

GOVERNMENT OF ASSAM
PENSION AND PUBLIC GRIEVANCES DEPARTMENT
DISPUR : : GUWAHATI-6

OFFICE MEMORANDUM

NO.PPG(P) 129/2004(A)/189.

Dated Dispur, the 1st June, 2006.

In accordance with the provisions contained in Assam Services (Pension) Rules, 1969 and the Government orders issued there under, pension of all pre 1-1-1989 pensioners is based on the average emoluments drawn in the last ten months immediately preceding the date of retirement. Their Family Pension is based on the last pay drawn by the deceased Government Servant/Pensioner.

2. The State Government, in the meantime, have received representations from the Govt. Pensioners Association demanding the recomputation of pension of pensioners who retired prior to 01-01-89 at the liberalized rate of 50% of the average emoluments applicable to the pensioners retired on or before 01-01-89 in keeping with the Govt. policy of liberalized pension computation formula, treating all pensioners alike, irrespective of the date of retirement, adopted under Government O.M. NO. FMP. 62/83/420, dated 25-09-85, read the OM. NO. FMP.109/79/43 dated 14-9-81 in pursuance of the judgment dated 17-12-82 of the Supreme Court of India in the writ petition No. 5939-41 of 1980- D.S. Nakara and others Vrs- the Union of India.

3. Accordingly pay of all those Government servants who retired prior to 01/01/1989 and were in receipt of pension as on 01-01-1989 and also in cases of those State Government employees who died prior to 01-01-89 and in respect of whom family pension was being paid on 01-01-89, will be fixed on notional basis in the revised scale of pay for the post held by the pensioner at the time of retirement or on the date of death of Government employees, introduced subsequent to retirement/ death of Government employees consequent upon promulgation of Revised Pay Rule on implementation of recommendations of successive pay Commissions or of award of Board of Arbitration or Judgment of Court or due to general revision of the scale of pay for the post etc. The number of occasions on which pay shall be required to be fixed on notional basis in each individual case would vary and may be required to be revised on several occasions in respect of those employees who retired in the 'fifties' and 'sixties'. In all such cases, pay fixed on notional basis on the first occasion shall be treated as 'pay' for the purpose of emoluments for re-fixation of pay in the revised scale of pay on the second occasion and other elements like D...../Adhoc DA/Additional D.A.IR etc. based on this notional pay shall be taken into account. In the same manner, pay on notional basis shall be fixed on subsequent occasions. The last occasion shall be fixation of pay in the scale introduced on the basis of Assam pay Commission constituted vide Resolution No.FPC/17/87/29 dated 01/05/88 and made effective from 01/01/89. On fixation formula of pay on notional basis on each occasion the pay fixation formula approved by the Government and the relevant instructions on the subject in force at that time, shall be strictly followed. However, the benefit of any notional increments admissible in terms of the Rules and instructions applicable on the relevant time, shall not be extended in any case of re-fixation of pay on notional basis. The notional pay so arrived at as on 01/01/89 shall be treated as the average emoluments for the purpose of calculating pension as on 01/01/89 as per the pension formula then prescribed. The pension so worked out shall be consolidated as on 01/01/96 and shall be treated as basis pension for the purpose of grant of Dearness Relief in future.

4. In case of family pension, the notional pay as on 01/01/89 shall be treated as pay least drawn by the deceased govt. employees/pensioner and family pension shall be calculated thereon at the rate in force as on 01/01/89. This family pension shall be consolidated as on 01/01/96.

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5. It has been separately decided that w.e.f. 01/01/96 family pension shall be calculated at a uniform rate of 30% of basic pay in all cases instead of slab system and shall be subject to a minimum of ₹ 1225/- PM. It has also been decided that the benefit of increased rate of family pension introduced w.e.f 01/01/96 may also be extended to pre-1996 family pensioners from the same date. Accordingly, in case of those pre-1989 pensioners whose family pension has been calculated on notional pay under the slab system, family pension as on 01/01/96 shall be re-calculated at the rate of 30% of the notional pay as determined on 01/01/89. The additional family pension becoming due on account of difference between family pension admissible under slab system and at the rate 30% shall be added to the consolidated family pension. The total of those two amounts i.e. consolidated pension plus additional family pension shall be basic pension w.e.f. 01/01/96 and shall be subject to minimum of ₹ 1225.00 PM and maximum of 30% of the highest pay in the Govt. as on 01/01/96. Dearness Relief thereon shall be admissible in accordance with the orders issued from time to time after 01/01/96.

