



PENSIONERS' RAIL SAMPARK

QUARTERLY BULLETIN OF THE

RAILWAY SENIOR CITIZENS WELFARE SOCIETY (RSCWS)

(Estd. 1991, Regd. No.1881 - under Societies Registration Act) Website for Pensioners: <http://rscws.com>

Identified by Government of India under Pensioners' Portal
Affiliated to: Bharat Pensioners Samaj (BPS)

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Vol. 9, No. 4 OCTOBER-DECEMBER, 2014 CHANDIGARH FOR FREE CIRCULATION TO MEMBERS RSCWS

FIXED MEDICAL ALLOWANCE (FMA) RAISED TO RS 500 PER MONTH

Government has revised the Fixed Medical Allowance (FMA) of Central Government Pensioners from Rs.300 per month to Rs.500 per month w.e.f. 19-11-2014. CG Pensioners residing in Non-CGHS areas (and the Railway Pensioners who have not opted for RELHS OR opted out of OPD facility from Railway Hospitals), are entitled for the FMA as per existing Rules.

(PLEASE SEE COPY OF ORDERS OF DOP&PW ON PAGE. RAILWAY BOARD'S ORDERS ARE AWAITED))

CAT DISMISSES CASE FOR HIGHER FMA OF RS. 2000 FILED BY RSCWS DUE TO FINANCIAL CONSTRAINTS OF GOVT. - RSCWS MAY FILE APPEAL IN HC

CAT Chandigarh has dismissed the case filed by RSCWS to raise the Fixed Medical Allowance (FMA) to Rs.2000 per month keeping in view the high cost of Medicines and day to day Treatment, and hefty expenditure of over Rs.2000 per month being spent by the Govt. on the OPD treatment per head in the CGHS as well as the amount of Rs.2000 per month being paid by the Govt. to the employees & Pensioners of EPFO. While CAT (Central Administrative Tribunal) accepted that there was exorbitant rise in the cost of Medicines but considered it a matter of policy and cited financial constraints to dismiss the petition. .

RSCWS is seeking legal opinion on the judgment for filing an Appeal in High Court as Supreme Court has repeatedly held that the financial constraints cannot be cited as a reason for an action in such matters.

REPORT ON SOCIAL WELFARE ACTIVITIES OF RSCWS – SEE PAGE 2, 3 & 8 INSIDE

MEMBERS RSCWS - PLEASE ATTEND WITH YOUR SPOUSE & OTHER RAILWAY PENSIONERS ANNUAL GENERAL BODY MEETING OF RSCWS &

SEMINAR ON "DIET & NUTRITION MANAGEMENT IN OLD AGE"

FROM 10-30 AM ON FRIDAY 9TH JANUARY, 2015

AT YWCA – WORKING GIRLS HOSTEL, SECTOR 11 B, CHANDIGARH (OPPOSITE COMMUNITY CENTRE)

PROGRAMME: 1. CONDOLENCES & TRIBUTES TO THE DEPARTED SOULS

2. SEMINAR ON "DIET & NUTRITION MANAGEMENT IN OLD AGE" COURTESY FORTIS MED CENTRE, SCO 11 SECTOR 11 D, CHD

3. ADDRESS BY PRESIDENT 4. REPORT BY SECRETARY GENERAL & TREASURER RSCWS

4. HONOURING OF MEMBERS WHO CROSSED 65, 80 & 90 YEARS OF AGE THIS YEAR,

5. REVIEW OF GRANT-IN-AID & SOCIAL WELFARE FUND (SWF) & AID TO NEEDY NGOS FROM SWF;

6. ELECTIONS OF EXECUTIVE COMMITTEE

7. CONSIDERATION OF FILING APPEAL IN HC FOR HIGHER FMA 8. ANY OTHER POINT WITH THE PERMISSION OF THE CHAIR

Please reach in time (at 10-30 am sharp)

Please join us for Tea at the beginning of the Seminar & Lunch after the Meeting.

– President & Secretary General RSCWS

OBITUARY - SHRI M. S. BATRA IS NO MORE

With deep sorrow & grief we inform about the sad demise of Shri M. S, Batra Chairman of RSCWS and two of our senior Members – Shri Sukhdev Singh, Joint Secretary RSCWS & Ex-DEN Ferozepur and Shri K. L. Bhasin, Ex-CGC Chandigarh who left for their heavenly abode recently. May God rest their souls in peace and grant solace to the bereaved families.

