



RAILWAYS SENIOR CITIZENS WELFARE SOCIETY

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DEDICATED TO THE
CAUSE OF PENSIONERS
SINCE 1991

IDENTIFIED BY DOP&PW GOVT. OF INDIA - UNDER PENSIONERS' PORTAL
MEMBER, SCOVA (STANDING COMMITTEE FOR VOLUNTARY AGENCIES)

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No. RSCWS/HO/CHD/SCOVA Agenda/2018-1

Dated: 08-02-2018

Ms. Sujasha Chaudhary,
Director, Govt. of India,
Department of Pension & Pensioners Welfare,
3rd Floor Lok Nayak Bhawan,
Khan Market, New Delhi-110003
CC by Email to: sujashachaudhary.edu@nic.in

(CC: Shri Charanjit Taneja, Under Secretary, DOPPW, c.taneja@nic.in)

Madam,

Subject: Items proposed for inclusion in the Agenda of the 30th Meeting of SCOVA.

Reference: Your Office letter F.No.42/05/2018-P&PW(G) Date:- 01st Feb, 2018

1. In continuation of our letter of even No. Dated: 7-2-2018, revised copies of the following 3 items are sent herewith and it is earnestly requested that the same may please be included in the Agenda of the 30th Meeting of SCOVA in the interest of justice to the Pensioners at large:

- i) 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.
- ii) Revision of Pension of Pre 2006 Pensioners – Reg: Benefit of Upgraded / Merger of Posts by 6th CPC for fixing of Minimum of Revised pension of Pre-2006 Pensioners – Application of Court Judgments to all similarly placed cases in Policy Cases.
- iii) Remedial action to check Inordinate Delay in issue of Revised PPOs after 7th CPC

2. Hard copies of these items are also being sent by Speed post, as desired.

3. I, Harchandan Singh, Secretary General RSCWS, shall be attending the said Meeting as a representative of Railway Senior Citizens Welfare Society (RSCWS).

With best wishes to you and for the success of the meeting to which we look forward,

Yours faithfully,

(Harchandan Singh),
Secretary General, RSCWS.
(Camp at: Kolkata)

Encl: 3 Items as cited above

**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.

ITEM-2 PROPOSED BY RSCWS FOR AGENDA OF SCOVA FEB-2018

Subject: Revision of Pension of Pre 2006 Pensioners – Reg.: Benefit of Upgraded / Merger of Posts by 6th CPC for fixing of Minimum of Revised pension of Pre-2006 Pensioners – Application of Court Judgments to all similarly placed cases in Policy Cases

1. Benefit of upgrading posts as per recommendations of Sixth Pay Commission, has been unjustly denied for the fixation of the Revised Pension of all the affected Pre-2006 Pensioners even at the minimum level of the Upgraded / Merged Scales, vide DOP&PW O.M. F. No. 38/37/08-P&PW (A) dated 3-10-08, 14-10-08 & 11-2-09.

2. All the above cited orders of DOP&PW have been quashed by the various Courts. All SLPs of the Government in this regard, against the judgements of various Benches of CAT and High Courts, have conclusively been rejected by the Apex Court.

3. DOP&PW vide OM dated 30-7-2015 had directed for fixation of Pension of all Pre-2006 Pensioners & Family Pensioners as per Resolution dated 29-8-2008 for Revision of Pension of Pre-20006 Pensioners to 50% of minimum of the Pay in the Pay Band plus Grade Pay of the corresponding Pre-revised scale w.e.f. 1-1-2006 as per Orders of the Supreme Court.

4. a) Benefit of upgrading of Posts denied to Pre-2006 Pensioners has not still been given for fixation of Revised (Minimum) Pension of Pre-2006 Pension in spite of specific orders in this regard in numerous cases - including Judgement of CAT Bangalore in OA 231 & 253/2012 Parthasarthy-vs-UOI and Karnataka High Court in WP No.5522 & 55223/2013 UOI-Vs-Parthasarthy; CAT Hyderabad OA No 021/0040/2017 dt 7/12/2017 S. Veerabhadriah Vs UOI. Delhi High Court has held as under in W.P.(C) 3035/2016, RAM PHAL-Vs- UOI & ORS

“27. Resultantly, the present petition is allowed. The order dated February 10, 2016 is quashed and OM dated February 11, 2009 to the extent it states that the benefit of upgradation of post subsequent to the retirement would not be admissible to the pre-2006 pensioners is quashed and a mandamus is issued to the respondents directing them to fix the pension of the petitioner in sum of 9375/- per month as given in the fitment table appended to the Government of India, Ministry of Personnel, Public Grievance and Pension, Department of Pensioners Welfare Office Memorandum F.No. 38/40/12-P&PW (A) dated 28.01.2013 with effect from January 01, 2006. The petitioner would also be entitled to arrears of the pension as would be refixed by the respondents.”

5. a) Government has confined the application of judgments to the Petitioners in the above said cases and in other similar cases on this issue. This is totally in violation of Article 14 & 16 of the Constitution and the settled law by the Supreme Court of India.

b) 5th CPC in Para 126.5 of its Report had recommended that “...decisions taken in one specific case either by the Judiciary or the Govt. should be applied to all other similar cases without forcing the other employees to approach the court of law for an identical remedy or relief.. We clarify that this decision will apply only in cases where a principle or common issue of general nature applicable to a group or category of govt. employees is concerned and not in matters relating to a specific grievance or anomaly of an individual employee”.

6. It is, therefore, requested that Pre-2006 Pensioners be given the benefit of upgrading / Merger of Pay Scales of the post from which they retired so that, minimum pension be not lower than 50% of the sum of the pay in the revised Pay Band plus the Grade Pay corresponding to the post from which the pensioner had retired.

**ITEM-3 PROPOSED BY RSCWS
FOR AGENDA OF SCOVA – FEBRUARY 2018**

Sub: Remedial action to check inordinate Delay in issue of Revised PPOs after 7th CPC

Pace of issue of Revised PPOs is very tardy especially on the Railways. Only about 50% of the PPOs of Pre-2016 Pensioners and Family Pensioners had been issued up to February 1, 2018 – more than 6 months after issue of Government's orders for Revision of Pension of Pre-2016 Pensioners & Family Pensioners vide DOPPW OM Dated 12-5-2017 and issue of Concordance Tables for Revision of Pension & Family Pension vide DOPPW OM Dated 6-7-2017.

Regrettably some of the Units on the Railways (*like the 5 Workshops of Northern Railway*) had not issued a single Revised PPO up to the said date February 1, 2018 – as per position given in the centralized Website of Railways @ “ARPAN” showing Unit & Zone wise position regarding Revised PPOs after 7th CPC. Position of some other Central Government Departments also needs to be geared up.

Incidentally, some of the PDA Banks are also further delaying the revision of Pension and payment of arrears thereof, even up to 4 months or still more after the receipt of the Revised PPOs for unknown reasons.–

Lakhs of Pensioners & Family Pensioners are suffering a lot of mental agony and financial loss due to non-payment of their Revised Pension and the arrears thereof.

It is, therefore, requested that a Centralised Monitoring Agency be appointed at each level to monitor and expedite issue of Revised PPOs by each Department and early payment with arrears thereof by the PDA Banks to all the Pensioners & Family Pensioners.