

**ITEM-1 PROPOSED BY RSCWS
FOR AGENDA OF SCOVA – FEBRUARY 2018**

Sub: Restoration of Option 1 of 7th CPC as additional Option other than the two Options approved by the Government for revision of Pension & Family Pension of Pre-2016 Pensioners vide DOPPW OM dated 12-5-2017.

1. Seventh Central Pay Commission (CPC) vide Para 10.1.67 & 10.1.68 of its Report had for the first time conceded the long pending demand of the Central Government Pensioners for Parity of Pension between the Pre and Post CPC Pensioners and had recommended the following pension formulation for civil employees including CAPF personnel who had retired before 01.01.2016:

“i) All the Civilian personnel including CAPF who retired prior to 01.01.2016 (expected date of implementation of the Seventh CPC recommendations) shall first be fixed in the Pay Matrix being recommended by this Commission, on the basis of the Pay Band and Grade Pay at which they retired, at the minimum of the corresponding level in the matrix. This amount shall be raised, to arrive at the notional pay of the retiree, by adding the number of increments he/she had earned in that level while in service, at the rate of three percent. Fifty percent of the total amount so arrived at shall be the revised pension.”

2. Unfortunately, the above said primary Option 1, though accepted in principle by the Cabinet, has not been implemented on the grounds that the same was not feasible merely because the Service Record of nearly 18.3% of Pensioners were estimated to be not available. Consequently, a new formula was proposed and adopted in place of Option 1 of 7th CPC for revision of Pension of Pre-2016 Pensioners vide DOP&PW OM No.38/37/2016-P&PW (A) Dated 12-5-2017 and Concordance tables were issued vide DOP&PW OM No.38/37/2016-P&PW (A) dated 6th July, 2017.

3. This alternative method has resulted in a major loss of Pension to a large number of old Pensioners & Family Pensioners besides creating disparity even among the homogenous group of pre-2016 pensioners. A big majority of 82% pensioners are in a category whose records are available. They should not be deprived of option 1 for want of records in a few cases which are even less than 20%. In any case, Service Records of these 20% could be re-built as per procedure prescribed in the Rules and as was done in several cases after 5th & 6th CPC and as per orders of the Courts in many cases. As such, the New Formula should have been adopted as an additional Option instead of as an alternative of Option 1.

4. Denial of option 1 is tantamount to denial of Parity of Pension between Pre and Post-2016 Pensioners - recommended by the Seventh CPC to the affected Pre-2016 Pensioners and would be in violation of the Article 14 of the Constitution of India and that of the settled Law by the Apex Court.

5. It is, therefore, requested that the Pension of Pre-2016 Pensioners be fixed at the highest of the 3 Options - including Option 1 as recommended by Seventh Pay Commission in addition to the two Option approved by the Government & Notified vide DOP&PW OM Dated 12-5-2017.