

**BRIEF FOR THE OA FOR REMOVAL OF DISPARITY IN FIXATION OF
PENSION OF PRE 2006 PENSIONERS**

1. **BHARAT PENSIONERS SAMAJ, 2/13-A, LGF, JANGPURA 'A' NEW DELHI - 110 014**
2. **RAILWAY SENIOR CITIZENS WELFARE SOCIETY, THROUGH HARCHANDAN SINGH, SECRETARY GENERAL, RSCWS, HEAD OFFICE 32, PHASE 6, MOHALI - 160055**

.... Applicant

Versus

1. **UNION OF INDIA THROUGH THE SECRETARY, MINISTRY OF PERSONNEL, PG & PENSIONS, DEPARTMENT OF PENSION & PENSIONERS' WELFARE, GOVERNMENT OF INDIA, 3RD FLOOR, LOK NAYAK BHAWAN, KHAN MARKET, NEW DELHI.**
2. **SECRETARY, GOVERNMENT OF INDIA, MINISTRY OF RAILWAYS, RAILWAY BOARD, RAIL BHAWAN, NEW DELHI.**
3. **SECRETARY, MINISTRY OF FINANCE (EXPENDITURE), GOVERNMENT OF INDIA, NORTH BLOCK, NEW DELHI.**

Respondents

**SYNOPSIS OF THE CASE FOR REMOVAL OF DISPARITY IN FIXATION OF
PENSION OF PRE 2006 PENSIONERS**

1 By way of the present Application, the Applicants before this Hon'ble Tribunal are impugning Office Memorandum No. F.No. 38/37/08-P&PW (A), dated 1st September, 2008 (placed at Annexure I of this OA) – Regarding: Implementation of Sixth Pay Commission Report - Revision of pension of pre-2006 Pensioners and Family Pensioners.

- i) The impugned order is discriminatory in nature – so far as the fixation of revised Pension of those Pre-2006 Pensioners who retired from the corresponding Pre-Revised scales of S 4 to S 23 and S 29 vis-a-vis the Pensioners who retired from corresponding Pre-Revised scales of S 24 to S 28 and S 30 to S 34.
- ii) Pre-2006 Pensioners are a homogeneous class as a whole and as such, as per settled law, they required equal treatment for revision of their Pension.
- iii) Sixth Central Pay Commission Report and Government decision thereon have created a class within a class resulting in wide disparity in respect of the percentage rise in the pension of those Pensioners who retired from lower corresponding Pre-Revised up to scales of S 23 vis-a-vis those who retired from corresponding Pre-Revised scales of S 24 & above.
- iv) The Table appended as Annexure-II shows the comparative percentage increase in pension as on 1-1-2006 and the emerging multiplication factor for the pension for all the scales from S 4 to S 34 at the minimum level of pension - based on DOP&PWs OM dated 1-9-2008 and OM of 3-10-2008 - for arriving at the revised pension.
- v) The glaring inequalities are as under;
 - a) Percentage increase in pension as on 1-1-2006 is about 21.5% for scales S 4 to S 23 in Pay Bands 1 to 3. The percentage increase in Pay Band 4 and above was is over 50% (*except for S 29*) and is even above 70 % in 3 other scales - (*as per details indicated in col. 8 of the Table Annexed herewith*).

- b) **Consequential Multiplication factor (*Ratio between revised basic pension and minimum Basic pension in pre-revised scale*) given in col. 9 indicates a wide and unjustified variation between scales S 4 to S 23 in Pay Bands 1 to 3 and scales in pay band 4 and above.**
- c) **The resultant multiple factor was is about 2.26 for PB 1 to PB 3 whereas for higher scales, it was is 3 to 3.4 - except for S 29 where it is 2.6.**

vi) It is pertinent to mention that multiplication factor of scales S 30 (*earlier in PB 4*) had improved to 3 after it was granted a separate scale - as in the case of S 31 & 32.

vii) All Pre-2006 Pensioners are a homogeneous class as a whole and as such it is totally unjust that revision of pension should be as discriminatory as mentioned heretofore, so as to put the retirees from lower scales to substantial loss of pension with as low a multiplication factor as 2.26 when the retirees from the higher scales have been safeguarded with a multiplication factor or a rise of 3 times or more.

