



RAILWAY SENIOR CITIZENS WELFARE SOCIETY

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Website: www.rscws.com Journal: "Pensioners' Rail Sampark"

AFFILIATED TO BHARAT PENSIONERS'SAMAJ (BPS)

IDENTIFIED BY DOP&PW GOVT. OF INDIA - UNDER PENSIONERS' PORTAL

MEMBER, SCOVA (STANDING COMMITTEE FOR VOLUNTARY AGENCIES) (GOI)

DEDICATED TO THE
CAUSE OF PENSIONERS
SINCE 1991

No. RSCWS/HO/CHD/MOS PGP/2019-7

Dated: 31-1-2019

Shri Jatindra Singh,
Hon'ble MOS Personnel, PG & Pension, GOI,
North Block, New Delhi-110001

Subject: Revised Minimum Pension of Pre-2006 Pensioners as per scale of pay of the post and not the corresponding scale of pay at which the incumbent retired – Request for Application of judgements of various Courts for Revision of Pension of similarly placed Pre-2006 Pensioners

Sir,

1. We seek your benign intervention on behalf of thousands of Pre-2006 Central Government Pensioners who have been denied justice due to a wrong interpretation of the decision of the Government on the Report of 6th CPC, in spite of numerous judgments in favour of the affected Pensioners, but the benefit has been confined to the Petitioners in each case, leaving the rest of the similarly placed affected Pensioners in the lurch to either knock at the doors of the Courts of law or to continue to permanently suffer reoccurring financial loss.
2. Pension of only one scale have recently been provided a partial relief vide DOP&PW GOI OM No. 3833112-P&PW (A) Dated 4-1-2019 vide which the minimum Revised pension of Pre-2006 pensioners who retired from the 5th CPC scale of Rs.6500-10500 or its equivalent Pay scale in earlier CPCs has unjustly been fixed at Rs.8345 w.e.f. 1.1.2006, whereas the same should have been fixed as Rs.9230 as held by various courts as cited below.
3. Other categories of staff who were allotted higher replacement scales than the normal replacement scales have altogether been ignored for being provided any relief in respect of the minimum Pension in terms Para 4.2 of CCS (Revised Pay) Rules 2008 as interpreted by various courts as per judgments cited in Para 5 here under.
4. As per settled law of justice, policy decisions in these Court judgements may please be applied to all similarly placed affected Pensioners who retired from posts of categories as per replacement scales of the posts as per Schedule B of th CCS (Revised Pay) Rules 2008 and as amended thereafter instead of the normal replacement scales of Pay scales from which they had retired – as decided by all the Courts as indicated below.
5. Judgement of some of the Corts in related cases:
 - i) High Court of Kerala in its final judgment dated 16-12-2016 in WPC No. 34171/2016, WPC No. 22153/2016 and WPC No. 21477/2016 had held that that "Kerala High Court found that the computation of pension in the matter of implementation of the 6th pay commission report has to be at 50% of the pay scale with respect to the scale of pay applicable to the post in question and not to the corresponding scale of pay to the one at which the incumbent has retired.
 - ii) CAT Bangalore in OA.No.170/00730/2017 in its judgement dated 18-6-2018, had held as under:
"11. The OM dtd.13.11.2009 had clearly stipulated that the posts which were in the pre-revised pay scale of Rs.6500-10500 as on 1.1.2006 and which were granted the normal replacement

pay structure of grade pay of Rs.4200 will be granted grade pay of Rs.4600 corresponding to the pre-revised scale of Rs.7450-11500 with effect from 01.01.2006. This makes evidently clear that the applicants were to be considered against the pay scale of Rs.7450-11500 with grade pay of Rs.4600. The revised pay and pension has to be calculated on that basis and that comes to Rs.9230. The manner of computing the pension by the respondents is therefore completely wrong and bereft of any logic. -----. The respondents are directed to grant revised pension of Rs.9230/- to the applicant w.e.f. 01.01.2006 along with consequential benefits within a period of one(1) month from the date of receipt of copy of this order."

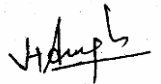
- iii) CAT Ernakulam in OA No. 180-00052-2017 decided on 12-9-2018 in K.G. Manoharan & others Vs UOI & others decided that applicants are entitled to a revised pension in terms of paragraph 4.2 of OM dated 1.9.2008 or 50% of the minimum pay in the pay band of Rs.9300-34800 with Grade Pay of Rs.4600 (in case of applicants 1 to 12) & Rs.4800 (in the case of applicants 13 & 14) or as per Annexure A4 fitment table, whichever is beneficial to the applicants.
- iv) CAT Ernakulam dated 23.10.18 has held in OA No. 180-01071-2017 "The OM dated 13.11.2009 had clearly stipulated that the posts which were in the pre-revised pay scale of Rs.6500-10500 as on 1.1.2006 and which were granted the normal replacement pay structure of grade pay of Rs.4200 will be granted grade pay of Rs.4600 corresponding to the pre-revised scale of Rs.7450-11500 with effect from 01.01.2006. This makes evidently clear that the applicants were to be considered against the pay scale of Rs.7450-11500 with grade pay of Rs.4600. SLP against the judgement was dismissed

6. It is, therefore, requested that:

- a) The policy decisions of the judgements of various Courts, may please be equitably applied to all the Petitioners as well as to all similarly placed Pensioners as required under Article 14, 16 of the Constitution.
- b) Computation of minimum revised pension for the purpose of implementation of 6th pay commission report be done at 50% of the pay in the Pay Band plus Grade Pay with respect to the scale of pay corresponding to replacement pay scale as applicable to the post of varous Categories – (as enlisted in Schedule B of CCS (Revised Pay) Rules 2008) and as revised thereafter, and not to the scale of pay corresponding to the normal replacement scale at which the incumbent had retired.

With kind regards,

Yours truly,



(Harchandan Singh),
Secretary General, RSCWS.

Copy for information & favourable consideration to:

1. Sh. K. V. Eapen, Secretary, Personnel AR/ PG & Pension, Patel Bhawan, New Delhi – 110001
2. Sh. Sanjiv Narain Mathur, Joint Secretary, Department of Pensions & Pensioners' Welfare, 3rd Floor, Lok Nayak Bhawan, Khan Market, New Delhi – 110003
3. Shri Harjit Singh, Director, Department of Pensions & Pensioners' Welfare, 3rd Floor, Lok Nayak Bhawan, Khan Market, New Delhi – 110003