– President & Secretary General RSCWS

MINUTES OF GBM OF RSCWS HELD ON 17-10-2014

1. Meeting was presided over by Shri N. P. Mohan. 54 Members attended the Meeting. Meeting started with a cultural programme with devotional Songs & hymens by Sh. T. S. Chawla, Sh. H. S. Sachdeva, Smt Rama Dogra & Sh. HD Sharma.

2. **Opening remarks by Sh. NP Mohan:**

Welcoming the members, Shri Mohan referred to some of the items of the agenda as under;

- i) In pursuance of the decision taken for including social welfare items in our activities, it has been decided to earmark a sum of Rs.15000/- for the quarter ending December, 2014. A Committee was set up for identifying needy and deserving institutions and based on their recommendations, two institutions will be presented with cheques of Rs 7500 each today.
- ii) Re-fixing of pension from 1-1-2006 in accordance with PB CAT verdict of 1-11-2011 for pensioners other than petitioners (S 29 group) is linked with 3 SLPs pending in SC.
- iii) In order to pursue the matter of non issue of revised PPOs, Members of RSCWS were requested to furnish details through individual letters recently. Members were again requested for early compliance.

3. **Report of activities by Secy. General, RSCWS; Sh. Harchandan Singh: He mentioned following points:**

i) **Reg. Seventh Pay Commission:**

i) Reply to Questionnaire and Memorandum had been submitted by RSCWS to 7th CPC on all major issues and grievances of the Pensioners, in coordination with other Organisations – BPS, AIRF, JCM, CCCGPA etc.

ii) No decision on DA Merger or Interim Relief . Staff is agitated. Notice for direct action had been given by JCM and its constituents on main demands.

1) **Court cases – FMA:** Hearing of the case was fixed on 3rd Nov, 2014 in CAT Chandigarh Reply by Respondents and Rejoinder by RSCWS had been filed. (*Please see Page one for the latest position of the Case*).

2) **Modified Parity of Pension** – Orders had been issued for Petitioners only. Govt had linked the fate of other affected Pensioners with the 3 SLPs pending in the Supreme – which is totally unjustified.

3) **Grant in Aid to RSCWS by DOP (P&PW)**

i) Rs. 75000 had been received by RSCWS as in July 14, as Grant-in-Aid from the DOP&PW under Pensioners' Portal. The amount is to be spent on specified heads in the current FY 2014-15.

ii) Separate Account had been opened as required by the Terms & Conditions of the Grant.

iii) EC had Formed Standing Committee to decide Utilisation of Grant-in-Aid.

iv) Procedure evolved for proper utilization

4. **Social Welfare Activities:**

i) **Social Welfare Activities started & Separate Social Welfare Fund (SWF) of RSCWS Launched in July, 2014**

ii) **Rs.10000** were donated to PM National Relief Fund by RSCWS through Tribune Trust &

iii) **Rs.5000** donated by RSCWS through BPS for J&K Flood Relief.

5. **Medical Problems:** RSCWS had taken up following issues with CMS-UMB, CMD & AIRF:

i) **Infrastructure Fan, Water Cooler, X-Ray in Health Unit Chandigarh.**

ii) **Empanelment of Specialized Private Hospitals at Chandigarh.**

iii) **Procedure for Referral of Cases to PGI & Private Hospitals.**

6. **Decisions by General Body:** After discussion it was decided as under **Reg Social Welfare Activities:**

i) **All Members of RSCWS be urged to voluntarily contribute Rs.1000 PA or such other amount as they may deem fit, for the Social Welfare Fund (SWF)**

ii) **SWF be utilized to help the poor & the destitute Children, Elders, and the Sick in collaboration with other Social Welfare Organisations**

iii) **Social Welfare Committee (SWC) of RSCWS should monitor & recommend the utilisation of SWF**

iv) **Following two organizations be given a grant of Rs.7500 each from SWF RSCW forthwith as recommended by the SWC RSCWS for the good work be done by them to help the needy as per details indicated below:**

I) **Gur Asra Trust (Regd) Palsora, Chandigarh**

the Old people – through FINANCIAL help, shelter, Care, education and training for self reliance. It started in 1999. It has 2 centers at Palsora and Manana. It runs only with donations at present.

II) **Jyoti Saroop Kanya Asra Society (Regd) Kharar:**

Society looks after & provides shelter to 75 poor & Orphan Girls. It Provides comprehensive education for a better Future of these CHILDREN. it Started in 1998 in a room now has its own building which was built only with donations.

8. **Presentation of Cheques for AID:** Cheques of Rs.7500 each was presented to the Chairmen of Gur Asra Trust and President of the Jyoti Saroop Kanya Asra Society as an aid for the welfare work done by these organizations.