2. Numerous representations have been made to the Government of India (including the Prime Minister, Minister of Finance, Minister of Personnel, Pension & Pensioners Welfare, and Secretaries Finance Expenditure, P& PW and Railways). But the justice has not been done. (*Copies of the Memorandums submitted in this regard are attached herewith as Annexure ___ & ---*).

3. The disparity within the homogeneous group of Pre-2006 Pensioners is most unjustified, illegal and violative of Article 14, Article 16 and 39 of the Constitution of India – especially since the Pensioners who retired from the corresponding Pre-Revised scales of S 4 to S 23 and S 29 got a rise of Basic Pension of nearly 2.26 times in comparison to nearly 3 to 3.4 times rise of Basic Pension to those Pre-2006 Pensioners who retired from corresponding Pre-Revised scales of S 24 to S 28 and S 30 to S 34.

4. a) The above position has not much improved even after the issue of OM No F.No.38/37/08-P&PW(A) dt 28.01.2013, Ministry of Personnel, PG & Pensions, DOP&PW Regarding: Revision of pension of pre-2006- pensioners – vide which “the pension of pre-2006 pensioners as revised w.e.f. 1.1.2006 in terms of para 4.1 or para 4.2 of the aforesaid OM dated 1.9.2008, as amended from time to time, would be further stepped up to 50% of the sum of minimum of pay in the pay band and the grade pay corresponding to the pre-revised pay scale from which the pensioner had retired, as arrived at with reference to the fitment tables”.(Copy of the orders dated 28-1-2013 is submitted herewith and placed as Annexure III of this OA)

b) Taking the minimum revised pay as a result of stepping up into consideration (col. 10 of the annexure), the multiplication factor is worked out in col.11. There is a nominal increase in the factor up to 2.5. This increase has a very limited impact because the insignificant increase is confined to mostly those pensioners who have retired at or near the minimum of the pre revised scale. The majority of the pensioners in PB 1 to PB 3 having retired after a few increments do not get any advantage because their pension is governed by the fitment benefit of 40% which gives a factor of 2.26 only.

c) Even after the implementation of the above said orders dated 28-1-2013, all Pensioners who retired from the corresponding Pre-Revised scales of S 4 to S 23 get a rise of Basic Pension varying between 2.26 to 2.5 times in comparison to 3 to 3.4 times rise of Basic Pension to those Pre-2006 Pensioners who retired from Pre-Revised scales in PB 24 and above – as apparent from Col 11 of the attached Annexure 1

5. It is therefore prayed that the respondents be directed to remove disparity caused by the impugned orders and to give with effect from 1-1-2006 ~~equal to~~ at least 3 times rise of Basic Pension to all Pre 2006 Pensioners who retired from the corresponding Pre-Revised scales of S 4 to S 23 and S 29 at par with or at least comparable with those Pre-2006 Pensioners who retired from corresponding Pre-Revised scales of S 24 to S 28 and S 30 to S 34.

