100	13205	2105	S 18,19
S-21 (12000-16500) (JAG)	PB-3	15600-39100+7600	29500	14750	11600	14960	3360	S-18,19,20
S-22 (12750-16500)	PB-3	15600-39100+7600	29500	14750	11600	15660	4060	S- 21 to18
S-23(12000-18000)	PB-3	15600-39100+7600	29500	14750	11600	14960	3360	S-22 to18
S-24 (14300-18300) (SG)	PB-4	37400-67000+8700	46100	23050	23050	23050	0	
S-25 (15100-18300)	PB-4	37400-67000+8700	46100	23050	23050	24195	1145	
S-26 (16400-20000)	PB-4	37400-67000+8900	49100	24550	23150	24295	1145	S 25
S-27 (16400-20900)	PB-4	37400-67000+8900	49100	24550	23150	24295	1145	S 25,26
S-28 (14300-22400)	PB-4	37400-67000+10000	53000	26500	23700	23700	0	S25,26,27
S-29 (18400-22400) (SAG)	PB-4	37400-67000+10000	53000	26500	23700	27350	3650	S25,26,27
S-30 (22400-24500) (PHOD)	PB-4	37400-67000+12000	59100	29550	24700	31925	7225	S 29
S-31 (22400-26000)	HAG+ Scale	775500-80000	NA	NA	37750	37750	0	-
S-32 (24050-26000)	HAG+ Scale	775500-80000	NA	NA	37750	37750	0	-
S-33 (26000) (fixed)	Apex scale	80000 (Fixed)	NA	NA	40000	40000	0	-
S-34 (30000)	Cab. Sec.	90000 (Fixed)	NA	NA	45000	45000	0	-