Both the Recipients thanked the RSCWS and urged upon the Members to visit their premises to see for themselves the work being done by them

6. **Medical Seminar: A Medical Seminar & Inter Action** was held on the “Causes, Symptoms & Treatment of Irregular Heart Beats” By Dr. Rajat Sharma, Senior Consultant Cardiology, Fortis Hospital, Mohali.

9. Meeting dispersed after honouring the Doctor and a vote of thanks to the Chair & Fortis Hospital,

RESTRICTION ON NUMBER OF WITHDRAWALS OF MONEY FROM ATMs

As per the latest directive issued by RBI, the number of free transactions at ATMs of your own bank has been limited to 5 in a month (as against unlimited transactions till now). In case of other bank's ATMs, the number of free transactions have been brought down from five to three (in case of metros) while it has been. pt at five at non-metros. RBI's directive can be seen on the RBI website.

Minutes of Executive Committee Meeting RSCWS Held on 7-12-2014

1. **OPENING ADDRESS BY THE PRESIDENT: Sh. NP Mohan Mentioned as under**
 - i) Welcoming the members, Shri Mohan thanked Shri Gurdeep Singh for hosting the meeting.
 - ii) Taking stock of the shortfall in the payment of annual subscription by the members (year coming to an end), he made a request to conveners of Area Sub-committees to contact the members. A list of outstanding dues will be supplied shortly so that the matter can be effectively pursued to collect the dues by the Committees.. The same applies to the shortfall towards SWF CONTRIBUTION.
 - iii) A suggestion was made that annual subscription (hitherto for a calendar year) should be for a financial year. This requires a Constitution Amendment which may be considered in the AGM
 - iv) FMA has been increased to Rs.500 pm and effective date is 19-11-2014. Rly Board's orders are awaited.
2. **REPORT BY SECY. GENERAL, RSCWS: Sh. Harchandan Singh mentioned as under:**
 - i) Case for higher FMA- (OA Filed in Nov 2013): Judgement in the Case was given on 24-11-2014 dismissing the Petition. Legal opinion was being taken by RSCWS about filing an Appeal against it.
 - ii) Modified Parity of Pension – orders had been issued for Petitioners only. Govt has agreed to consider extension of the benefit to others affected Pensioners after the decision of Supreme Court on the other pending SLPs. RSCWS has represented to the Government withdraw these SLPs as being frivolous. Next hearing of the SLPs is fixed on 13-1-2015.
 - iii) Membership: Rs.28,700 had been received as Membership from Local Members and Rs.10450 from Outstation Associate Members. However 40 local Members have yet to pay the Membership for 2014 and Rs.10,000 was due as Associate Membership from SCR Bhubneshwar.
 - iv) Social Welfare: a) Rs.50,400 was received from Members for Social Welfare Fund in 2014 (up to 7th Dec14).
b) Rs.30,000 had been donated in 2014 (up to 7th Dec14) by RSCWS for Social Welfare causes – comprising of Rs.15000 for PM Relief Fund for J&K Floods and Rs.15000 to NGOs helping the poor and the destitute.
 - v) SPECIAL DONATION Rs. one Lakh were received as Special Donation to RSCWS from Sh. KS Bhandari.
 - vi) Grant in Aid to RSCWS by DOP&PW: Out of Rs.75000 received from DOP&PW as Grant in Aid, Rs.35,254 had been spent in 2014 (upto 7-12-14) on Specified heads indicated by DOP&PW as decided by EC.
 - vii) Income from Advertisements: Rs.20,000 were received for advertisements in the journal "Pensioners Rail Sampark" and Rs.12,000 from Advertisement for RSCWS Website
 - viii) Expenditure from General Fund: Rs. 82871 had been spent from General Fund of RSCWS up to date.
 - IX) MEDICAL CARE: Present position is as under reg. Health Care at Chandigarh :
 - a) As a result of constant persuasion by RSCWS at Divisional, Zonal and Railway Board level, some improve has taken place in Medical facilities for Pensioners &, employees & their Dependents. But still there are many other problems which need to be resolved through constant efforts.
 - b) NR Health Unit CHD now opens 6 days a week from 9 to 3 PM (instead of 3 days a week earlier)
 - c) Full time Doctor has now been Posted and is available from 9 to 1 PM.
 - d) 1 Pharmacist, 1 Nurse, 1 Attendant, 1 Safaiwala have now been posted
 - e) Still there are Vacancies of 1 Pharmacist, 1 Dresser, 2 Attendants (One Male & 1 Female)
 - f) Medicines are issued for 1 Month in Chronic Cases
 - g) Powers for Local Purchase have not yet been given to Doctor at CHD
 - h) Issue of Medicines prescribed by Specialists gets delayed due to non availability of powers for LP
 - i) Separated Budget has not yet been sanctioned for HU CHD
 - j) Fan, Water Cooler for the Patients were not provided in the Health Unit.
 - k) 3 Rooms of HU were forcibly occupied by DyCEn (Const) CHD Office.
 - l) No Dressing Room, No store Room No Toilet for Patients were provided in the in the HU
 - m) Empanelment cases of Fortis, MAX & Sohana Hospitals were pending. These need to be approved early.
 - n) Powers for Referral to PGI & Private Hospitals be given to the Doctor at Chandigarh.
 - o) Diagnostic facilities are not provided in HU nor any out-source Agency nominated or Empanelled
 - p) One Ambulance is required to take Patients to PGI or other Specialised Hospitals.
 - q) CMD /DRM/CMS will be further urged through letters & personal visit to UMB to resolve these problems
3. Steps to Collect Balance of Membership & Social Welfare Fund for 2014. It was decided that Members of the Sub-Committees of RSCWS will be provided with the list of defaulting Members to contact them and collect the Membership and SWF. Reminders will also be sent by SG & Treasurer for this purpose.
4. Executive Committee resolved to thank Sh. KS Bhandari for his Special donation of Rs. One Lakh to RSCWS. It was decided that the same be kept separately in FD Account of RSCWS and be utilised in a manner as may be advised by Shri KS Bhandari or as decided by the Executive Committee from time to time.
5. Donations of Rs.15,000 per quarter be given from SWF of RSCWS as recommended by Sub-Committee already formed for the purpose. Committee will visit and short list the needy NGOs helping the needy.
6. AGM of RSCWS will be held on 9-1-2015 at YWCA Sector 11 B from 10-15 sharp. Lunch will be served by RSCWS. Election of RSCWS will be held during the AGM as due.
7. Meeting dispersed after a vote of thanks to the Chair and to the host Shri Gurdeep Singh.