DISPROPORTIONATE RISE IN PENSION OF PRE-2006 PENSIONERS										
1	2	3	4	5	6	7	8	9	10	11
Existing Pay Scales as per 5th PC	Pay Band	Revised Pay Structure	Min basic pension (BP)	Pension drawn on 1-1-06 (BPx1.86)	Consolidated pension (Para 4.1 of O.M. dt. 1/9/08)	Minimum Revsd. Pension (50% of PB & GP OM 3-10-08)	%age increase in Pension on 1-1-06 (better of cols. 6 & 7)	Multiplication Factor (col.6 or 7 w.r.to min. BP)	Min revised pension (OM of 28-1-2013)	Multiplication Factor (col.6 or 10 w.r.to min. BP)
S-4(2750-4400)	PB-1	5200-20200+1800	1375	2558	3500	3500	36.8	2.55	3665	2.7
S-5(3050-4590)	PB-1	5200-20200+1900	1525	2837	3500	3550	25.1	2.33	3890	2.6
S-6(3200-4900)	PB-1	5200-20200+2000	1600	2976	3616	3600	21.5	2.26	4030	2.5
S-7(4000-6000)	PB-1	5200-20200+2400	2000	3720	4520	3800	21.5	2.26	4920	2.5
S-8(4500-7000)	PB-1	5200-20200+2800	2250	4185	5085	4000	21.5	2.26	5585	2.5
S-9 (5000-8000)	PB-2	9300-34800+4200	2500	4650	5650	6750	45.2	2.7	6750	2.7
S-10 (5500-9000)	PB-2	9300-34800+4200	2750	5115	6215	6750	32.0	2.5	7215	2.6
S-11(6500-6900)	PB-2	9300-34800+4200	3250	6045	7345	6750	21.5	2.26	8145	2.5
S12((6500-10500)	PB-2	9300-34800+4200	3250	6045	7345	6750	21.5	2.26	8145	2.5
S-13 (7450-11500)	PB-2	9300-34800+4600	3725	6928	8419	6950	21.5	2.26	9230	2.5
S-14 (7500-12000)	PB-2	9300-34800+4800	3750	6975	8475	7050	21.5	2.26	9375	2.5
S-15 (8000-13500)	PB-2	9300-34800+5400	4000	7440	9040	7350	21.5	2.26	10140	2.5
New scal- (Group A entry) (8000-13500) (JS)	PB-3	15600-39100+5400	4000	7440	9040	10500	41.1	2.6	10500	2.6
S-16,(9000)	PB-3	15600-39100+5400	4500	8370	10170	10500	25.4	2.33	11070	2.5
S-17(9000-9550)	PB-3	15600-39100+5400	4500	8370	10170	10500	25.4	2.33	11070	2.5
S-18(10325-10975)	PB-3	15600-39100+6600	5163	9601.32	11666	11100	21.5	2.26	12905	2.5
S-19 (10000-15200)	PB-3	15600-39100+6600	5000	9300	11300	11100	21.5	2.26	12600	2.5
S-20 10650-15850)	PB-3	15600-39100+6600	5325	9905.12	12035	11100	21.5	2.26	13205	2.5
S-21(12000-16500)	PB-3	15600-39100+7600	6000	11160	13560	11600	21.5	2.26	14960	2.5
S-22 (12750-16500)	PB-3	15600-39100+7600	6375	11858.12	14408	11600	21.5	2.26	15660	2.5
S-23(12000-18000)	PB-3	15600-39100+7600	6000	11160	13560	11600	21.5	2.26	14960	2.5
S-24 (14300-18300) (SG)	PB-4	37400-67000+8700	7150	13299	16159	23050	73.3	3.2	23050	3.2
S-25 (15100-18300)	PB-4	37400-67000+8700	7550	14043	17063	23050	64.1	3.1	24195	3.2
S-26 (16400-20000)	PB-4	37400-67000+8900	8200	15252	18532	23150	51.8	2.8	24295	3.0
S-27(16400-20900)	PB-4	37400-67000+8900	8200	15252	18532	23150	51.8	2.8	24295	3.0
S-28 (14300-22400)	PB-4	37400-67000+10000	7150	13299	16159	23700	78.2	3.3	23700	3.3
S-29 (18400-22400)	PB-4	37400-67000+10000	9200	17112	20792	23700	38.5	2.6	27350	3.0
S-30 (22400-24500)	HAG	67000-79000	11200	20832	25312	33500	60.8	3.0	33500	3.0
S-31 (22400-26000)	HAG +Scale	75500-80000	11200	20832	25312	37750	81.2	3.4	37750	3.4
S-32 (24050-26000)	HAG +Scale	75500-80000	12025	22367	27177	37750	68.8	3.1	38883	3.2
S-33 (26000)Fixed	Apex	80000 (Fixed)	13000	24180	29380	40000	65.4	3.1	40000	3.1
S-34 (30000)	Cab.Sec.	90000 (Fixed)	15000	27900	33900	45000	61.3	3.0	45000	3.0