

**OFFICE OF THE PCDA (PENSIONS), DRAUPADI GHAT  
ALLAHABAD**

Circular No.434

Dated: 11.05.2010.

To,

1. The Chief Accountant, RBI, Deptt. of Govt. Bank Account Central Office, C-7 IInd Floor Bandre Kurla Complex, P.B. No. 8143 Bandre East, Mumbai- 400051.
2. All CMDs of Public Sector Banks
3. Nodal officer of ICICI Bank, IDBI Bank, Axis Bank, HDFC Bank.
4. The PCDA (WC), Chandigarh
5. The CDA (PD), Meerut
6. The CDA, Chennai
7. Military and Air Attache, Indian Embassy Kathmandu Nepal.
8. The Director of Treasuries of all States
9. The Pay and Accounts Office.
10. Pay and Accounts Office, Government of Maharashtra, Mumbai.
11. The Post Master Kathua (J & K), Camp Bell Bay (Andaman & Nicobar)

Subject: - Implementation of Government's decision on the recommendations of the Sixth Central Pay Commission – Revision of Pension of Pre 2006 Armed Forces Pensioners / Family Pensioners- Non inclusion of NPA for determining minimum guaranteed Pension.

Reference: - This Office Circulars No. 397 dated 18.11.2008, No. 398 dated 18.11.2008, No. 401 dated 18.12.2008 and 403 dated 02.02.09.

A copy of Government of India, Ministry of Defence letter No. 17(4)/2008(I)/D (Pen/Policy) dated 16.03.2010 and Govt of India, DP & PW OM F No 38/37/08-P &PW (A) dated 14<sup>th</sup> July, 2009 on the above subject are forwarded herewith for information and guidance of all concerned.

2. It has been clarified vide Govt of India, DP & PW OM F No 38/37/08-P &PW (A) dated 14<sup>th</sup> July, 2009 that NPA granted to the medical officers does not form part of the Pay Bands/Scales of Pay. It is a separate element, although it is taken into account for the purpose of computation of pension. It is ,therefore , clarified , that in the case of Pre- 2006 revision NPA is not to be added to the minimum of the revised pay band+ Grade Pay/ revised Pay scale in case where consolidated pension/family pension as on 1.1.2006 is to stepped unto 50%/30% respectively..

3. However, no such similar provisions were in existence for Defence pensioners. On receipt of various representation/reference the matter was referred to Ministry of Defence for extending the above said provisions to Defence pensioners also.

4. Ministry of Defence, GOI vide there letter No. 17(4)/2008(I)/D (Pen/Policy) dated 16.03.2010 referred to above has clarified that the provision of DP & PW OM F No 38/37/08-

P &PW(A) dated 14<sup>th</sup> July, 2009 ibid will apply mutatis mutandis to Armed Forces pensioners/family pensioners.


5. In view of the above, it is requested that all pension paying branches/treasuries/DPDOs/PAOs under your jurisdiction may be instructed to keep in mind the above provisions while regulating the pension/family pension.

6. It is once again reiterated that the PDAs may invariably adhere to the following steps while revising the pension/family pension with effect from 1.1.2006.

(i) First, determine the basic pension from the records held and consolidate as per Annexure –I to MOD letter No.17 (4)/2008(1)/D (Pen/services) dated 11.11.2008.

(ii) Thereafter check the pension so consolidated against the minimum pension authorized under the protection clause as in Annexure – II in respect of the commissioned officers without taken the element of NPA and Annexure –III in respect of Personnel Below Officers Rank with reference to rank last held and qualifying service. The pension/family pension as per Annexure –II or Annexure-III as the case may be, if beneficial, is to be paid with effect from 1.1.2006, if not already paid.

7. This circular has been uploaded on PCDA (P) website [www.pcdapension.nic.in](http://www.pcdapension.nic.in) for disseminated across the Defence pensioners and PDAs.