INEQUALITY IN RISE OF PENSION AMONGST SCALES IN PB 4 AND LOWER PAY BANDS

With the adoption of pay band system by 6th CPC, the resultant rise in pension is generally 2.5 for scales in PB 1 to 3 whereas it is 3 and more up to 3.4 in PB 4. Such a glaring inequality has not happened as a result of recommendations by earlier Pay Commissions. A comparison has been made by taking representative scales from each GROUP/PAY BAND and the rise in pension as a factor at the minimum level right from 3rd CPC is worked out in the table given below.

COMPARISON OF RISE IN PENSION FROM THIRD TO SIXTH CPC

COMPARATIVE RISE IN PENSION (IN SOME REPRESENTATIVE SCALES) AT MINIMUM LEVEL FROM 3RD CPC TO 6 TH CPC							
PAY SCALES/PAY BANDS FROM 3RD TO 6TH CPC					RISE IN PENSION		
Scale/ Group PB	3rd CPC (1-1-1973)	4th CPC (1-1-1986)	5th CPC (1-1-1996)	6th CPC (1-1- 2006) (PB)	From 3rd to 4th	From 4th to 5th	From 5th to 6th
S 6	290-400	975-1540	(3200-4900)	5200 20200+2000 (PB 1)	3.4	3.2	2.5
S 9	550-800	1600-2660	(5000-8000)	9300 34800+4200 (PB 2)	2.9	3.1	2.7
S 13	840-1200	2375-3500	(7450-11500)	9300-34800+4600 (PB 2)	2.8	3.1	2.5
S 15	700 1300	2200 400	(8000 13500)	9300-34800+5400 (PB 2)	3.1	3.6	2.5
S 19	1100 1500	3000 4500	(10000 15200)	15600-39100+6600 (PB 3)	2.7	3.3	2.5
S 21	1500-180	3700-5000	(12000-16500)	15600-39100+7600 (PB 3)	2.5	3.2	2.5
S 24	1500 2500	4500 5700	(14300 18300)	37400-67000+8700 (PB 4)	3	3.2	3.2
S 29	2250 2500	5900 6700	(18400 22400)	37400-67000 +10000 (PB 4)	2.6	3.1	3
S 30	3000 Fixed	7300 7600	(22400 24500)	67000 79000	2.4	3.1	3
S 31/A	3000 3500	7300 8000	(22400 26000)	75500 80000	2.4	3.1	3.4
S 32/A	3250	7600-8000	(24050-26000)	75500-80000	2.3	3.2	3.2
S 33	3500	8000	26000	80000 (Fixed)	2.3	3.2	3.1
S 34	4000	9000	30000	90000 (Fixed)	2.3	3.3	3

