

**FIFTY-SECOND REPORT
COMMITTEE ON PETITIONS
(SEVENTEENTH LOK SABHA)**

**MINISTRY OF EDUCATION
(DEPARTMENT OF SCHOOL EDUCATION & LITERACY)**

AND

**MINISTRY OF FINANCE
(DEPARTMENT OF EXPENDITURE)**

(Presented to Lok Sabha on 09.08.2023)



**LOK SABHA SECRETARIAT
NEW DELHI**

August, 2023/Sravana, 1945 (Saka)

CPB No. 1 Vol. LII

© 2023 BY LOK SABHA SECRETARIAT

Published under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha (Sixteenth Edition).

Printed and Published by the Lok Sabha Secretariat

Printed at the Lok Sabha Secretariat, New Delhi

Printed in India

CONTENTS

	PAGE
COMPOSITION OF THE COMMITTEE ON PETITIONS	(ii)
INTRODUCTION.....	(iii)

REPORT

Action Taken by the Government on the recommendations made by the Committee on Petitions (Seventeenth Lok Sabha) in their Thirty-Second Report on the representations of S/Shri Yogendra Sharma, Rahul Singh, Yogendra Bhakta, S. Kannan, Smt. K. Manjula, and other Individuals/Associations forwarded by Members of Parliament requesting to cover the employees of Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (<i>erstwhile</i> Model School) who joined their services before 1 January, 2004 under the Central Civil Services (Pension) Rules, 1972.	1
--	---

ANNEXURE

Minutes of the 29th sitting of the Committee on Petitions held on 08.08.2023.

COMPOSITION OF THE COMMITTEE ON PETITIONS

Shri Harish Dwivedi - *Chairperson*

MEMBERS

2. Shri Anto Antony
3. Shri Hanuman Beniwal
4. Prof. Sanjay Sadashivrao Mandlik
5. Shri P. Ravindhranath
6. Dr. Jayanta Kumar Roy
7. Shri Brijendra Singh
8. Shri Sunil Kumar Singh
9. Shri Sushil Kumar Singh
10. Shri Manoj Kumar Tiwari
11. Shri Prabhubhai Nagarbhai Vasava
12. Shri Rajan Baburao Vichare
13. Vacant
14. Vacant
15. Vacant

SECRETARIAT

1. Shri T.G. Chandrasekhar - Additional Secretary
2. Shri Raju Srivastava - Joint Secretary
3. Shri Tenzin Gyaltzen - Deputy Secretary

**FIFTY-SECOND REPORT OF THE COMMITTEE ON PETITIONS
(SEVENTEENTH LOK SABHA)**

INTRODUCTION

I, the Chairperson, Committee on Petitions, having been authorised by the Committee to present on their behalf, this Fifty-Second Report (Seventeenth Lok Sabha) of the Committee to the House on the Action Taken by the Government on the recommendations made by the Committee on Petitions (Seventeenth Lok Sabha) in their Thirty-Second Report on the representations of S/Shri Yogendra Sharma, Rahul Singh, Yogendra Bhakta, S. Kannan, Smt. K. Manjula, and other Individuals/Associations forwarded by Members of Parliament requesting to cover the employees of Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (*erstwhile* Model School) who joined their services before 1 January, 2004 under the Central Civil Services (Pension) Rules, 1972.

2. The Committee considered and adopted the draft Fifty-Second Report at their sitting held on 8 August, 2023.

3. The observations/recommendations of the Committee on the above matters have been included in the Report.

NEW DELHI;

HARISH DWIVEDI
Chairperson,
Committee on Petitions

8 August, 2023

17 Sravana, 1945 (Saka)

REPORT

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (SEVENTEENTH LOK SABHA) IN THEIR THIRTY SECOND REPORT ON THE REPRESENTATIONS OF S/SHRI YOGENDRA SHARMA, RAHUL SINGH, YOGENDRA BHAKTA, S. KANNAN, SMT. K. MANJULA, AND OTHER INDIVIDUALS/ ASSOCIATIONS FORWARDED BY MEMBERS OF PARLIAMENT REQUESTING TO COVER THE EMPLOYEES OF NAVODAYA VIDYALAYA SAMITI/JAWAHAR NAVODAYA VIDYALAYA (ERSTWHILE MODEL SCHOOL) WHO JOINED THEIR SERVICES BEFORE 1 JANUARY, 2004 UNDER THE CENTRAL CIVIL SERVICES (PENSION) RULES, 1972.

The Committee on Petitions (Seventeenth Lok Sabha) presented their Thirty Second Report to Lok Sabha on 2 August, 2022 on the representations of S/Shri Yogendra Sharma, Rahul Singh, Yogendra Bhakta, S. Kannan, Smt. K. Manjula, and other Individuals/Associations forwarded by Members of Parliament requesting to cover the employees of Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (erstwhile Model School) who joined their services before 1 January, 2004 under the Central Civil Services (Pension) Rules, 1972.

2. The Committee had made certain observations/recommendations in the matter and the Ministry of Education (Department of School Education & Literacy) and the Ministry of Finance (Department of Expenditure) were asked to implement the recommendations and requested to furnish their action taken notes thereon for further consideration of the Committee.

3. Action Taken Notes have since been received from the Ministry of Education (Department of School Education & Literacy) in respect of all the observations/recommendations contained in the aforesaid Report. However, Action Taken Notes have not received from the Ministry of Finance (Department of Expenditure). The observations/recommendations made by the Committee and the replies furnished thereto by the Ministry of Education (Department of School Education & Literacy) are detailed in the succeeding paragraphs.

