

F. No 38/37/08-P&PW(A).pt.II

**Government of India**

Ministry of Personnel, Public Grievances & Pensions  
Department of Pension & Pensioners' Welfare  
Lok Nayak Bhawan, New Delhi-110003

Dated the 3<sup>rd</sup> October, 2008

**OFFICE MEMORANDUM**

**Sub: Implementation of Government's decision on the recommendation of the Sixth Central Pay Commission - Revision of provisions regulating pension/gratuity/commutation of pension/family pension/disability pension/ex-gratia lump-sum compensation.**

The undersigned is directed to state that in pursuance of Government's decision on the recommendation of the Sixth Central Pay Commission, orders were issued vide this Department's O.M. No. 38/37/08-P&PW(A) dated 2.9.2008 for introducing modifications in the rules regulating pension, Retirement/Death/Service Gratuity/Family Pension/disability pension and ex-gratia lump-sum compensation under the CCS (Pension) Rules, 1972 and Commutation of Pension under CCS (Commutation of Pension) Rules, 1981, CCS (Extraordinary Pension) Rules, 1939, etc. A number of references are being received in this Department seeking clarifications in regard to various provisions of the aforesaid O.M. The matter has been considered in consultation with the Ministry of Finance, Department of Expenditure and the following clarifications/modifications are made in regard to the aforesaid O.M. dated 2.9.2008:

<b>S. No</b>	<b>Point raised in regard to the OM No.38/37/08-P&amp;PW(A) dated 2.9.2008</b>	<b>Clarification/modification</b>
<b>1</b>	<b>Para 5.2 to Para 5.4</b> Whether the recommendation of the Sixth CPC for payment of pension at 50% of the average emoluments received during the last 10 months or the pay last drawn, whichever is more beneficial to the retiring employee, will also take effect from the date of issue of the orders i.e. 2.9.2008.	(i)Yes. The Pay Commission has recommended in para 5.1.33 of its Report that linkage of full pension with 33 years of qualifying service should be dispensed with. Once an employee renders the minimum pensionable service of 20 years, pension should be paid at 50% of the average emoluments received during the past 10 months or the pay last drawn, whichever is more beneficial to the retiring employee. In para 6.5.3, the Commission has recommended that the recommendation regarding payment of full pension on completion of 20 years of qualifying service will take effect only prospectively for all Government employees other than PBORs in Defence Forces from the date it is accepted by the Government. The recommendation in para 5.1.33 is to be taken as one package and in view of para 6.5.3 of the report of Sixth CPC, the whole recommendation in para 5.1.33 has been given prospective effect.  (ii) It is, however, clarified that the pension of a post-1.1.2006 pensioner shall also not be lower than fifty percent of the sum of the minimum of the pay in the pay band and the grade pay (or 50% of the

		<p>minimum of the scale in the case of HAG+ and above) from which the pensioner has retired. For example, if a pensioner has retired in the grade pay of Rs. 10,000/- p.m in the pay band of Rs. 37400-67000, his minimum guaranteed pension would be 50% of Rs. 37,400+Rs. 10,000 (i.e. Rs. 23,700). For those who have retired between 1.1.2006 and 2.9.2008, the pension will be reduced pro-rata, where the pensioner had less than the maximum required service for full pension as per rule 49 of CCS(Pension) Rules 1972 as applicable during that period and in no case it will be less than Rs.3500 p.m. In case the pension calculated in accordance with Rule 49 of CCS(Pension) Rules1972, as applicable before 2.9.2008, is higher than the pension calculated in the manner indicated above, the same (higher pension) will be treated as Basic Pension.</p>
2	<p><b>Para 5.7 and Para 8.3</b> Whether the additional pension/family pension available to old pensioners would be payable from the date of attaining the age of 80 years or above or from the first day of the month in which the date of birth falls</p>	<p>The additional quantum of pension/family pension, on attaining the age of 80 years and above, would be admissible from the 1st day of the month in which his date of birth falls. For example, if a pensioner/ family pensioner completes age of 80 years in the month of August, 2008, he will be entitled to additional pension/family pension w.e.f. 1.8.2008. Those pensioners/family pensioners whose date of birth is 1<sup>st</sup> August, will also be entitled to additional pension/family pension w.e.f. 1.8.2008 on attaining the age of 80 years and above.</p>
3	<p><b>Para 8.2</b> Whether the period of 10 years for payment of enhanced family pension would also apply in the case of a Government servant who died before 1.1.2006 and in respect of whom the family was receiving enhanced family pension as on 1.1.2006.</p>	<p>Yes. The period of 10 years for payment of enhanced family pension will count from the date of death of the Government servant. These orders will, however, not apply in a case where the period of seven years for payment of enhanced family pension has already been completed as on 1.1.2006 and the family was in receipt of normal family pension on that date.</p>