It will be seen that from 3rd to 5th CPC, the rise in pension has been nearly uniform for all the scales. It is only after 6th CPC that a wide disparity has crept in which is discriminatory. This needs to be presented strongly before 7th CPC so that such a situation can be avoided and all pensioners are treated alike. - N.P. MOHAN ex CE W. RLY

Did You Miss the July 31 Deadline for Filing Tax Returns?**Don't worry, you have plenty of time to still do it**

Most of the salaried taxpayers pay tax that gets deducted from their salary via TDS, and well before the deadline of March 31. But many times they fail to file their returns by the deadline or forget to file them all together. But there is no need to panic. When it comes to filing of your income tax returns, tax laws are not so stringent. Being a salaried person, you might not have filed your taxes by July 31, but if you have an income on which all the taxes have been deducted or have been deposited by way of advance tax, you do not need to worry. You can always file your returns within a period of two years from the end of the relevant financial year. For e.g. for FY 2013-14 the time available to file the belated return would be March 31, 2016. There should be no additional penalty or interest except section 271F for not filing the return by July 31, 2016, provided you act now.

RAIL PENSIONERS ! BE ACTIVE MEMBERS OF RSCWS

FOR YOUR WELFARE & TO STAY IN TOUCH WITH LATEST DEVELOPMENTS ON PENSIONERS ISSUES

PAY YOUR SUBSCRIPTION FOR RSCWS EARLY FOR 2014, IF NOT DONE ALREADY,

ANNUAL SUBSCRIPTION FOR THE YEAR 2015 IS ALSO NOW DUE

RS.300 PA OR LIFE MEMBERSHIP RS.2500

(INCLUDING THAT FOR "PENSIONERS RAIL SAMPARK" – QUARTERLY JOURNAL OF RSCWS)

**DONATE LIBERALLY TO LEGAL-CUM-STRUGGLE FUND TO FIGHT FOR THE CAUSE OF PENSIONERS
DONATIONS & SUBSCRIPTIONS BE SENT BY LOCAL OR AT PAR CHEQUE OR DEMAND DRAFT OR M.O.**

OR IT MAY BE PAID IN CASH TO –

SH. C. P. SINGH, TREASURER, RSCWS, G-210, RAIL VIHAR, PANCHKULA, (CHANDIGARH)-1600-- (PH. 09888054477).

- PRESIDENT & SECRETARY GENERAL, RSCWS

**Copy of Memorandum No. RSCWS/ CHD/2014-10 Dated: 4-11-2014 from RSCWS to
Shri Jatinder Singh, Ministry of Personnel, PG and Pensions,**

Dear Sir,

Subject: i) Re-fixation of pension of all affected Pre-2006 Pensioners from 1-1-2006 as per accepted Recommendations of Sixth Pay Commission & as per CAT judgment in OA 655/2010 – upheld by Supreme Court of India.

ii) Appeal for withdrawal of 3 SLPs from SC in view of the rejection of SLP NO. 23055 of 2013, Review Petition 2492 of 2013 and Curative Petition 126 of 2014 reg. OA 655/2010 of CAT New Delhi on the same matter jointly dealt with them by CAT.

Reference:- i) RESOLUTION of Union Cabinet, GOI No. 38/37/08-P&PW (A) dated 29-8-2008 reg acceptance of recommendations of Sixth CPC;

ii) DOP&PW O.M. – F.No. 38/37/08-P&PW (A), dated 1st September, 2008 – Reg. revision of pension of pre-2006 pensioners and Family Pensioners.

iii) DOP&PW O.M. – F.No. 38/37/08-P&PW pt.1 dated 3.10.2008 - Clarifications (since set aside by the Courts)

iv) DoP&PW OM No. 38/37/08-P&PW pt.1 dated 26-8-2014 with Reg. Revision of Pension of pre-2006 Pensioners (*Only of Petitioners in OA 655/2010*)

We very humbly seek your benign intervention seeking relief from the undue suffering of a section of Pre-2006 Pensioners who have been denied their rightful revision of pension despite the verdict of the CAT PB New Delhi in OA 655/2010 – which had universal application for all affected Pensioners. In this regard we very draw your kind attention to the following facts for your kind & favourable consideration:

1. Recommendations of Sixth CPC approved by Union Cabinet:

The recommendations in respect of past pensioners made in Para 5.1.47 of the 6th CPC Report were accepted by Union Cabinet and were notified vide Resolution No. 38/37/08-P&PW (A) dated 29-8-2008. According to this, the pension of pre-2006 pensioners is to be governed by the principle of Modified Parity as enunciated by 5th CPC and as recommended for continuing the same by 6th CPC without any change.