4. In paragraphs 39, 40, 41 and 42 of the Report, the Committee had observed/ recommended as follows:-

"Covering the employees of Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (erstwhile Model School) who joined their services before 1 January, 2004 under the Central Civil Services (Pension) Rules, 1972

After undertaking an extensive and methodological examination of the representation(s) of S/Shri Yogendra Sharma, Rahul Singh, Yogendra Bhakta, S. Kannan, Smt. K. Manjula and other individuals/Associations, forwarded by several Members of Parliament requesting to cover the employees of Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (erstwhile Model school) who joined their services before 1 January, 2004 under the Central Civil Services (Pension) Rules, 1972 and in light of the submissions made not only by the Ministry of Education (Department of School Education and Literacy) and the Ministry of Finance (Department of Expenditure) but also by the representationists, the Committee note the following irrefutable and determining facts in relation to the case:-

- (i) Pursuant to the National policy of Education of 1986, Jawahar Navodaya Vidyalayas (JNVs) were established as a Central Sector Scheme which commenced in 1986-87.
- (ii) On 5.8.1985, the Union Cabinet accorded approval for establishment of 432 Model Schools, one in each District of the country along with setting up of an Autonomous Organization to manage these Schools.
- (iii) Two Model Schools, one at Amravati in Maharashtra and one at Jhajjar in Haryana, was initially established. Since the Autonomous Body (AB) for managing and running these schools was yet to be established, NCERT was assigned the task of starting these two Schools in 1985-86 and the first instalment of the grant, amounting to Rs. 22.50 lakh, was released to NCERT on 28.10.1985. Besides, approval creation of the posts in these Schools was also conveyed on the same date.
- (iv) An Autonomous Body, Navodaya Vidyalaya Samiti (NVS) under the Ministry of Education, was established and registered as a Society

under the Societies Registration Act, 1860, on 28.2.1986. The appointments in Jawahar Navodaya Vidyalayas (JNVs) were made on deputation basis and the mode(s) of direct recruitment and permanent absorption were started during the year 1989. The employees of NVS/JNV are on 'Navodaya Vidyalaya Samiti Contributory Provident Fund, 1988', w.e.f., 01.04.1988 which was notified on 20.12.1991 vide Notification dated 11.11.1991 issued by the Ministry of Finance, Department of Expenditure.

- (v) Based on the recommendations of the 4th CPC, Department of Pension and Pensioners Welfare issued Office Memorandum dated 01.05.1987, whereby all CPF beneficiaries, who were in service as on 1.1.1986 and who are still in service, would be deemed to have come over to the Pension Scheme unless specifically opted to remain under the CPF Scheme.
- (vi) Subsequently, the Department of School Education & Literacy moved proposals to the Department of Expenditure for granting the benefit of option to switch over to the GPF-cum-pension scheme in respect of the NVS employees during 1989 to 1998. However, on each occasion the proposal could not be agreed to on the ground of the huge difference in the cost of introduction of Pension Scheme vis-a-vis CPF Scheme as CPF is a one-time settlement whereas, Pension is a life-long commitment not only in respect of the pensioner but also the family and further, the liability keeps rising with every Pay Commission/Revision and revision in the Dearness Relief.
- (vii) Before implementing the New Pension Scheme (NPS) for the Central Government employees, the Department of Expenditure, in the wake of rising demands for introduction of 'Pension Scheme' on Government of India pattern for the employees of Autonomous Bodies and unsustainable pension liability thereon, issued DO letter dated 16.03.2000 intimating all the Ministries/Departments that introduction of pension scheme for the employees of Autonomous Bodies is not agreed to as a rule and hence CPF Scheme may continue to be followed. Further, the Autonomous Bodies may formulate 'Annuity Scheme' through the Life Insurance Corporation of India (LIC), based on voluntary contributions of the employee and without any

contribution from the Government or opt for the pension scheme introduced by the Ministry of Labour for the PF subscribers. The Department of Education, after introduction of NPS, w.e.f., 1.1.2004 for the employees of Autonomous Bodies in terms of Order dated 13.11.2003, issued another order dated 30.06.2009, wherein the scope of NPS was extended to the CPF covered employees of pre 2004 era making it optional for the CPF beneficiaries to migrate to the NPS regime with their CPF corpus along with the accumulations.

- (viii) The NPS was made applicable to all regular employees of NVS, w.e.f., 1.4.2009 vide NVS Notification dated 4.8.2009. Those employees who had joined NVS on regular basis before 1.4.2009 were given the option either to continue with the existing CPF scheme or to join the NPS. At present, employees of NVS are being given the retirement benefits of Leave Encashment, Gratuity and Contributory Provident Fund.
- (ix) The erstwhile Ministry of Human Resource Development (now the Ministry of Education) moved draft Cabinet Note for introduction of GPF-cum-Pension scheme for the employees of NVS under the CCS (Pension) Rules, 1972 in April and July, 2013. However, the Department of expenditure had not supported the proposal inter alia citing a technical ground to the effect that DoP&PW's OM dated 1.5.1987 is not applicable to the employees of NVS as it was not in existence as on 1.1.1986, which happened to be the crucial date of 4th Pay commission recommendation for switching over to GPF-cum-Pension scheme to the employees, till then covered under the CPF Rules.
- (x) The Department of Education had, in a meeting held on 17.12.2013, advised the formulation of an 'Annuity Based Scheme' in consultation with LIC which is feasible on the basis of the corpus available with NVS and the contribution made by the employees.
- (xi) The feasibility of providing pensionary benefits to the employees of NVS through the Employees Provident Fund Organization (EPFO) was also explored. However, in a meeting held by the then Secretary (School Education & Literacy) on 14.12.2016 with representatives of

the EPFO and the Ministry of Labour & Employment, it was concluded that managing such a fund by the EPFO for the purpose of providing pension to the employees of NVS was beyond the mandate of EPFO and therefore, the matter could not be processed any further.

