R.B.E. No. 69 /2008

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

No.F(E)III/2005/PN1/23 **New Delhi, dated 30 -5-2008**

The GMs/FA&CAOs,
All Indian Railways/Production Units.
(As per Mailing List)

Sub: Restoration of 1/3rd commuted portion of pension in respect of Government servants who had drawn lumpsum payment on absorption in public sector undertakings/autonomous bodies- implementation of Andhra Pradesh High Court judgement dated 24.12.03 in Writ Petition No. 8532 of 2003 followed by the Supreme Court judgement dated 29.11.06 in Civil Appeal No. 5269 of 2006 arising out of SLP Nos. 21647-648 of 2005 and the Supreme Court judgement dated 24.7.07 in Review Petition No. 643 of 07------ **Board's letter of even number dated 20.9.2007-clarification regarding**.

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A copy of Department of Pension & Pensioners' Welfare (DOP&PW)'s O.M. No. 4/79/2006-P&PW(D) dated13.5.2008 containing certain clarifications with reference to their earlier O.M. dated 6th September, 2007, circulated vide Board's letter of even number dated 20.9.2007, on the above mentioned subject, is forwarded herewith for information and guidance.

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

S.No.	DOP&PW/Department of Expenditure's instructions	Railway Board's corresponding instructions
1.	Department of Expenditure O.M. No. F.1/(3)-EV/83 dated 22.10.1983	Letter No F(E)III/83/PN1/8 dated 29.11.1983.
2.	DOP&PW's O.M. No. 34/2/86-P&PW . dated 5.3.1987	Letter No. F(E)III/87/PN1/7 dated 26.3.1987.
3.	DOP&PW's O.M. No. 4/59/97-P&PW(D)dated. 14.7.1998	Letter No. F(E)III/96/PN1/9 dated 18.8.1998.
4.	DOP&PW's OM No. 4/59/98-P&PW(D) dated 12.1.1999 & corrigendum of even number dated 5.2.1999	Letter No. F(E)III/96/PN1/9 dated 8.3.1999

3. Please acknowledge receipt.

(S.SREERAM)
Joint Director Finance (Estt.),
Railway Board.

No.4/79/2006-P&PW (D)

Government of India

Ministry of Personnel, Public Grievances & Pensions

(Department of Pension & Pensioners' Welfare)

3rd Floor, Lok Nayak Bhawan

New Delhi-110 003, Dated the 13th May 2008

OFFICE MEMORANDUM

Subject:- Restoration of 1/3rd commuted portion of pension in respect of Government servants who had drawn lumpsum payment on absorption in public sector undertakings/autonomous bodies – implementation of Andhra Pradesh High Court judgement dated 24.12.03 in Writ Petition No. 8532 of 2003 followed by Supreme Court Judgement dated 29.11.06 in Civil Appeal No. 5269 of 2006 arising out of SLP Nos. 21647-648 of 2005 and Supreme Court Judgment dated 24.7.07 in Review Petition No. 643 of 07. – **OM dated 6.9.2007 – clarifications regarding.**

The undersigned is directed to say that the Government servants who had drawn lump sum payment in respect of pro-rata pension (1/3rd as well as 2/3rd) on absorption in a PSU/Autonomous Body and have become entitled to restoration of 1/3rd commuted portion of pension as per the provisions of this Department's O.M. No. 34/2/86-P&PW dated 5th March 87 after 15 years from the date of commutation or 1.4.85 whichever is later, are regulated vide this Department O.M. No. 4/59/97-P&PW(D) dated 14th July 1998 and OM **No.4/79/2006-P&PW (D) dated 6.9.2007.**

2. The modalities of implementation of above judgement have been detailed in OM of even no. dated 6.9.2007. However this Department has been receiving requests for certain clarifications from individuals, associations and Ministries/ Deptts, The matter has been examined and is clarified as below :-

Sl. No.	Point raised	Clarification
1.	In para 3 (I) (b) I whether the date 31.12.85 is w.r.t. pension or Dearness Relief	The date mentioned is w.r.t. pension i.e. the pension as on 31.12.85 is to be taken into account.
2.	In para 3 (I) (b) I what is the rate of Dearness Relief	The rate of Dearness Relief which was taken into account for revision of pension i.e. as on 1.1.1986 is to be applied.
3.	In para 3 (II) (b) whether the date 31.12.95 is w.r.t. pension or Dearness Relief	The date mentioned is w.r.t. pension i.e. the pension as on 31.12.95 is to be taken into account.
4.	In para 3 (II) (b) I what is the rate of Dearness Relief	The rate of Dearness Relief which was taken into account for revision of pension i.e. as on 1.1.1996 is to be applied.
5.	In para 3 (I) (b) I what is full pension as on 31.12.85	The full pension shall be actual full pension sanctioned or the revised pension(in case of pre 1979 pensioners) as per the Liberalised Pension formula of 1979 (Deptt. of Expenditure OM No. F.1(3)-EV/83 dated 22.10.83)
6.	In para 3 (II) (b) I what is full pension as on 31.12.95	The full pension shall be actual full pension sanctioned (in case of post 1986 pensioners) or the revised notional full pension(in case of pre 1986 pensioners) as per the guidelines given in OM No.4/59/97 P&PW(D) dated 14.7.1998 and OM No. 4/59/98 P&PW(D) dated 12.1.99 read with corrigendum of even No. dated 5.2.99.

3. Hindi Version will follow

(Amitabh Dwivedi)
Under Secretary to the government of India
Ph.No.24644636

To

All Ministries/Departments of the Government of India
(As per mailing list)

Copy to 1. Hindi Section, DOPT , North Block, New Delhi for Hindi version
2. NIC for putting it on the Deptt. web site.