As per this principle, the pension shall not be less than 50% of the minimum of the revised pay of the post held by the pensioner at the time of retirement. In the new system of Pay Bands and Grade Pay (where a number of pre revised pay scales have been grouped in 4 pay bands) adopted by 6th CPC, it has been stipulated in Para 5.1.47 that “*The revised pension, in no case, shall be lower than fifty percent of the sum of the minimum of the pay in the pay band and grade pay thereon corresponding to the pre-revised pay scale from which the pensioner had retired.*”

It has been emphatically and without any ambiguity laid down that both the minimum of the pay in the pay band and grade pay thereon have to simultaneously correspond to the pre-revised pay scale from which the pensioner had retired.

2. Accepted recommendations by Govt. notified in the Gazette were unauthorisedly modified to the detriment of Pre-2006 pensioners.

a) Unjust, brazen and unauthorized distortion were made by DOP&PW in the recommendations of 6th CPC, (after the same were accepted by the Government vide Resolution dated 29-8-2008), to the detriment of pre 1-1-2006 pensioners as can be seen from the following comparative table of relevant the wordings of the initial decision of the Government and subsequent implementation orders issued vide DOP&PW Memoranda dated 1-9-2008 and 3-10-2008:

<u>Recommendation of 6th CPC accepted by GOI as per Resolution dated 29-8-2008</u>	<u>DOP OM dated 1-9-2008 on implementation of 6th CPC recommendations</u>	<u>DOP OM dated 3-10-08 – clarification (modification)</u>
The fixation of pension will be subject to the provision that the revised pension, in no case, shall be lower than 50% of the sum of the minimum of the pay in the Pay Band and the Grade Pay thereon corresponding to the pre-revised pay scale, from which the pensioner had retired. (5.1.47)	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 [sum of the] minimum of the pay in the pay band [and] <i>plus</i> the grade pay [thereon] 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 had retired.	The Pension calculated at 50% of the minimum of pay in the Pay Band plus grade pay would be calculated <i>(i) at the minimum of the pay in the Pay Band (irrespective of the pre revised scale of pay) plus Grade Pay corresponding to the pre-revised pay scale.</i>

(Note: Words within brackets [] in the second column had been deleted in OM dated 3-10-2008 as per Col 3 and those shown in bold italics in Col 3 had been added without approval of the Cabinet).

b) Thus, instead of both the minimum of the pay in the pay band and the grade pay “corresponding to the pre-revised scale of pay” as intended under Resolution dated 29.8.2008, it was altered to minimum pay in the pay band “irrespective of the pre-revised scale of pay” under the so called clarification dated 3-10-2008. This resulted in fixation of pension at a much lower level.

3. CAT PB held DOP&PW OM dated 3-10-2008 as illegal & null & void: Full Bench of Central Administrative Tribunal (CAT) Principal Bench New Delhi, in their judgment dated 1-11-2011 in OA 655/2010 with 3 other OAs, set aside the order of the DOP&PW dated 3-10-2008 and quashed it as it was contrary to the Resolution dated 29-8-2008 of the Union Cabinet (which could not be changed except by the Cabinet itself). Respondents were directed to re-fix the pension of all pre-2006 retirees w.e.f. 1.1.2006, based on the resolution dated 29.08.2008.

CONTINUED

4. Decision of CAT PB upheld by High Court & Supreme Court

a) The decision of the CAT in OA 655/2010 along with three other Applications to re-fix the pension of all pre-2006 pensioners was upheld by the Delhi High Court.

UOI, however, chose to initially file an SLP in one case only namely OA 655/2010 (although other three OAs were also governed by the same order of CAT and later upheld in the same order by Delhi High Court) which was dismissed. Instead of implementing CAT order, UOI filed review petition and Curative petition which too were dismissed by the Supreme Court.

b) Even after the Dismissal of the SLP by the Apex Court, Government still did not withdraw the illegal order dated 3-10-2008 which was quashed by CAT.

c) However, after much pressure from all sides Government issued an order dated 28-1-2013 giving the benefit of 'stepping up of pension' in accordance with Resolution from an arbitrary date of 24-9-2012 – thus depriving all affected Pre-2006 Pensioners of the arrears from 1-1-2006 to 23-9-2012 – even though the said date (24-9-2012) had neither any justification nor any relevance or sanctity.