  
(R K SAROJ)  
Dy.CDA(P)

No. Grants/Tech/0165-XVIII  
Dated:11.5.2010

Copy to:

1. The Dy. Secretary, Govt. of India, Ministry of PPG & P (Deptt. of P & PW), Lok Nayak Bhawan, New Delhi.
2. Director (Pensions), Govt. of India, Ministry of Defence D (Pen/Sers), Sena Bhawan, Wing 'A' New Delhi.
3. Army HQrs AG's Branch, PS-4(b) DHQ, PO New Delhi – 110011.
4. AHQ GS Branch, TA Directorate, DHQ PO New Delhi – 110011.
5. Naval HQrs, PP & A, DHQ PO New Delhi.
6. DPA, Vayu Bhawan, New Delhi – 11.
7. Air HQrs Ad PP & P – 3, West Block-VI, R. K. Puram, New Delhi – 110066.
8. Sr. Dy. CGDA(AT-II), O/O the CGDA, West Block-V, R. K. Puram, New Delhi – 110066. With reference to his No.5698/AT-P/VI CPC / Def/Vol – V dated 07.04.2010.
9. PCDA (Navy) No.-1, Cooperage Road, Mumbai – 400039.
10. CDA (AF), West Block-V, R. K. Puram, New Delhi – 110066.
11. JCDA (AF) Subroto Park, New Delhi – 110010.
12. Director of Audit, Defence Service, New Delhi
13. Directorate MP 8 (I of R) Integrated Hqrs of MOD (Army) AG's Branch, Addl Dte Gen of MP/M8(I of R) West Block – III, R K Puram, New Delhi 110066.
14. All Record Offices/Regiment. Corp.
15. Bureau of Sailors, Cheetah Camp, Mumbai.
16. Air Force Record, Dhaula Kunwa, Delhi Cantt.
17. All Addl CsDA/Jt. CsDA in Main Office.
18. All GOs in Main Office.
19. The OI/C, G-1(M), AT(ORs)-Tech. & G-1/Civil (Tech.)
20. All SAOs/AOs/AAOs in Gts/Ors Complex.
21. The OI/C, EDP Manual.
22. The OI/C, EDP Centre.
23. Defence Pension Liaison Cell.
24. All Sections in Main Office.
25. Spare copies in file No. Gts/Tech/0148, 148, 0162 & 0158
26. OIC,G -2 Section
27. OI/C, G - 3 Section.
28. OI/C, G - 4 Section.
29. OI/C O & M Cell
30. OI/C Complaint Cell
31. The OI/C, Reception Centre
32. The OI/C, EDP Centre (Website)
33. The OI/C, DPTI Cell
34. Spare

*R. K. Saroj*  
(R. K. SAROJ)  
Dy. C.D.A. (P)

No.17(4)/2008(I)/D(Pen/Policy)  
Government of India  
Ministry of Defence  
New Delhi, the 16th March, 2010

**The Chief of the Army Staff  
The Chief of the Naval Staff  
The Chief of the Air Staff**

**Subject: Implementation of the Govt. decision on the recommendations of the Sixth Central Pay Commission -Revision of Pension of pre - 2006 Armed Forces Pensioners/Family Pensioners.**

Sir,

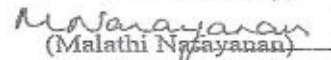
The undersigned is directed to refer to this Ministry's letter No. 17(4)/2008(I)/D(Pen/Policy) dated 11.11.2008 amended vide this Ministry's letter of even number dated 11.12.2008, dated 20.1.2009, dated 20.5.2009 and dated 21.5.2009. It has been provided in Para 5 of this Ministry's above said letter dated 11.11.2008 that the consolidated pension of pre 2006 pensioners/family pensioners shall, in no case be lower than 50% / 30% of the minimum of the pay in the pay band plus the grade pay corresponding to the pre-revised scale from which the pensioner had retired/died including Military Service Pay and 'X' group pay where applicable.

