

**GOVERNMENT OF INDIA  
MINISTRY OF PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS  
RAJYA SABHA**

**UNSTARRED QUESTION NO-846**

**ANSWERED ON-12.12.2013**

**Benefits of Sixth Pay Commission to retirees**

**846 . Shri BALWINDER SINGH BHUNDAR**

**(a) whether the Supreme Court has upheld the decision of High Court and CAT for providing the benefit of Sixth Pay Commission to Government employees who retired before 1st January, 2006;**

**(b) whether it is a fact that Supreme Court in its judgement has given benefit w.e.f. January, 2006;**

**(c) whether the Ministry has implemented the judgement of Supreme Court in totality while giving benefit to those retirees w.e.f. January, 2006; and**

**(d) if so, details thereof and if not, reasons therefor?**

**ANSWER**

**MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE (SHRI V. NARAYANASAMY)**

**The orders for implementation of the decision taken by the Government on the recommendations of 6th CPC for revision for pension of past pensioners were issued vide this Department's Office Memorandum(OM) dated 1.9.2008. The provisions of Para 4.2 of this OM were clarified vide this Department's letter dated 3.10.2008.**

**The Central Administrative Tribunal, Principal Bench, New Delhi in its order dated 1.11.2011 observed that by the OM dated 3.10.2008 the original orders of 1.9.2008 have been modified. Hon'ble CAT directed that the past pensioners may be granted, w.e.f. 1.1.2006, a minimum pension @ 50% of the minimum pay corresponding to the pre-revised pay scale with reference to the fitment table applicable for revision of pay of serving employees.**

**Writ Petitions were filed in the Hon'ble High Court of Delhi challenging the above mentioned order.**

In its order dated 29.4.2013, the Hon'ble Delhi High Court has upheld the order dated 1.11.2011. After considering the order of Hon'ble High Court of Delhi and various representations received in this regard, Special Leave Petition was filed by the Department of Pension and Pensioners' Welfare in the Hon'ble Supreme Court of India.

Department of Pension & Pensioners' Welfare filed an SLP in the Hon'ble Supreme Court against this order. This SLP came up for hearing on 29.7.2013 and was dismissed and the Review Petition was also dismissed.

Union of India has also filed SLP against the order dated 29.4.2013 in Writ Petitions No.2348/2012, 2349/2012 and 2350/2012 in the Hon'ble Supreme Court which came up for hearing on 19.11.2013. The Hon'ble Supreme Court directed to list the SLP alongwith CA No.8875-8876 of 2011 filed by Ministry of Defence and is now listed for hearing on 4.2.2014. The matter is therefore sub-judice.