5. More SLPs filed on the same issue & against same Common judgment:

Three other SLPs (Civil) No.36148-50/2013 were filed in the meanwhile, by the Government in the Supreme Court against the common CAT order dated 1-11-2011 and up held by Delhi High Court which have neither been withdrawn so far even after the rejection of the Review and Curative Petitions by the Supreme Court against the said common judgment, nor have the same been heard so far even though one year has passed. Meanwhile, the said three SLPs have, somehow, been got clubbed with more than 40 other unrelated Cases - thereby further receding the possibility of an early disposal of the SLPs concerning the old Pensioners who are already on the fag end of their lives.

6. CAT PB directed Govt to implement its judgement: During the hearing in CAT on 15-5-2014 in the contempt petition against non implementation of its orders in OA 655/2010, the Tribunal, while disposing of the contempt petition, directed the Government to implement the directions of the Tribunal in OA 655/2010.

7. Partial & discriminatory implementation of CAT's Orders for Petitioners only:

a) DOP&PW issued the order dated 26-8-2014 (*cited above*) for grant of arrears from 1-1-2006 but restricted the same to the Petitioners alone – a stand which had never been taken by the Government at any stage prior to 15-5-2014.

b) Most pertinent point is, that the same order (OM Dated 3-10-2008) which was treated to be illegal of OA 655/2010 by the CAT is not being applied to the Petitioners thereof but are still being applied to the rest of the affected Pensioners even after the verdict of the Supreme Court on the Curative Petition on the same issue. This is totally unjust and against the law of natural justice.

8. NON-IMPLEMENTATION OF ORDERS OF THE TRIBUNAL IN RESPECT OF OTHER PRE-2006 PENSIONERS (NON-PETITIONERS) – IS ILLEGAL.

a) As mentioned above, order of the Tribunal for revising pension from 1-1-2006 were applicable to ALL AFFECTED PENSIONERS without any distinction. But the DOP&PW has issued the orders only for the Petitioner while denying the same to the other affected Pensioners This discrimination is totally unjust, illegal and in violation of Articles 14, 16 and 39 of the Constitution.

b) The reason for the above said restrictive orders advanced by DOP&PW in SCOVA meetings is that the case is sub-judice as the 3 SLPs are pending in the Supreme Court. This is absolutely not valid because of the following reasons;

i) These 3 SLPs though filed separately in the Supreme Court are a part of the common order delivered by PB CAT in OA 655/2010 along with other 3 OAs (relating to the said 3 SLPs) and were later on part of the common order/ judgement of DHC in 4 WPs up holding the verdict of CAT.

ii) Verdict in respect of OA 655/2010 has reached FINALITY with the dismissal of CURATIVE PETITION. Therefore, these 3 SLPs covered under the same common order as that of OA 655/2010 of CAT and DHC, are rendered in fructuous.

9. PROLONGED SUFFERING OF PRE-2006 PENSIONERS

Because of the injustice inflicted upon the old pensioners by issuing orders in contravention to the accepted recommendations (as mentioned in Para 2 above) forcing a section of pensioners to undergo an arduous and painful process of litigation over a period of nearly 5 years, justice has been restored to only a few pensioners whereas a large number of similarly placed pensioners are still suffering as they have to wait for the outcome of 3 SLPs. These pensioners are in the age group of 70 and above and will be deprived of justice in their lifetime if they are forced to wait for the outcome of 3 SLPs – which are either way frivolous in view of dismissal of even the Curative Petition on the same matter.

10. APPEAL FOR REDRESSAL OF SUFFERINGS OF AFFECTED PENSIONERS:

The affected pensioners be given justice as under:

i) it is requested that the 3 SLPs (Civil) No.36148-50/2013 pending in SC may please be withdrawn - as the same are infructuous after rejection of the Curative Petition by the Supreme Court on the same matter as in OA 655/2010.

ii) Pension of all affected Pre 2006 Pensioners may please be re-fixed from 1-1-2006 as per orders of CAT in OA 655/2010 and as done for a few petitioners only vide DOP orders dated 26-8-2014 while unjustly ignoring the rest.

PENSIONERS & SENIOR CITIZENS !

