

**DELHI DEVELOPMENT AUTHORITY**

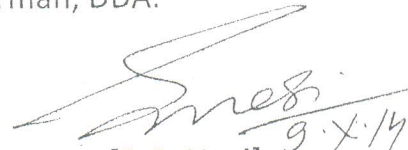
[FINANCE & EXPENDITURE]

F&E CIRCULAR NO. 20/2014

The undersigned has been directed to convey that OMs No. 38/37/08-P&PW(A) dated 26.08.2014 and 04.09.2014 issued by the Director/Under Secretary to the GOI, Ministry of Personnel, PG & Pensions, Deptt. of Pension & Pensioner's Welfare (copy enclosed) regarding implementation of Government's decision in pursuance to CAT, Principal Bench, New Delhi order dated 15.05.2014 – Revision of pension of members of Central Government SAG (S-29) Pensioner's Association would also be applicable in DDA in the same manner.

This issues with the approval of Vice Chairman, DDA.

Encl: As above.

  
[D.S. Negi] 9.8.14

Sr. Accounts Officer[F&E]

No: FE.98(02)/2009/SCPC/DDA/Pt./ 446

Dated: 13/X/14

Copy to:-

1. O.S.D. to Vice -Chairman, DDA for information of the latter;
2. P.S. to F.M./E.M. for information of the latter;
3. All Pr. Commissioners/C.V.O./C.L.A./C.A.O., DDA;
4. Commissioners (Personnel)/Commissioner-Cum-Secretary;
5. All Chief Engineers/Chief Architect, DDA/Commissioner (Planning)
6. F.A.(Housing)/Director(Finance)/Medical & Pension/Audit;
7. Dy. Secretary(Hindi), DDA;
8. Dy. C.A.O.(HQ)-I,II & III/all Zonal Dy. CAOs;
9. Accounts Officer(Pension)-Coord.
10. Press Manager, DDA to prepare 150 copies of circular alongwith its enclosures.
11. Notice Board;
12. Guard File.

  
Sr. Accounts Officer[F&E] 9.8.14

D.D.A.

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No.38/37/08-P&PW(A)  
Government of India  
Ministry of Personnel, PG & Pensions  
Department of Pension & Pensioners' Welfare

3<sup>rd</sup> Floor, Lok Nayak Bhawan  
Khan Market, New Delhi  
Dated the 26<sup>th</sup> August, 2014

Office Memorandum

Sub:- Implementation of Government's decision in pursuance to CAT, Principal Bench, New Delhi order dated 15.5.2014 – Revision of pension of members of Central Government SAG (S-29) Pensioners' Association – reg.

The undersigned is directed to say that as per Para 4.2 of this Department's OM of even number dated 1.9.2008 relating to revision of pension of pre-2006 pensioners w.e.f. 1.1.2006, the revised pension w.e.f. 1.1.2006, in no case, shall be lower than 50% of the sum of the minimum of pay in the pay band and the grade pay thereon corresponding to the pre-revised pay scale from which the pensioner had retired. A clarification was issued vide DoP&PW OM of even number dated 3.10.2008 that the pension calculated at 50% of the minimum of pay in the pay band plus grade pay would be calculated at the minimum of the pay in the pay band (irrespective of the pre-revised scale of pay) plus the grade pay corresponding to the pre-revised pay scale. It was also clarified that the pension will be reduced prorata where the pensioner had less than the maximum required service for full pension as per Rule 49 of the CCS(Pension) Rules, 1972 as applicable before 1.1.2006 and in no case it will be less than Rs.3,500/- p.m.

