PC VI No. 210 /2010
RBE No. 91 /2010

GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)
(RAILWAY BOARD)

No. F(E)III/2009/PN1/4 **New Delhi, Dated: 24.06.2010.**

The GMs/FA&CAOs,
All Indian Railways/Production Units.

Subject: Regulation of pension and other retirement benefits of Government servants who were on Extraordinary leave/unauthorized absence/suspension as on 01.01.2006 and retired/died thereafter without joining duty.

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A copy of Department of Pension and Pensioners' Welfare (DOP&PW)'s O.M. No. 38/37/08-P&PW(A) dated 15th June, 2010 on the above subject is enclosed for information and compliance. These instructions will apply mutatis mutandis on the Railways also. Rule 33 of the CCS (Pension) Rules, 1972 corresponds to the Rule 49 of the Railway Services (Pension) Rules, 1993 and Rule 9(21)(a)(i) of the Fundamental Rules referred to therein corresponds to clause (i) of Rule 1303 of IREC –Vol.II/1987 Edition.

2. A concordance of DOP&PW's instructions referred to in the enclosed O.M. and Railway Board's corresponding instructions is given below:

S.No.	DOP&PW's instructions	Railway Board's corresponding instructions.
1.	O.M. No. 38/37/08-P&PW(A) dated 1.9.2008.	Letter No. F(E)III/2008/PN1/12 dated 08.09.2008
2.	O.M. No. 38/37/08-P&PW(A) dated 2.9.2008.	Letter No. F(E)III/2008/PN1/13 dated 15.09.2008.

3. Please acknowledge receipt.

(SUNIL BHARDWAJ)
Deputy Director Finance(Estt.)III,
Railway Board.

DA: One.

No. 38/ 37 /08-P&PW(A)
Government of India
Ministry of Personnel Public Grievances and Pensions
Department of Pension and Pensioners Welfare
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Lok Nayak Bhawan,
Khan Market, New Delhi-110 003
Dated 15th June, 2010

OFFICE MEMORANDUM

Sub: Regulation of pension and other retirement benefits of Government servants who were on Extraordinary leave/unauthorised absence/suspension as on 1.1.2006 and retired/died thereafter without joining duty

The undersigned is directed to say that in accordance with Rule 33 of the CCS (Pension) Rules, for calculation of pension, the expression `*emoluments*' means basic pay as defined in Rule 9 (21) (a) (i) of the Fundamental Rules which a Government servant was receiving immediately before his retirement or on the date of his death. In accordance with Note 3 under this rule, if a Government servant immediately before his retirement or death while in service had been absent from duty on extraordinary leave or had been under suspension, the period whereof does not count as service, the emoluments which he drew immediately before proceeding on such leave or being placed under suspension shall be the emoluments for the purposes of this rule.

2. Doubts have been raised in regard to the manner in which the pension and other retirement benefits of Government servants, who were on extraordinary leave/unauthorised absence/suspension as on 1.1.2006 and retired/died thereafter without joining duty, would be regulated. The matter has been examined in consultation with the Ministry of Finance (Department of Expenditure) and the following clarifications are issued:

Category of Government servant	Manner in which pension and other pensionery benefits are to be regulated
Government servant, who was on extraordinary leave/unauthorised absence - the period whereof does not count as qualifying service – as on 1.1.2006 and retired/died thereafter without joining duty.	In accordance with Rule 33 of CCS(Pension) Rules, 1972, the basic pay which he drew immediately before proceeding on such leave, shall be the emoluments for the purpose of pension. The pension/family pension thus calculated will be revised in accordance with the instructions contained in this Department's O.M. No. 38/37/08-P&PW(A) dated 1.9.2008 and will be paid to the pensioner/family pensioner from the date it becomes due. For the purpose of gratuity, the emoluments shall also include Dearness Allowance admissible on the date of retirement/death of the Government servant. The pension/family pension/commutation of pension and gratuity will be regulated in accordance with the rules/instructions applicable before 1.1.2006.

Government servant, who was on extraordinary leave – the period whereof counts as qualifying service – as on 1.1.2006 and retired/died thereafter without joining duty.	The pay of such a Government servant will be notionally revised w.e.f. 1.1.2006 and this notionally revised basic pay will be reckoned as emoluments for the purpose of pension. For the purpose of gratuity, the emoluments shall also include Dearness Allowance admissible on the date of retirement/death of the Government servant. His pension/family pension, commutation of pension and gratuity will be regulated in accordance with the instructions contained in this Department's O.M. No. 38/37/08-P&PW(A) dated 2.9.2008 and will be paid to the pensioner/family pensioner from the date it becomes due.
Government servant, who was under suspension as on 1.1.2006 and retired thereafter without joining duty.	Such a Government servant, on retirement, is entitled to only provisional pension. The emoluments which he drew immediately before suspension shall be the emoluments for the purpose of provisional pension. This provisional pension will not be revised until the conclusion of the departmental/judicial proceedings and issue of final orders thereon.

3. These orders issue with the concurrence of Ministry of Finance (Department of Expenditure) vide their U.O. No. C-33/EV/2010 dated 13.5.2010

4. In their application to the persons belonging to Indian Audit and Accounts Department these orders issue in consultation with the Comptroller and Auditor General of India.

Tripti

(Tripti P.Ghosh)
Director

1. All Ministries/Departments
2. CGA/CAG/CPAO
3. As per standard mailing list