- (xii) During a brief meeting held with Hon'ble HRM on 24.10.2018, it was decided that a proposal may be taken up with the Ministry of Finance, Department of Expenditure for their consideration.*
- (xiii) Since then, NVS has been working out proposal, in consultation with the LIC, formulating an 'Annuity Based Pension Scheme' and first such Annuity proposal was received in the Department of Expenditure, in April, 2019. However, the proposal could not be agreed to as the Scheme was designed in a manner to imitate maximum benefits of OPS pattern and thus required huge budgetary support from the Government which was in contradiction to the earlier directions of the Department for designing a self, sustainable scheme without budgetary support from the Government. Later, a similar 'Annuity Based Scheme' was endorsed by the Hon'ble Education Minister, in response to which certain queries were sought vide the Department of Expenditure Office Memorandum dated 17.07.2020 which were never replied to. Consequently, the matter was disposed of. Thereafter, no proposal for 'Annuity Based Scheme' was received in the Department of Expenditure.*
- (xiv) In December 2021, the Department of Expenditure again received a proposal from the Ministry of Education seeking introduction of CCS (Pension) Rules, 1972 for the pre-2004 employees of NVS, which was examined. However, the same was also could not be agreed to by the Department of Expenditure.*
- (xv) The total number of employees eligible under the CCS (Pension) Rules, 1972 and proposed to be benefitted is 12,783 (9647 serving, 2611 retired and 525 deceased).*

Based on the above facts and chronology of events pertaining to the instant case, the Committee observe that since the year 1989, the Ministry of Education (erstwhile the Ministry of Human Resource Development) have been pursuing the

matter with the Ministry of Finance, which did not support the proposal in regard to grant of pensionary benefits to the employees of Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (erstwhile Model School) under the Central Civil Services (Pension) Rules, 1972, primarily, on the technical ground that the Department of Pension and Pensioners' Welfare Office Memorandum dated 01.05.1987 whereby all the CPF beneficiaries, who were in service as on 1.1.1986 and who are still in service, would be deemed to have come over to the Pension Scheme unless specifically opted to remain under the CPF Scheme was not applicable to the employees of NVS/JNV since the NVS, as a Society, was registered only on 28.02.1986 and further, it would also increase the expenditure of the Government as 'Pension Scheme' is costlier than the 'Contributory Provident Fund Scheme'.

Notwithstanding the contention of the Ministry of Finance (Department of Expenditure) that the employees of the NVS/JNV were not in service as on 1.1.1986, which was the crucial date for applicability of the provision(s) contained in the Department of Pension and Pensioners' Welfare (DoP&PW) Office Memorandum dated 01.05.1987, the Committee also take note of the fact that the Scheme of Navodaya Vidyalaya (erstwhile Model Residential School) was already approved by the Union Cabinet and were in existence since August, 1985, i.e., much before the cut-off date for being eligible for the GPF-cum-Pension Scheme. Although, NVS, as a Society, was registered on 28.02.1986, it might be due to some administrative delay on account of time consuming and cumbersome registration process, which is nothing more but merely a technical requirement for the employees for being eligible for the Pension Scheme. Moreover, the cut-off date of 01.01.1986 is the outer limit for getting the benefit of the requisite option to remain under the CPF, as per the relevant DoP&PW Office Memorandum dated 01.05.1987, which signifies that after 01.01.1986, it is only logical that one would have deemed to come under CCS Pension Rules and would no longer have an option to be under the CPF, unless an individual specifically opts out to continue under the CPF Scheme. Even though, the NVS employees were not under CPF Scheme as on 01.01.1986, since the two employees were appointed in Model Residential School on direct recruitment basis on 11.12.1985, they de jure come under CCS Pension Rules. Secondly, as on 31.03.2021, the NVS is already in possession of Rs. 1104 crore as Management Share with interest, which could be conveniently returned to the Government. On the other hand, there would be a saving of Rs. 110 crore annually, being the Government contribution towards Management Share. With this amount, the fund requirement under the CCS

pension for the NVS employees could be met for at least about 8 to 10 years without any additional expenditure by the Government. Further, since the actual applicability of this already delayed proposal would only be limited to those NVS employees who were in service prior to 01.01.2004, i.e., a meager 9647 individuals (who are still in service as on 31.3.2021), with 93 percent of employees retiring over the next 15 years, the proposal, from any stretch of imagination, does not appear to be open-ended as the financial requirement would witness a peak not before the year 2029-30 and, thereafter, substantially starts declining.

While expressing concern over the plight of the NVS employees who were in service prior to 01.01.2004 on account of denial of legitimate right in the form of pensionary/terminal benefits under the Central Civil Services (Pension) Rules, 1972, the Committee recommend the Ministry of Education (Department of School Education and Literacy) to revisit the entire case in consultation with the Ministry of Finance (Department of Expenditure) by taking into account all the aspects, viz., administrative, financial, legal, welfare, ethical, etc., so that the employees of Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (erstwhile Model School) who joined their services before 1 January, 2004 are covered under the Central Civil Services (Pension) Rules, 1972."