2. Central Government SAG (S-29) Pensioners' Association along with Shri Satish Verma, Retd. Chief Engineer, Central Water Commission, Ministry of Water Resources had filed OA No.655/2010 in the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi inter alia claiming that the revised pension of the pre-2006 pensioners should not be less than 50% of the minimum of the pay band + grade pay, corresponding to the pre-revised pay scale from which pensioner had retired as arrived at with reference to the fitment tables annexed to Ministry of Finance, Department of Expenditure OM No.1/1/2008-IC dated 30<sup>th</sup> August, 2008. Three other OAs were also filed by some pre-2006 pensioners in CAT, Principal Bench on the same issue. CAT, Principal Bench, New Delhi vide its order dated 1.11.2011 decided all the four OAs and directed to re-fix the pension of pension of all pre-2006 retirees w.e.f. 1.1.2006 based on the Resolution dated 29.8.2008.

3. The above order was challenged by the Government by filing Writ Petition No.1535/2012 and WP No.2348-50/12 in the High Court of Delhi. The High Court noticed that the DoP&PW had, in the meanwhile, issued an OM No.38/37/08-P&PW(A) dated 28.1.2013 which provided for stepping up of pension of pre-2006 pensioners w.e.f. 24.9.2012 to 50% of the minimum of pay in the pay band and grade pay corresponding to pre-revised pay scale from which the pensioner had retired. The High Court also noted the contents of Para 5 of the OM dated 28.1.2013 according to which the pension will be reduced prorata, where the pensioner had less than the maximum required service full pension as per rule 49 of the CCS (Pension) Rules, 1972 as applicable before 1.1.2006 and in no case it will be less than Rs.3,500/- p.m. Hon'ble High Court observed that the only issue which survives is, with reference to Paragraph 9 of OM dated 28.1.2013 which makes it applicable w.e.f. 24.9.2012, and thereby denying arrears to be paid to the pensioners with effect from 1.1.2006. The Writ Petition No.1535/2012 alongwith 3 other Writ Petitions was dismissed by the Hon'ble High Court of Delhi on 29.4.2013.

4. An SLP No.23055/2013 filed against the order dated 29.4.2013 of Delhi High Court in WP (C) No.1535/2012 was dismissed by Hon'ble Supreme Court on 29.7.2013. The Review Petition and Curative Petition filed by the Government against the dismissal of SLP No.23055/2013 have also been dismissed.

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In Govt Dept  
Bangalore

5. As a Civil Appeal No.8875-76/2011 on the similar issue filed by Ministry of Defence was pending in the Supreme Court, Union of India filed an SLP (CC) No.18339-41/2013 (converted into SLP (C) No.36148-50/2013). In its order dated 19.11.2013, Hon'ble Supreme Court was pleased to issue Notice on this SLP and directed to list the SLP alongwith Civil Appeal No.8875-76/2011. Hon'ble Supreme Court also took on record the following statement of Respondent pensioners in its order dated 19.11.2013:

"during the pendency of these petitions, the respondent-writ petitioner shall not precipitate the matter by filing contempt proceedings either before the High Court or before the Tribunal."

6. The Contempt Petition No.158/2012 filed in OA No.655/2010 came up for hearing before the Hon'ble CAT, Principal Bench on 15.5.2014. The Hon'ble CAT, Principal Bench, New Delhi in its order dated 15.5.2014 noted the submission by Govt. Counsel that the Ministry of Law has advised the Department to implement the order dated 1.11.2011 of Hon'ble CAT, Principal Bench in OA No.655/2010 qua the petitioners. In view of this, Hon'ble CAT disposed of the Contempt Petition with direction to the respondents to implement the directions of the Tribunal expeditiously preferably within three months.

7. In implementation of the order dated 1.11.2011 of Hon'ble CAT, Principal Bench in OA No.655/2010 and order dated 15.5.2014 of the Hon'ble CAT in CP No.158/2012, it has been decided that the revised pension of members of Central Government SAG (S-29) Pensioners Association (as given in the enclosed list) will not be less than 50% of the sum of the minimum of pay in the pay band and the grade pay thereon corresponding to the pre-revised pay scale from which they had retired as arrived at with reference to the fitment tables annexed to the Ministry of Finance, Department of Expenditure OM No.1/1/2008-IC dated 30<sup>th</sup> August, 2008 of Ministry of Finance (Department of Expenditure).