6. In case of existing pre-1989 pensioners in whose case the family pension has not come into operation as pensioners are/were alive as on 01/01/96 while updating their pension on the basis notional pay as on 01/01/89, the family pension shall also be revised consolidated and updated, wherever necessary in terms of those orders and noted on their pension payment order by the pension issuing authority. The updated rate of family pension will apply as and when family pension becomes payable in such cases.

7. No arrears on account of revision of pension/family pension on notional fixation of pay will be admissible.

8. No commutation will be admissible for the additional amount or pension accruing as a result of this revision. The existing commuted portion of pension, if any would continue to be deducted from the consolidated pension while making monthly disbursement.

9. Notional fixation of pay as on 01/01/96 will not affect DCRG & Leave Encashment entitlement already determined and paid with reference to rules in force at the time of retirement/death of the Government employee.

10. Arrears already paid on account of consolidation of pension/family pension or in continuance of grant of personal pension as an interim measure in case of pre-1989 pensioners/family pensioners shall be adjusted by pension disbursing Authorities against arrears becoming due on the revision of pension/family pension on the basis of this order.

11. It shall be the responsibility of the Head of the Department from which the Government servant had retired or was working last before his death to revise the pension/family pension of pre-1989, pensioner/family pensioner w.e.f 1/1/96 in accordance with these orders and issue a revised Pension Payment Authority.

12. Each pre-1989 pensioner/family pensioners who was in receipt of pension as on 1/1/96 is required to apply for revision of his/her pension in the prescribed form (in duplicates) to his/her pension issuing Authority within a period of 180 days from the date of issue of this order. Those who fail to submit their application within the stipulated period will be deemed to have opted to continue to draw their existing pension/family pension. However, any delay in submission of application for revision of pension will be condoned only with the approval of the Department of Pension and Public Grievances Department. It will be in the interest of the pensioner/family pensioners to furnish full details available with him/her, which may facilitate fixation of his/her pay on notional basis, in the application submitted by him/her.(form enclosed).

13. The final revision of pension, in respect of pensioners/ Family pensioners who retired prior to 1/1/89 shall be made by the AG(A&G), Assam/Director of Pension, Assam w.e.f. 1/1/96 in accordance with the orders and revised Pension Payment Order issued.

14. On receipt of application from the Pensioner/Family pensioner, the AG(A&G), Assam / Director of Pension, Assam will pass on these documents along with one copy of the application after verifying relevant entries to the respective Head of department/ Office within a period of 30 days from the date of application under intimation to Pensioner/Family pensioner. It will be responsibility of the AG(A&G), Assam to fix pay on notional basis in respect of Gazetted Govt. employees who drew their pay on the authority issued by him.

15. In so far as the Non-Gazetted Govt. Employees and Gazetted Govt. employees who drew their pay from the establishment Pay Bill concerned, it will be responsibility of the Head of department/ Office to fix pay on notional basis. Such re-fixation on notional basis shall be made within a period of 90 days from the date of receipt of application from the pensioner/family pensioner. In case, the original office has been merged with another office, it shall be the responsibility of the present office or office which keeps the records to process the revision pension/family pension of such pensioner/family pensioner.

16. There may be cases where it will be difficult for the Head of Department/Office to determine the revised scale of pay corresponding to the pre-revised scales because the scales of pay have been revised from time to time and some scale might have become defunct after a particular period of time, In such cases, if necessary, the Head of Department/Office, in consultation with Finance (PRU) Department will decide on the equivalence of the pre-revised scale with the revised scale.

17. Revision of pay on notional basis from time to time as indicated in the preceding paragraphs will require locating old records for past period. There is a possibility of the records having been destroyed on expiry of their scheduled retention period. On such cases, the pensioner/family pensioner may be asked to produce copies of relevant orders as available with him/her indicating the scale of pay of the post held by the Govt. servant at the time of death/retirement as also qualifying service rendered, in case of pensioner only. In each cases, the ONUS of verifying the correctness of the records made available by the pensioner/family pensioner shall be with the Head of Department/Administrative Department concerned. In very rare cases of pre 1-1-73 pensioners/ family pensioners, if the Head of Department/office is satisfied and records a certificate to the effect that inspite of all efforts of the Department including contacting the concerned pensioner/family pensioner, it has not been possible to revise the pay in notional basis in particular case due to non-availability of relevant records, the Head of Department/ Office in consultation with Finance (PRU) Deptt. may fix outright the pay at the minimum of the revised scale of pay of 1-1-73.

18. Under normal circumstances, pension become payable from the date on which a Govt. servant ceases to be borne in the establishment. As such, the length of service could be calculated taking into account the late of joining Govt. service and the date of retirement of the Govt. servant as also the other records available.