5. The Ministry of Education (Department of School Education & Literacy), in their action taken reply, have submitted as follows:-

"The proposal for introduction of CCS (Pension) Scheme for the employees of the Navodaya Vidyalaya Samiti (NVS) has been taken up by this Ministry with Ministry of Finance (MoF) at various levels on several occasions during 1989, 1990, 1992, 1998, 2006 and 2013, which did not support the proposal on the ground due to resource crunch and to maintain the budgetary deficit within limits and also that if the proposal of NVS is agreed to, there would be similar demands from the other autonomous bodies receiving grants-in-aid from the Government which may be difficult to resist.

Thereafter, a proposal for annuity based alternative pension scheme through LIC i.e., monthly pension of 50% of last basic pay drawn without features of dearness relief and family pension was taken up with Department of Expenditure (DoE) during 2018. In response, DoE, vide their ID Note dated 08.8.2019 again reiterated that it would not be possible to support any such proposal for annuity scheme with

part funding from the Gol by way of Grants-in-aid and suggested that pension fund may be set up in such a way that there is no Government support.

Hon'ble Education Minister vide letter dated 20.2.2020 addressed to Hon'ble Finance Minister requested for reconsideration of the matter regarding drawing up an annuity based pension scheme for the employees of NVS who had joined service prior to 1.1.2004. In response, DoE vide O.M. dated 17.7.2020 sought clarification/additional information relating to this proposal wherein DoE has asked about the impact of the proposal on other autonomous bodies under School Education & Higher Education. The same was sought from NVS and other autonomous bodies under School Education & Higher Education. It was found that due to the large number of autonomous bodies under Higher Education, collection of inputs from all of them are time consuming.

Meanwhile, Executive Committee of NVS in its 40th meeting held on 25.02.2021 under the Chairmanship of the then Hon'ble Education Minister-cum-Chairman, NVS Society decided to take up the matter with the Ministry of Finance for granting CCS (Pension) Rules, 1972 to the employees of NVS and the proposal of Annuity Based Alternate Pension through LIC may be dispensed with.

The matter for granting CCS (Pension) Rules, 1972 to the employees of NVS was taken up with the Ministry of Finance (MoF) in December, 2021. However, Department of Expenditure (DoE) vide ID note dated 1.4.2022 did not agree to the proposal and submitted that the proposal to grant CCS (Pension) to the pre-2004 employees of NVS is totally against the policy regime of the Government of India in terms of this Department's directives dated 16.03.2000. Any decision in isolation to give Old Pension Scheme to the pre-2004 NVS employees is likely to open floodgates for approximately 1 lakh (serving and retired) employees of autonomous bodies, who are not covered under Old Pension Scheme and financial outlay on this account would be huge and unsustainable. DoE further advised to consider a purely-contributory, self-sustainable annuity based scheme, seeking no Government support. The observations and decision of DoE on the aforesaid proposal was conveyed to the NVS.

Thereafter, a meeting was held in the DoE, MoF under the Chairmanship of Special Secy (Pers.) which was attended by the Officials from MoF, Ministry of Education, NVS, PFRDA & LIC in order to discuss about various options to sanction pension to the deserving employees of NVS. In the meeting, DoE

recommended this Ministry to come up with an Annuity based Pension Scheme for further consideration by DoE.

Following proposal received from NVS for extension of Annuity Based Pension through LIC at an estimated cost of Rs. 7493 crore, which may be made in 6 installments [5 installments @ Rs. 1248 per year for the period 2022-2026 & 6th installment @ Rs. 1253 crores for the year 2027] to the 9647 serving employees (as on 31.3.2021) of NVS who joined prior to 01.01.2004 is being examined and is in the process of taking up the matter with D/o Expenditure for their consideration and approval:-

- (a) Basic pension @ 50% of the basic salary drawn
- (b) 3% simple increase in DA annually
- (c) Family pension @ 50% of basic pension drawn by the deceased employee on the date of retirement"

6. In paragraphs 43, 44 and 45 of the Report, the Committee had observed/recommended as follows:-

"Relative contradiction of extension of Pensionary Benefits under the Central Civil Services (Pension) Rules, 1972 in the Autonomous Bodies/ Organisations established after the Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalayas

Based on the information furnished by the Ministry of Education (Department of School Education and Literacy) and the Ministry of Finance (Department of Expenditure), the Committee take note of the fact that the following 10 Autonomous Bodies/Organisations, under administrative control of the various Ministries/ Departments of Government of India, which were established much after the creation of Navodaya Vidyalaya Samiti, have already been covered under the Central Civil Services (Pension) Rules, 1972:-

- (i) National Institute of Open Schooling (NIOS).
- (ii) Inter University Consortium for Department of Atomic Energy Facility (IUC-DAEF).
- (iii) Inter-University Centre for Astronomy and Astro Physics (IUCAA).