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FOR ADMINISTRATIVE ORDERS, INFORMATION OF ACTIVITIES OF RSCWS,
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SOCIAL WELFARE ACTIVITIES OF RSCWS**RSACWS DONATES RS.15000 EACH TO CHARITABLE NGOS & J&K FLOOD RELIEF – PMO ACKNOWLEDGES DONATION**

Starting with a donation of Rs.10000 to Prime Minister Relief Fund – through Tribune Trust and Rs.5000 through BPS for J&K Flood Relief, RSCWS has continued with its Social Welfare Activities by donating Rs.7500 each to two of the NGOs in and around Chandigarh, which are working for the poor, orphan and destitute Children and ladies. RSCWS has decided to continue to help such causes on a regular basis.

KS BHANDARI DONATES RS ONE LAKH TO RSCWS

Shri KS Bhandari, Vice President RSCWS had donated Rs. one Lakh to RSCWS. The RSCWS is thankful to him for this generous donation and for his life time service to the society. The amount is to be utilized for Social Welfare & other activities of RSCWS as decided by the Executive Committee RSCWS.

RSCWS has decided that every Member shall donate Rs.1000 per year to Social Welfare Fund (SWF) of RSCWS. Over Rs.1.5 Lakhs have so far been received in the last few months in SWF - including a donation of Rupees One Lakh by Sh. KS Bhandari Vice President RSCWS. All Members of RSCWS are requested to contribute liberally to the Social Welfare Fund to help the poor, needy and destitute.

SEMINAR ON HEALTH AWARENESS: SUDDEN CARDIAC ARREST IS FATAL

“Sudden Cardiac arrest is different from Heart Attack. Sudden Cardiac arrest takes place on account of rhythmic disorder of heart due to electrical disturbances of the heart resulting in sudden, unexpected loss of heart functioning that disrupts pumping action of the heart, stopping blood flow to the rest of the body. Heart attack occurs when the flow of the blood stops to a section of the Heart. Rhythmic functioning of heart is as such equally vital as the other functions of the heart and as such must be got attended to whenever any disorder is observed.”

These views were expressed by Dr. Rajat Sharma Cardiac Electric-physiologist Fortis Hospital Mohali, while addressing the Medical Awareness Seminar of the RSCWS held at Chandigarh recently.

NO HEARING FOR OVER 1 YEAR OF SLPS PENDING IN SC ON MODIFIED PARITY OF PENSION - RSCWS SEEKS INTERVENTION OF MINISTER

No hearing could take place in the SC on 2nd December, 2014 also, of the SLPs of the Govt pending in the Supreme Court for the last one year Reg. Modified Parity to the Pre 2006 Pension as per judgement of PB CAT in OA 655/2010. The said SLPs are pending in the Supreme Court for over one year. The next date of hearing is fixed on 13th January, 2015. RSCWS has sought intervention of MOS for Personnel & Pensions (PP) for Re-fixation of pension of all affected Pre-2006 Pensioners from 1-1-2006 as per accepted Recommendations of Sixth Pay Commission & as per CAT judgment in OA 655/2010.

(SEE COPY OF THE MEMORANDUM ON PAGE 5 & 6 INSIDE).

DOP&PW ORDERS ON RS.500 FIXED MEDICAL ALLOWANCE (FMA)

Copy Dept of Pension & Pensioners' Welfare OM NO,4/25/2008-P&PW(D) Dated t19th November, 2014

Subject: Grant of Fixed Medical Allowance (FMA) to the Central Government Pensioners residing in areas not covered under CGHS.

The undersigned is directed to say that at present Fixed Medical Allowance is granted to the Central Government pensioners/family pensioners residing in areas not covered under Central Government Health Scheme administered by the Ministry of Health & Family Welfare and corresponding health schemes administered by other Ministries/Departments for their retired employees for meeting expenditure on their day-to-day medical expenses that do not require hospitalization. Orders were issued vide this Department's O.M. of even no. dated 26.05.2010 for enhancement of the amount of Fixed Medical Allowance from Rs. 100/- to Rs. 300/-p.m. w.e.f. 1.09.2008.

2. The demand for further enhancement of FMA has been under consideration of the Government for some time past. Sanction of the President is hereby conveyed for enhancement of the amount of Fixed Medical Allowance from RS.100/- to RS.500/- per month. The other conditions for grant of Fixed Medical Allowance shall continue to be as contained in this Departments' OMs No,45/57/97-P&PW(C) dated 19.12.97, 24.8.98, 30.12.98 and 18.8.99. 3. These orders will take effect from date of issue of this O.M.

4. These orders are issued with the concurrence of the Ministry of Finance (Deptt. of Expenditure) vide their 1.0. Note No 58811EV/2014 dated 22.10.2014 and in consultation with the Comptroller and Auditor General of India vide their UO No. 174 Staff(Rules)/02-2011 dated 12.11.2014.

PRS: 10-12 -2014

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