8. The normal family pension in respect of Central Government SAG (S-29) Pensioners Association (as given in the enclosed list) as revised w.e.f. 1.1.2006 in terms of para 4.1 or para 4.2 of the OM dated 1.9.2008 would also be further stepped up to 30% of the sum of minimum of pay in the pay band and the grade pay corresponding to the pre-revised pay scale in which the Government servant had retired, as arrived at with reference to the fitment tables annexed to the Ministry of Finance, Department of Expenditure OM No.1/1/2008-IC dated 30<sup>th</sup> August, 2008 of Ministry of Finance (Department of Expenditure).

9. In case the consolidated pension/family pension calculated as per para 4.1 of OM No.38/37/08-P&PW(A) dated 1.9.2008 in respect of members of Central Government SAG (S-29) Pensioners Association (as given in the enclosed list) is higher than the pension/family pension calculated in the manner indicated above, the same (higher consolidated pension/family pension) will continue to be treated as basic pension/family pension.

10. All other conditions as given in OM No. 38/37/08-P&PW(A) dated 1.9.2008, as amended from time to time shall remain unchanged in the case of pensioners as given in the list.

Sd-  
(Tripti P. Ghosh)  
Director

Secretary  
(Ministries/Departments concerned)

Copy to: Ministry of Finance, D/o Expenditure [Shri Vijay Singh, Director (Adm.)] (b-  
V Section), North Block, New Delhi w.r.t. II No. 274/E-V/2014 dated 15.5.2014

237/C 100/2

No.38/17/08-P&PW(A)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Pension and P.W

3<sup>rd</sup> Floor, Lok Nayak Bhawan,  
Khan Market, New Delhi.  
Dated the 4th September, 2014

**OFFICE MEMORANDUM**

Subject:- Implementation of Government's decision in pursuance to CAT, Principal Bench, New Delhi order dated 15.5.2014 - Revision of pension of members of Central Government SAG (S-29) Pensioners' Association - regd

The undersigned is directed to refer to this Department's OM of even number dated 26.8.2014 on the above subject vide which instructions were issued in regard to the implementation of order dated 15.5.2014/1.11.2011 of CAT, Principal Bench, New Delhi in respect of members of the Petitioners' Association (Central Government SAG (S-29) Pensioners' Association) in OA No.655/2010 only.

2. An MA No.2381/2014 in CP No.158/2012 in OA No.655/2010 came up for hearing on 27.8.2014. In the above MA, the Department has sought extension of time for implementation of order dated 15.5.2014 in CP No.158/2012. The Hon'ble Tribunal has passed the following directions

In the circumstances, as prayed, the matter shall appear on 7.10.2014. In the meanwhile, we hope and trust that the respondents shall implement the order and file compliance report.

A copy of the order dated 27.8.2014 of Hon'ble CAT, Principal Bench, New Delhi in MA No.2381/2014 in OA NO.655/2010 is enclosed

3. In view of the above directions of the Hon'ble Tribunal, it is requested that the revised authorities in respect of the members of the Petitioners Association may be issued expeditiously in implementation on the instructions issued by this Department vide OM dated 26.8.2014 and a compliance report in this regard may be sent to this Department by 25.9.2014.

4. It would be the responsibility of the concerned Ministries/Departments for any delay in compliance of the directions given by the Hon'ble Tribunal in its order dated 27.8.2014.

3. This issues with the approval of J.S. (Pension)

(S.K. Makkar)

Under Secretary to the Government of India

Tel No.24644634

To  
Ministries/Departments concerned.

Copy to:- The Secretary [Shri Sant Bhushan Lal] Central Government SAG (S-29) Pensioners' Association C/5/21, Grant Vasant, Vasant Kunj, New Delhi 110 070 alongwith a copy of OM of even number dated 26.8.14 issued by this Department to the concerned Ministries/Departments for implementation of order dated 15.5.2014/1.11.2011 of Hon'ble Tribunal.