4	<p><b>Para 10.1</b></p> <p>(a) Whether the Constant Attendant Allowance is payable <b>from 1.1.2006 or from the date of issue of the orders i.e. 2.9.2008.</b></p> <p>(b) Whether the pensioners who retired on disability pension <b>before 1.1.2006</b> would also be entitled to Constant Attendant Allowance.</p> <p>(c) Whether Dearness Relief will be admissible on Constant Attendant Allowance.</p>	<p>(a) Constant Attendant Allowance is payable <b>from 1.1.2006.</b></p> <p>(b) Yes, the pensioners who retired on disability pension <b>before 1.1.2006</b> and fulfilling the conditions mentioned in para 10.1 would also be entitled to Constant Attendant Allowance.</p> <p>(c) No.</p>
5	<p><b>Para 12</b></p> <p>The Government servants who retired within 10 months from 1.1.1996 were allowed the benefit of notional increase of 40% on the pre-1996 basic pay for the purpose of calculation of average emoluments. Whether similar benefit would be given in the case of Government servants who have retired within 10 months from the date of coming over to the revised pay structure after 1.1.2006.</p>	<p>For the purpose of computing average emoluments in the case of Government servants who have opted for fixation of pay in the revised Pay Band and retire within 10 months from the date of coming over to the revised Pay Band, basic pay for 10 months period preceding retirement shall be calculated by taking into account pay as follows:</p> <p>(i) For the period during which pay is drawn in revised Pay Structure- Pay drawn in the prescribed pay band plus the applicable grade pay or the pay in the pay scale in the case of HAG+ and above</p> <p>(ii) For the remaining period during which pay is drawn in pre-revised scale of pay-</p> <p>(a) Basic pay plus dearness pay and actual D.A. appropriate to the basic pay at the rates in force on 1.1.2006 drawn during the relevant period.</p> <p>(b) Notional increase of the basic pay by applying the fitment benefit of 40% on the basic pay in the pre-revised pay scale.</p> <p>The clarification (ii) against S.No.1 above will also be applicable in such cases.</p> <p>Para 12 will stand modified to this extent.</p>
6	<p><b>Para 13 (ii)</b></p> <p>Whether the benefit of calculation of pension @ 50% of emoluments will be available to Government servants who retain the pre-revised scale of pay and also retire from the pre-revised scale of pay.</p>	<p>The provision para 13(ii) of the OM No. 38/37/08-P&amp;PW(A) dated 2.9.2008 will be applicable in the case of those who retire on or after 2.9.2008. Pension of Government servants who retain the pre-revised</p>

		<p>scale of pay and also retired from the pre-revised scale of pay between 1.1.2006 and 2.9.2008 will be calculated at 50% of average emoluments in accordance with the orders in force immediately before 2.9.2008.</p> <p>Para 13 (ii) will stand modified to this extent.</p>
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2. It is impressed upon all the Ministries/Departments of the Government of India to keep in view the above clarifications while disposing of the cases of revision of pension/family pension. They are also advised to dispose the representations received by them from pensioners on the above issues without referring them to this Department.

3. This issues with the concurrence of Ministry of Finance (Department of Expenditure) vide their I.C. U.O. No.4.2/22/2008-IC dated 30.09.2008.



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To

All Ministries/ Departments of Government of India