

RAILWAYS SENIOR CITIZENS WELFARE SOCIETY

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No. RSCWS/ CHD/2015-5

Dated: 7-8-2015

Shri Narinder Modi,
Hon. Prime Minister of India &
Minister of Personnel, PG and Pensions,

Subject: Appeal for implementation of judgments of various Courts for Full Pension to Pre 2006 Pensioners with more than 20 years of service - at par with Post 2006 Pensioners

*Reference:- i) Resolution of GOI No. 38/37/08-P&PW (A) dated 29-8-2008
ii) DOP&PW O.M. – F.No. 38/37/08-P&PW (A), dated 1st September, 2008
iii) DOP&PW O.M. – F.No. 38/37/08-P&PW pt.1 dated 3.10.2008
iv) Judgments of CAT New Delhi in OA 1165/2011, Dated 21-4-2015
v) Judgment of High Court New Delhi in W.P.(C) 8012/2013 dated 09-4-15 / 07-5-2015
vi) Judgment of Supreme Court in SLP CC No. 21044/2014 dated 20-2-2015*

1. We invite your kind attention and urgent intervention towards the hardship and suffering of Central Government Pensioners for the last 7 years because of unjust mutilation of the accepted Recommendations of the Sixth Pay Commission and non implementation of judgements of various Courts thereon.

2. All Post 2006 Pensioners with more than 20 years of service are being paid Full Pension (i.e. 50% of their last pay drawn or 50% of 10 months average pay - whichever is higher). But the Pre 2006 Pensioners with less than 33 years of service but more than 20 years of service are being paid pro rata Pension reduced as per number of years of service falling short of 33 years. This is discriminatory.

This was due to an unjust amendment vide DOP&PW's so called clarificatory OM dated 3-10-2008 (Ref iii above) in contravention to the Resolution of GOI dated 29-8-2008. This OM has been quashed in various judicial pronouncements as mentioned below.

3. Principal Bench of Central Administrative Tribunal (CAT) in OA 1165/2011 Dated 21-4-2015 in Partap Narayan and others–vs-UOI, held as under:

“13. It is made clear that this parity of pension between pre and post-1.01.2006 pensioners (on the question of eligibility of minimum pensionable service of twenty years) would apply both as regards pension and family pension. The respondents are granted three months time from the date of receipt of this order for implementation of directions contained in this order.”

4. High Court New Delhi in W.P.(C) 8012/2013 dated 9-4-15/ 07-5-2015 S. A.Khan and Another –vs- UOI had passed the following orders:

“25. _____ Firstly that the policy decision of the Government in the Office Memorandum dated September 01, 2008 to fix pension for all category of pensioners did not classify post and pre January 01, 2006 retirees and all were entitled to pension as per a common formula. Under the garb of clarification the Office Memorandum of October 03, 2008 followed by the Office Memorandum dated October 14, 2008 and repeated in the Office Memorandum dated January 28, 2013 the cut-off date was inserted by an officer of the Government having no authority to cut down the beneficial policy decision notified on September 01, 2008. Secondly for the reason the cut-off date is arbitrary and fouls Article 14 of the Constitution of India.

“26. The writ petitions are allowed. The Office Memorandums - introducing the cut-off date and mandating that pre January 01, 2006 pensioners would have their pension fix by pro-rata reducing the same by such numbers of years they have rendered less service than 33 years - are quashed. It is declared that the writ petitioners would be

entitled to full pension post January 01, 2006 without any pro-rata cut therein. _____ the arrears paid within six weeks from today failing which the amount payable would bear simple interest @ 9% per annum reckoned six weeks hereinafter.

5. Supreme Court had also dismissed the SLP in CC No. 21044/2014 dated 20-2-2015 UOI-vs-M. O. Inasu - Arising out of impugned final judgment and order dated 07/01/2014 in CAT No. 8/2014 passed by the High Court of Kerala at Ernakulam – on the same issue.


6. It is deeply regretted that the periods prescribed in the said judgments had expired long back but these judgments have not been implemented forcing the poor old Pensioners to repeated litigation at the fag end of their lives

7. It is, therefore, requested that:

A) Orders of the DOP&PW dated 3-10-2008, 14-10-2008, 11-2-2009, Para 5 of OM Dated 28-1-2013 and OM dated 19.03.2010 cited above may please be quashed/withdrawn - as held in the judgments of CAT New Delhi in OA 655/2010 and OA 1165/2011; and those of the Supreme Court & High Courts cited above;

B) All Pre 2006 Pensioners who had completed more than 20 years of qualifying service may please be granted Full Pension (*instead of pro rata Pension*) – as in the case of Post 2006 Pensioners.

With regards,



(Harchandan Singh)
Secretary General, RSCWS

Copy for information & favourable consideration to:

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