

F. No. 4(73)/Fin. (Estb-III)/2010-11/ *ds V/520*
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
FINANCE DEPARTMENT
4TH LEVEL, 'A WING' DELHI SECRETARIAT.
I.P. ESTATE, NEW DELHI 110002
CD No:- 012143600

Dated: *18/5/16*

ENDORSEMENT

The copies of the under mentioned papers are forwarded herewith for information and necessary action to the following:-

1. All Heads of Department, Govt. of NCT of Delhi.
2. All Pay & Accounts Officers, Pay and Accounts Office, Vikas Bhawan. Govt. of NCT of Delhi.
3. All Heads of Autonomous Bodies, Govt of NCT of Delhi.
4. Commissioner M.C.D(North, East & South), Town Hall, Chandni Chowk, Delhi.
5. Chairperson, NDMC, Palika Kendra, New Delhi.
6. Chief Executive Officer, Delhi Cantonment Board, Delhi.
7. CEO, Delhi Urban Shelter Improvement Board, I.P. Estate, New Delhi.
8. Guard File.
9. Website of Finance Department.


(MANOJ KUMAR)
DY. SECRETARY-V(FINANCE)

List of paper forwarded

S. No	Name of the Ministry/Deptt.	O.M. No. and Date	Subject
1.	Ministry of Personnel PG and Pensions (Department of Pension & Pensioners' Welfare), GOI	38/37/08-P&PW(A) Dated 06 th April, 2016	Revision of pension of pre-2006 pensioners – delinking of revised pension from qualifying service of 33 years.
2.	Ministry of Personnel, P.G. & Pensions (Department of Personnel & Training),	31011/3/2016-Estt. (A-IV) Dated: 29.04.2016	Central Civil Services (Leave Travel Concession) Rules, 1988 – Reimbursement of rail fare on LTC in respect of children of 5-12yrs age group. – Clarification reg.
3.	Ministry of Personnel, P.G. & Pensions (Department of Personnel & Training),	13018/1/2014-Estt.(L) Dated: 01.04.2016	Proposals of child Care Leave (CCL) and Maternity Leave – Reg.

01

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

3rd Floor, Lok Nayak Bhawan
Khan Market, New Delhi-110 003.
Dated the 06th April, 2016

OFFICE MEMORANDUM

Sub:- Revision of pension of pre-2006 pensioners – delinking of revised pension from qualifying service of 33 years.

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.

2. Several petitions were filed in the 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 30th August, 2008. Hon'ble CAT, Principal Bench, New Delhi vide its common order dated 1.11.2011 in OA No.655/2010 and three other connected OAs directed to re-fix the pension of all pre-2006 retirees w.e.f. 1.1.2006 based on the Resolution dated 29.8.2008 of the Department of Pension & Pensioners' Welfare and in the light of the observations of Hon'ble CAT in that order.

3. Orders were issued vide this Department's OM of even number dated 28.1.2013 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 retired. Para 5 of this OM provides that in case the consolidated pension/family pension calculated as per para 4.1 of O.M. No.38/37/08-P&PW (A) dated 1.9.2008 is higher than the pension/family pension calculated in the manner indicated in the O.M. dated 28.1.2013, the same (higher consolidated pension/family pension) will continue to be treated as basic pension/family pension.

4. Subsequently, in compliance of the order dated 1.11.2011 of the Hon'ble CAT, Principal Bench in OA No. 655/2010, order dated 29.4.2013 of Hon'ble High Court of Delhi in WP (C) No. 1535/2012 and order dated 17.3.2015 of Hon'ble Supreme Court in SLP (C) No. 36148/2013, order were issued vide this Department's OM of even number dated 30.7.2015 that the pension/family pension of all pre - 2006 pensioners/family pensioners may be revised in accordance with this Department's O.M. No.38/37/08-P&PW(A) dated 28.1.2013 with effect from 1.1.2006 instead of 24.9.2012.

5. In accordance with the order issued in implementation of the recommendation of the 6th CPC, the pension of Government servants retired/retiring on or after 1.1.2006 has been delinked from qualifying service of 33 years. In OA No. 715/2012 filed by Shri. M.O. Inasu, a pre-2006 pensioner, Hon'ble CAT, Ernakulam Bench, vide its order dated 16.8.2013 directed that the revised pension w.e.f. 1.1.2006 under para 4.2 of OM dated 1.9.2008 would not be reduced based on the qualifying service of less than 33 years. The appeals filed by Department of Revenue in the Hon'ble High Court of Kerala and in the Hon'ble Supreme Court have also been dismissed. Similar orders have been passed by Hon'ble CAT/High Court in several other cases also.

6. The matter has been examined in consultation with the Ministry of Finance (Department of Expenditure). It has now been decided that the revised consolidated pension of pre-2006 pensioners shall not be lower than 50% of the minimum of the pay in the Pay Band and the grade pay (wherever applicable) corresponding to the pre-revised pay scale as per fitment table without pro-rata reduction of pension even if they had qualifying service of less than 33 years at the time of retirement. Accordingly, Para 5 of this Department's OM of even number dated 28.1.2013 would stand deleted. The arrears of revised pension would be payable with effect from 1.1.2006.

7. Ministry of Agriculture, etc. are requested to bring the contents of these orders to the notice of Controller of Accounts/Pay and Accounts Officers and Attached and Subordinate Offices under them for revising the pension of all those pre - 2006 pensioners who had rendered less than 33 years of qualifying service at the time of retirement in the manner as indicated above on top priority. Revised Pension Payment Orders in all these cases may also be issued immediately.