- (iv) *Information and Library Network Centre (INFLIBNET).*
- (v) *Nuclear Science Centre (NSC).*
- (vi) *Consortium for Educational Communication (CEC).*
- (vii) *National Human Right Commission (NHRC).*
- (viii) *National Assessment and Accreditation Council (NAAC).*
- (ix) *Prasar Bharti.*
- (x) *Maulana Azad National Urdu University, Hyderabad.*

Though the terms and conditions on which the Pension Scheme under the relevant Rules has been extended to the aforementioned 10 Autonomous Bodies/Organisations might be distinct yet the determining and binding factor that equalizes these 10 Bodies/Organisations with that of NVS remain unchanged as all these entities come under the ambit and control of Government of India. Since NVS is also an Autonomous Body under the Ministry of Education (Department of School Education and Literacy) and established much before these Autonomous Bodies/ Organisations came into existence, the Committee are not able to comprehend the reasons for adopting a distinct approach and an asymmetrical administrative formulations for extending the benefit of CCS Pension Scheme to the employees of NVS/JNV vis-a-vis the above said Autonomous Bodies/Organisations. The Committee are pained to point out when the employees of these 10 Autonomous Bodies/ Organisations could enjoy the fruits of pensionary benefits under the CCS Pension Rules, on their retirement, what deters the Government in extending similar benefit to the employees of Navodaya Vidyalaya Samiti, many of whom have been away from their family and incessantly serving in Residential Schools which are mainly located in rural and far-flung areas. The Committee, therefore, strongly feel that the entire policy formulations of the Ministry of Finance (Department of Expenditure) for denial/ non-extension of the benefit of CCS Pension Rules to the employees of Navodaya Vidyalaya Samiti should be reviewed keeping in view the tenets of equity and fair play.

On this backdrop, the Committee recommend the Ministry of Education (Department of School Education and Literacy) and the Ministry of Finance (Department of Expenditure) to re-examine the grounds on which the Autonomous Bodies/ Organisations, which were set up much after the establishment of Navodaya Vidyalaya Samiti were covered under the Central Civil Services (Pension) Rules, 1972 so that possibility for extension of the Pension Scheme under the Central Civil Services (Pension) Rules, 1972 in respect of the Navodaya Vidyalaya Samiti/ Jawahar Navodaya Vidyalaya, could be explored and justifiably settled once and for all."

7. The Ministry of Education (Department of School Education & Literacy), in their action taken reply, have submitted as follows:-

"A meeting was held in the DoE, MoF under the Chairmanship of Special Secy (Pers.) which was attended by the Officials from MoF, Ministry of Education, NVS, PFRDA & LIC in order to discuss about various options to sanction pension to the deserving employees of NVS. In the meeting, DoE recommended this Ministry to come up with an Annuity based Pension Scheme for further consideration by DoE. Further, DoE vide OM dated 01.11.2022 also requested this Ministry to come up with an Annuity based Pension Scheme for further consideration.

Following proposal received from NVS for extension of Annuity Based Pension through LIC at an estimated cost of Rs. 7493 crore, which may be made in 6 installments [5 installments @ Rs. 1248 per year for the period 2022-2026 & 6th installment @ Rs. 1253 crores for the year 2027] to the 9647 serving employees (as on 31.3.2021) of NVS who joined prior to 01.01.2004 is being examined and is in the process of taking up the matter with D/o Expenditure for their consideration and approval:-

- (a) Basic pension @ 50% of the basic salary drawn*
- (b) 3% simple increase in DA annually*
- (c) Family pension @ 50% of basic pension drawn by the deceased employee on the date of retirement*

Exact data in this regard is not readily available with this Ministry in order to determine the grounds on which the Autonomous Bodies/Organisations, which

were set up much after the establishment of NVS, were covered under the CCS (Pension) Rules, 1972.

However, the representatives of the Ministry of Finance (Department of Expenditure), during the oral evidence held on 05.04.2022 before the Committee on Petitions, informed the Hon'ble Committee that the Autonomous Bodies/Organisations who have been extended the benefit of GPF-cum-Pension Scheme are purely based on the judgments/orders by the Courts. Since the Writ Petition of the employees of Navodaya Vidyalaya Samiti has already been dismissed by the Supreme Court, the demand of extending the benefit of CCS (Pension) Rules to them would be weighed only after taking into account the overall financial burden on the exchequer."

8. In paragraphs 46 and 47 of the Report, the Committee had observed/recommended as follows:-

"Court Judgments on extension of Pensionary Benefits under the Central Civil Services (Pension) Rules, 1972 to the employees of Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalayas vis-a-vis other Autonomous Bodies/Organisations

During the course of examination of the representations, the Committee were informed by the Ministry of Education (Department of School Education and Literacy) that Writ Petition (Civil) Nos. 556/2012 and 518/2012 were filed by the Principals and other officials of Jawahar Navodaya Vidyalayas seeking issuance of directions to the Respondents, i.e., the Union of India to introduce and implement the Central Civil Services (Pension) Scheme, 1972 to all the employees of Navodaya Vidyalaya Samiti. The Committee were further informed that an Special Leave Petition (Civil) No. 19102/2012 was filed separately by Shri P.N. Mishra against the Order dated 9.12.2012 passed by the High Court of Jharkhand dismissing the Writ Petition filed by him. These cases were disposed of collectively by the Supreme Court through a single judgment dated 20.1.2015, wherein, the Supreme Court, while dismissing the above Writ Petitions and Special Leave Petition had inter alia observed, as under:-

"...The cut-off date is a domain of the employer and so the introduction of new scheme of pension will be done considering all the relevant factors

including financial viability of the same. No interference is warranted unless there is gross injustice is perpetrated. The Appellants have failed to prove any arbitrariness and discrimination with respect to New Pension Scheme. 39. In the light of the discussion in the foregoing paragraph the writ petitions and the appeal are also dismissed..."