19. The cases of Govt. Employees who have been absorbed in Public Sector Undertakings or Autonomous Bodies will be regulated as below :

Where the Govt. servant on permanent absorption in Public Sector Undertakings or Autonomous Bodies continue to draw pension separately from Govt. the pension of such employees will also be updated in terms of the order.

20. Pending revision/re-fixation of pay and pension and family pension, irrespective of pre 1-1-89 pensioners and family pensioners, the Pension Disbursing Authority should continue to disburse the Pension/Family Pension at the rate hitherto application.

This Office Memorandum will be effective from 1st January, 2006.

This is issued with the concurrence of Finance (PRC) Deptt. vide their U/O.No. FPC. 45/2006 dated 23-3-2006.

Sd/-
(Emily Choudhury)
Principal Secy. to the Govt. of Assam,
Pension & Public Grievances Department.

Memo No..PPG(P) 129/2004(A)/189-A

Dated Dispur, the 1st June, 2006.

Copy forwarded to :-

1. The Staff Officer to the Chief Secretary to the Govt. of Assam, Dispur, Guwahati-6 for appraisal to the Chief Secretary.
2. P.S. to the Additional Chief Secretary to the Govt. of Assam, I,II & III.
3. All Principal Secretaries to the Govt. of Assam.
4. Commissioner & Secretaries /Secretaries to the Govt. of Assam.
5. The Commissioner & Secy. to Chief Minister, Assam.
6. The Commissioner & Secy. to the Governor of Assam.
7. The Resident commissioner, Assam Bhawan, New Delhi – 110011.
8. The Accountant General, Assam Maidamgaon, Beltola, Guwahati-29.
9. The All Commissioners of Divisions.
10. The Secretary, Assam Public Service Commission.
11. The Secretary, Assam Legislative Assembly, Dispur, Guwahati-6
12. The Chairman, Administrative tribunal, Guwahati-1.
13. The Registrar, Gauhati High Court, Guwahati-1.
14. The Regional Manager, UBI/SBI/UBC/Bank of Baroda, Guwahati-6.
15. The Principal Secretary, Karbi-anglong Dist. Council, Diphu/The Principal Secretary, B.A.C., Kokrajhar.
16. The Principal Secretary, N.C. Hills Dist. Council.
17. The Trade Advisor & Director of Movements, Assam House, Kolkata.
18. The Liaison Officer, Assam House, Shillong.
19. All Heads of the Deptts.
20. All Deputy Commissioners.
21. All Sub-Divisional Officers.
22. All Treasury Officers.
23. All. Sr. F.As/F.As/F.A.Os.
24. General Secretary, Assam Govt. Pensioner Association, Old University Colony, Chandmari, Guwahati-3.
25. The Superintendent, Assam Government Press, Bamunimaidam, Guwahati-21 for immediate Publication in the Extra-Ordinary issue of the Assam Gazette and supply 1000 copies to this Department urgently.

By order etc.,

Under Secy. to the Govt. of Assam,
Pension & Public Grievances Deptt.

As referred to in Para 12
of O.M.No.PPG(P) 129/2004/(A)/189
dated 1st June, 2006

FORM OF APPLICATION

To

Sub:- Revision of pension/Family pension in the case of pre 01-01-1989 pensioners/Family pensioners as on 01-01-96 in terms of Office Memorandum NO. PPG. (P) 129/2004 (A)/189 dated 1st June, 2006.

Sir,

Kindly revise my pension/Family pension entitlement shown in my pension payment order (Photo copy enclosed) in terms of the Pension & Public Grievances Deptt's O.MO. NO. PPG(P)129/2004(A)/189 dated 1st June 2006. The requisite particulars are given below:

1. Name of Applicant in Block Letters and Full Postal Address. :
2. Type of Pension admissible :
- *3. Name of deceased Government Servant/ Pensioner in case of family pension. :
4. Date of retirement/death of the Government employees. :
5. Date from which Pension/Family Pension is being drawn. :
6. Pension Payment Order (P.P.O) NO. :
7. Office /Department in which the Pensioner/ deceased Government servant (Pensioner) served last and the post held by him. :
8. The scale of pay of the post last held and the last pay drawn. :
9. Name of the 'Pension sanctioning Authority which issued the P.P.O. :
10. If any documentary evidence is being attached to facilitate determination of length of qualifying service as also revised scale of ay for the post last held by the pensioner/deceased Government servant or pensioner. If yes, details thereof. :

Date :

Signature of Pensioner/Family Pensioner.

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(Particular at 2, 3, 5 and 6 verified)

Signature
Rubber Stamp of Accountant General (A&G)

* Applicable only in case where the applicant is a Family Pensioner.

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