8. All pension disbursing offices/banks are also advised to prominently display these orders on their notice boards for the benefit of pensioners.

9. This issues with the approval of Ministry of Finance, Deptt. of Expenditure vide ID Note No. 2(9)/EV/2015, dated 15.3.2016.

10. Hindi version will follow.


(Secana Gupta) 17/2016

Deputy Secretary to the Government of India

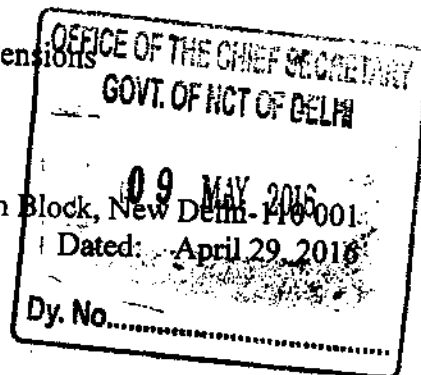
To

1. All Ministries/Departments of Government of India. (as per standard mailing list).
2. All SCOVA Members
3. All Identified Pensioners Association

Copy to (i) NIC Cell for uploading on the website of the Department.
(ii) AD (OL), DoPPW for Hindi Version

No. 31011/3/2016-Estt (A.IV)

Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
Establishment A-IV Desk



449/2016/21048
OFFICE MEMORANDUM

Subject:- Central Civil Services (Leave Travel concession) Rules, 1988- Reimbursement of rail fare on LTC in respect of children of 5-12 yrs age group.- Clarification reg.

As per Railway Board's circular No. 71 of 2015, Ministry of Railways have decided that in case of children above 5 years and under 12 years of age, for whom full berth/seat is sought at the time of reservation, full fare shall be charged. It is mentioned that if berth/seat is not sought for the children of age 5 years and under 12 years of age at the time of reservation, then half of the adult fare shall continue to be charged subject to minimum distance for charge. This would be effective for the travel w.e.f. 10.04.2016.

2. In this regard, several references have been received in this Department from various Ministries/ Departments seeking clarification as to whether the full fare charged by the Railways for reservation of berth for children between 5 years and 12 years shall be reimbursable while availing LTC facility.

3. The matter has been examined in consultation with Department of Expenditure, Ministry of Finance and it has been decided that for the family members of the Government servant, aged between 5 yrs and under 12 yrs, the actual rail fare shall be reimbursed for LTC, as per the choice of rail tickets purchased by the Government servant.

Surya Narayan Jha
(Surya Narayan Jha)

Under Secretary to the Government of India

To: *SP (SP)*
The Secretaries
All Ministries / Departments of Government of India.
(As per the standard list)

Copy to:

1. Comptroller & Auditor General of India, New Delhi.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Central Bureau of Investigations, New Delhi.

Contd...

A-16/18457

No. 13018/1/2014-Estt(L)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

Old JNU Campus, New Delhi 110 067

Dated: 01.04.2016

OFFICE MEMORANDUM

Subject:-Proposals on Child Care Leave (CCL) and Maternity Leave – Reg.

This is regarding proposals on the subject of Maternity Leave and CCL that are under consideration in this Department. In this connection, a workshop was held in DoPT on 28.01.2016 with the stakeholder Departments on the following issues and the consensus emerged as follows:

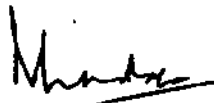
- (a) **Maternity/CCL in case of surrogacy:** There is no provision at present for any kind of Leave for surrogate/commissioning mothers. It is proposed that 180 days maternity leave may be granted to the surrogate as well as commissioning mothers, in case either/both of them are Government servants. The commissioning mother also requires time for bonding with her child and to take care of him/her and hence would also become eligible for Child Care Leave. Paternity Leave may also be granted in case of surrogacy.
- (b) **Age Limit for CCL in case of disabled children:** It is proposed that the age limit for CCL in case of disabled children needs to be done away with since the requirement of parental care may be more/stronger when the disabled child grows older. It may therefore be allowed to provide for CCL in the case of disabled children – the 'disability' being clearly defined by the Ministry of Social Justice & Empowerment - without any age limit provided the maximum CCL that can be availed remains within the ceiling of 730 days.
- (c) **Leaving HQ/availing LTC while on CCL:** At present leaving headquarters or availing LTC are not permissible during CCL. The underlying intent of CCL is to allow care of up to two children whether for rearing or to look after any of their needs like examination, sickness etc. Thus, it is not restricted to exam and sickness alone. Taking care may also include ensuring their rest and recreation and towards that objective leaving headquarters or availing LTC can be allowed. It is thus proposed that the employees may be permitted to leave headquarters/avail LTC while they are on CCL, provided clearances from appropriate competent authorities are taken while proceeding on foreign travel.

S.N. SAH
Secretary

12/07/16
29/07/16
20/08/16

(d) CCL minimum for at least five days: Vide this Department O.M. No.13018/6/2013-Estt.(L) dated 5th June, 2014 the stipulation of the requirement of minimum period of 15 days' CCL has been removed. It is now proposed to introduce a minimum period of five days of CCL i.e., CCL henceforth may not be granted for less than 5 days.

2. Comments on the above proposals are solicited please.


(Mukul Ratra)^{1.4.2016}
Director

To:

1. All Ministries/Departments of Government of India
- ✓ 2. NIC, DOPT for uploading on the Ministry's website.