On the reasoning of extension of pensionary benefits of GPF-cum-Pension Scheme under the Central Civil Services (Pension) Rules, 1972 to various Autonomous Bodies/Organisations, the representatives of the Ministry of Finance (Department of Expenditure), during the oral evidence held on 05.04.2022, deposed before the Committee and informed that the Autonomous Bodies/Organisations who have been extended the benefit of GPF-cum-Pension Scheme are purely based on the judgments/orders by the Courts. Further, the representatives of Ministry put forward an unconvincing argument that since the Writ Petition of the employees of Navodaya Vidyalaya Samiti has already been dismissed by the Supreme Court, the demand of extending the benefit of CCS Pension Rules to them would be weighed only after taking into account the overall financial burden on the exchequer. The Committee, therefore, do not subscribe to the logic put forward by the Ministry of Finance (Department of Expenditure) for denying the extension of the benefit of CCS Pension Rules to the employees of NVS and urge them to devise an innovative and out-of-box solution to resolve this long pending impasse."

9. The Ministry of Education (Department of School Education & Literacy), in their action taken reply, have submitted as follows:-

"A meeting was held in the DoE, MoF under the Chairmanship of Special Secy (Pers.) which was attended by the Officials from MoF, Ministry of Education, NVS, PFRDA & LIC in order to discuss about various options to sanction pension to the deserving employees of NVS. In the meeting, DoE recommended this Ministry to come up with an Annuity based Pension Scheme for further consideration by DoE.

Following proposal received from NVS for extension of Annuity Based Pension through LIC at an estimated cost of Rs. 7493 crores, which may be made in 6 installments [5 installments @ Rs. 1248 per year for the period 2022-2026 & 6th installment @ Rs. 1253 crores for the year 2027] to the 9647 serving employees (as on 31.3.2021) of NVS who joined prior to 01.01.2004 is being examined and is

in the process of taking up the matter with D/o Expenditure for their consideration and approval:-

- a) Basic pension @ 50% of the basic salary drawn*
- b) 3% simple increase in DA annually*
- c) Family pension @ 50% of basic pension drawn by the deceased employee on the date of retirement"*

10. In paragraphs 48, 49 and 50 of the Report, the Committee had observed/recommended as follows:-

"Formulation of an 'Annuity Based Pension Scheme' with the support of Life Insurance Corporation (LIC)

The Committee take note of the fact that NVS had earlier proposed for three options for 'Annuity Based Pension Scheme' through the Life Insurance Corporation of India along with their financial implications. However, in response thereto, the Department of Expenditure has time and again reiterated that it would not be possible to support any such proposal for 'Annuity Scheme' with part funding from the Government of India by way of Grants-in-aid and suggested that pension fund may be set up in such a way that there is no Government support.

In this context, the Committee are of the opinion that it is a rich heritage of our country that 'Teaching' has always been considered as a noble profession and the 'Schools' have invariably been regarded as 'Temples of Education' and not any commercial and profit-making entities. An employee, after serving an Organization for decades and retiring on attaining the age of superannuation, invariably crave for some uninterrupted social security in the form of pension for subsistence at an advanced age. Cherishing these ethos, the Committee are of the opinion that the case of NVS Pension has to be examined by the Executive Authorities keeping in view the principles of natural justice and on humanitarian grounds rather than considering only the financial, administrative and legal aspects. In the considered opinion of the Committee, internal resources could be generated by the NVS to make the pension proposal a self-supporting one to a large extent through certain measures, viz, review of the existing fee structure in the JNVs, additional resource generation by the 12 Navodaya Leadership Institutes (NLI), formulation of various training programmes, levying a reasonable price for the JNVST prospectus (which

is presently distributed free of cost), accepting contribution from JNV alumni, etc. Besides, the Government could also lend a helping hand by offering a one-time contribution from the Education Cess collections to consider the long-pending demand of the employees of NVS in a positive manner.

The Committee, therefore, recommend the Ministry of Education (Department of School Education and Literacy) to once again consult the Ministry of Finance (Department of Expenditure) for rendering all possible assistance to the NVS to formulate a workable 'Annuity Based Pension Scheme' with the support of Life Insurance Corporation of India so that it could attract a lesser support in the form of Grants-in-aid by the Government and on the other hand, which could also satisfy the maximum number of affected employees of NVS/JNVs who joined their services prior to 1.1.2004."

11. The Ministry of Education (Department of School Education & Literacy), in their action taken reply, have submitted as follows:-

"As regards generation of internal resources through NLIs, levying a reasonable price for the JNVST prospectus, accepting contribution from JNV alumni etc., NVS informed that NLIs are established for training around 25000 employees of NVS and programmes are planned in such a way that at least once in 3 years, every employee attends a training programme. Hence, even if internal revenue is generated through NLI, the amount will be meagre and may not be sufficient for pension scheme. Further, it is also intimated that, the entire process of JNVST is made online and hence, no prospectus is printed for sale.

As regards offering a one-time contribution from the Education Cess collections to consider the long pending demand of the NVS employees in a positive manner, Department of Expenditure has been requested to offer their comments. The same is still awaited. A copy of the letter O.M. No. 28-02/2020-UT-3 dated 18.11.2022 sent to the Department of Expenditure in this regard is at Annexure-I.