2. On receipt of various representations/references as to whether Non practicing Allowance (NPA) is to be added to the minimum of the revised pay band plus grade pay for determining minimum guaranteed pension for stepping up consolidated pension/family pension as on 1.1.2006, DP&PW vide their OM F.No.38/37/08-P&PW(A) dated 14th July, 2009 (copy enclosed) have clarified in consultation with Ministry of Finance (Department of Expenditure) that NPA granted to the Medical Officers does not form the part of the pay band/scales of pay. It is a separate element, although it is taken into account for the purpose of computation of pension. Hence, in case of pre-2006 Armed Forces pensioners/family pensioners, NPA is not to be added to the minimum of the revised pay and plus grade pay/revised pay scales in cases where consolidated pension/family pensions as on 1.1.2006 is to be stepped up to 50% / 30% respectively in terms of Para 4.2 of DP&PW OM dated 1.9.2008 as made applicable to Armed Forces Pensioners/Family Pensioners vide MOD (Department of Ex-Servicemen Welfare ) OM No. 17(4)/2008-D(Pen/Policy) dated 11.11.2008.

3. The provisions of DP&PW above said OM dated 14<sup>th</sup> July, 2009 will mutatis mutandis apply to Armed Forces pensioners/family pensioners.

4. This issues with the concurrence of Finance Division of this Ministry vide their UO No. 543 /Fin/Pen dated 11.3.2010.

Hindi version will follow.

Yours faithfully,  
  
(Malathi Narayanan)

Under Secretary to the Govt. of India

Copy to  
As per distribution list

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

Lok Nayak Bhawan, New Delhi-110003

Dated the 14<sup>th</sup> July, 2009.

**OFFICE MEMORANDUM**

**Sub: Implementation of Government's decision on the recommendations of the Sixth Central Pay Commission - Revision of pension of pre-2006 pensioners.**

The undersigned is directed to say that in accordance with para 4.2 of this Department's O.M. No. 38/37/08-P&PW(A) dated 1.9.2008 (as clarified vide OM dated 3.10.2008 and 14.10.2008), the revised pension of pre-2006 pensioners shall, in no case, be lower than fifty percent of the minimum of the pay in the pay band plus the grade pay corresponding to the pre-revised pay scale from which the pensioner had retired. In the case of HAG+ and above scales, this will be fifty percent of the minimum of the revised pay scale. Clarifications have been sought by Ministries/Departments as to whether Non-Practicing Allowance (NPA) is to be added to the minimum of the revised pay band plus the grade pay/ revised pay scale while considering stepping up consolidated pension on 1.1.2006. The matter has been examined in consultation with the Ministry of Finance (Department of Expenditure).

2. On implementation of the recommendations of Fifth Central Pay Commission, NPA was not added to the minimum of the revised scale of pay as on 1.1.1996 in cases where consolidated pension/family pension was to be stepped up to 50% / 30% respectively. Hon'ble Supreme Court, in its judgement dated 10.10.2006 in Transfer Case (civil) 72 of 2004 - Col. (Retd.) B.J. Akkara vs. UOI & others, upheld the validity of OM dated 11.9.2001 of Ministry of Defence not allowing the benefit of NPA in the case of retired medical officers of Armed Forces to be added to the minimum of revised scale of pay as on 1.1.1996 corresponding to the scale of pay held by the pensioner at the time of his retirement. Hon'ble Supreme Court held that NPA is not the part of minimum of the revised pay scale as on 1.1.1996.

3. NPA granted to medical officers does not form part of the Pay Bands/scales of pay. It is a separate element, although it is taken into account for the purpose of computation of pension. It is, therefore, clarified, that in the case of pre-2006 pensioners NPA is not to be added to the minimum of the revised pay band+Grade pay/revised pay scale in cases where consolidated pension/family pension as on 1.1.2006 is to be stepped up to 50% / 30% respectively, in terms of para 4.2 of Department of Pension & PW's O.M. No. 38/37/08-P&PW(A) dated 1.9.2008 (as clarified vide OM dated 3.10.2008 and 14.10.2008).

4. 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.

5. This issues with the concurrence of Ministry of Finance (Department of Expenditure) vide their U.O. No. 264/EV/2009 dated 9.7.2009.



(M.P. Singh)  
Director (PP)  
Telefax No.24624802

To

1. All Ministries/Departments of Government of India
2. All Pensioners' Association

**Please visit: <http://pensionersportal.gov.in>**