A meeting was held in the DoE, MoF under the Chairmanship of Special Secy (Pers.) which was attended by the Officials from MoF, Ministry of Education, NVS, PFRDA & LIC in order to discuss about various options to sanction pension to the deserving employees of NVS. In the meeting, DoE recommended this Ministry to come up with an Annuity based Pension Scheme for further consideration by DoE.

Following proposal received from NVS for extension of Annuity Based Pension through LIC at an estimated cost of Rs. 7493 crores, which may be made in 6 installments [5 installments @ Rs. 1248 per year for the period 2022-2026 & 6th installment @ Rs. 1253 crores for the year 2027] to the 9647 serving employees (as on 31.3.2021) of NVS who joined prior to 01.01.2004 is being examined and is in the process of taking up the matter with D/o Expenditure for their consideration and approval:-

- (a) Basic pension @ 50% of the basic salary drawn
- (b) 3% simple increase in DA annually
- (c) Family pension @ 50% of basic pension drawn by the deceased employee on the date of retirement"

OBSERVATIONS/RECOMMENDATIONS

Timely furnishing of Action Taken Replies on the observations/recommendations made by the Committee in their Report(s)

12. The Committee on Petitions (Seventeenth Lok Sabha) undertook an extensive and methodological examination of the representations of S/Shri Yogendra Sharma, Rahul Singh, Yogendra Bhakta, S. Kannan, Smt. K. Manjula, and other Individuals/Associations forwarded by Members of Parliament requesting to cover the employees of Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (*erstwhile* Model School) who joined their services before 1 January, 2004 under the Central Civil Services (Pension) Rules, 1972 and subsequently, presented their 32nd Report thereon to Lok Sabha on 2 August, 2022. In their Report, the Committee had recommended on the number of issues raised in the representations and urged the Ministry of Education (Department of School Education and Literacy) and the Ministry of Finance (Department of Expenditure) to take necessary action and apprise the Committee accordingly within three months of presentation of their Report to the House. Though, the Committee on Petitions had presented their 32nd Report on the subject to Lok Sabha on 2 August, 2022, the Ministry of Finance (Department of Expenditure) have not submitted their Action Taken Replies, even after a lapse of almost one year.

13. The Committee are extremely unhappy over the complete silence on the inordinate delay on part of the Ministry of Finance (Department of Expenditure) in furnishing Action Taken Replies in response to observations/recommendations made by the Committee in their 32nd Report. Instead of taking a proactive stand to resolve the issue, the Ministry had maintained an intriguing silence on a matter of

wider public interest. The Committee, while taking strong exception to the failure of the Ministry in furnishing the Action Taken Replies on the observations/recommendations made by the Committee on Petitions in their 32nd Report in a time bound manner, expect that the observations/recommendations made by a Parliamentary Committee should be thoroughly considered with due alacrity and a detailed Action Taken Notes/Replies thereon be furnished within the stipulated time for consideration and perusal of the Committee. A word of caution may be appropriate here that there shall not be a repeat of such lapse in future.

Re-submitting a pragmatic and workable proposal for covering the employees of the Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (erstwhile Model School) under the Central Civil Services (Pension) Rules, 1972

14. The Committee, while expressing their valid concern over the plight of employees of Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (erstwhile Model School) who joined their services prior to 1 January, 2004 on account of denial of genuine and legitimate right in the form of pensionary/terminal benefits under the Central Civil Services (Pension) Rules, 1972, had specifically recommended the Ministry of Education (Department of School Education and Literacy) to revisit the entire case, in consultation with the Ministry of Finance (Department of Expenditure) by acknowledging various aspects, including administrative, financial, legal, welfare, ethical, etc., so as to ensure that the employees of the Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (erstwhile Model School) are covered under the Central Civil Services (Pension) Rules, 1972. The Committee, while anticipating a positive outcome in this regard, had desired a positive approach without any bureaucratic rhetoric and/or riders.

15. The Committee, after perusal and threadbare analyses of action taken replies submitted by the Ministry of Education (Department of Higher Education) in response to above recommendation(s), note that the proposal with regard to the introduction of CCS Pension Scheme for the employees of Navodaya Vidyalaya Samiti (NVS) is being considered by the Ministry along with the Ministry of Finance at various levels on several occasions, viz., in the years 1989, 1990, 1992, 1998, 2006 and 2013 which eventually did not support the proposal on the ground(s) such as resource crunch and maintaining the budgetary deficit within the limits. The Committee, in this connection, further take note of the fact that the Executive Committee of NVS in its 40th meeting held on 25 February, 2021, under the Chairmanship of the then Hon'ble Education Minister-cum-Chairman, NVS Society had decided to take up the matter with the Ministry of Finance for granting CCS (Pension) Rules, 1972 to the employees of NVS and the proposal of Annuity Based Alternate Pension through LIC may be dispensed with. Accordingly, this case was taken up with the Ministry of Finance in December, 2021; but the Department of Expenditure vide ID Note dated 1 April, 2022 did not agree to the proposal while submitting that the proposal to grant CCS (Pension) to the pre-2004 employees of NVS was totally against the policy regime of the Government of India in terms of this Department's directives dated 16 March, 2000. However, the Department of Expenditure further advised to consider a purely contributory, self-sustainable annuity based scheme, seeking no Government support. Subsequently, the observations and decision of the Department of Expenditure on the aforesaid proposal was conveyed to the NVS.

16. The Committee, while acknowledging the necessary efforts being made by the Ministry of Education (Department of Higher Education) for putting up the proposal with regard to the introduction of CCS Pension Scheme for the employees of Navodaya Vidyalaya Samiti (NVS) for due consideration of the Ministry of Finance (Department of Expenditure), are dismayed to note that the said proposal could not be however, accepted by the Ministry of Finance. The Committee, in this regard, are not satisfied by the averments made by the Ministry of Finance that the acceptance of such a proposal of NVS would lead to similar demands from the other Autonomous Bodies/Organisations receiving grants-in-aid from the Government, which may be difficult to resist and further, any decision, in isolation, to give Old Pension Scheme to the pre-2004 NVS employees is likely to open floodgates for approximately 1 lakh (*serving and retired*) employees of Autonomous Bodies, who are not covered under Old Pension Scheme and financial outlay on this account would be huge and unsustainable. The Committee, therefore, reiterate its earlier recommendation to the Ministry of Education (Department of Higher Education) and desire that the Ministry of Education (Department of School Education and Literacy) to reconsider and revisit the entire case, in consultation with the Ministry of Finance (Department of Expenditure), and resubmit a pragmatic and workable proposal for covering the employees of the Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (*erstwhile* Model School) under the Central Civil Services (Pension) Rules, 1972, so that the same would be considered in a positive manner. The Committee would like to await a concrete decision in the matter and be apprised of the outcome in this regard.

Efforts for removing relative contradiction of extension of Pensionary Benefits under the Central Civil Services (Pension) Rules, 1972 to Autonomous Bodies/Organisations vis-à-vis the employees of Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya

17. With regard to the issue of relative contradiction of extension of pensionary benefits under the CCS (Pension) Rules, 1972 between Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya and Autonomous Bodies/Organisations, the Committee had observed that as per the information furnished by the Ministry of Education (Department of School Education and Literacy) and the Ministry of Finance (Department of Expenditure), the following 10 Autonomous Bodies/Organisation under administrative control of the various Ministries/Departments of Government of India which were established much after the creation of Navodaya Vidyalaya Samiti (NVS) have already been covered under the CCS (Pension) Rules, 1972:-

- (i) *National Institute of Open Schooling (NIOS).*
- (ii) *Inter University Consortium for Department of Atomic Energy Facility (IUC-DAEF).*
- (iii) *Inter University Centre for Astronomy and Astro Physics (IUCAA).*
- (iv) *Information and Library Network Centre (INFLIBNET).*
- (v) *Nuclear Science Centre (NSC).*
- (vi) *Consortium for Educational Communication (CEC).*
- (vii) *National Human Right Commission (NHRC).*
- (viii) *National Assessment and Accreditation Council (NAAC).*
- (ix) *PrasarBharti.*
- (x) *Maulana Azad National Urdu University, Hyderabad.*

18. The Committee, in their earlier Report, had rightfully observed that the terms and conditions on which the Pension Scheme under the relevant rules had been

extended to the aforementioned 10 Autonomous Bodies/Organisations might be distinct yet the determining and binding factor, encompassing all these 10 Autonomous Bodies Organisations with that of NVS remains steadfast and similar as all these entities come under the ambit and control of the Government of India. The Committee had further opined that since NVS is also an Autonomous Body under the Ministry of Education (Department of School Education and Literacy) along with being established much before these Autonomous Bodies/Organisations, therefore by virtue of such a scenario, they are unable to comprehend the reasons behind such distinct and asymmetrical approach regarding administrative formulations for extending the benefit of CCS Pension Scheme to the employees of NVS/JNV *vis-a-vis* the above said Autonomous Bodies/ Organisations.

19. The Committee note with deep concern that the reply of the Ministry of Education (Department of School Education and Literacy) in this regard, *i.e.*, on the aforementioned assertions made by them are devoid of any clear-cut and empirical justification and the Ministry have merely replied in a casual and non-committal manner. The Committee are further appalled to note the reply of the Ministry stating that they do not have the exact data regarding the orders determining the grounds on which the decision to cover the respective Autonomous Bodies/Organisations established much after NVS and JNV under the CCS (Pension) Rules, 1972 was taken. The Committee are of the considered opinion that the Government, as a Welfare State, should not adopt a distinctive and arbitrary approach while dealing with such sensitive and pressing issues which have a blanket effect on a considerably large number of people, who have dedicated their lives and efforts

towards nation building while being located/posted in rural and far-flung areas. The Committee, therefore, strongly reiterate their recommendation that all policy decisions *vis-a-vis* the issue of the denial and non-extension of benefits of CCS (Pension) Rules, 1972 to the employees of NVS should be immediately reviewed in a systematic as well as time bound manner, keeping in view the tenets of equity and fair play. The Committee would like to be apprised of the necessary efforts proposed to be taken by both the Ministries, *i.e.*, the Ministry of Education (Department of School Education and Literacy) and the Ministry of Finance (Department of Expenditure) which could result into positive outcome in the instant case.

Supreme Court's observation(s) on disposal of cases related to extension of CCS Pension Scheme to the NVS employees

20. As regards the point of contention with respect to the Court judgments on extension of pensionary benefits under the CCS (Pension) Rules, 1972 to the employees of Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (NVS/JNV) *vis-a-vis* other Autonomous Bodies/Organisations, the Committee had observed that during the oral evidence held on 5 May 2022, the representatives of Ministry of Finance had deposed before the Committee that the Autonomous Bodies/Organisations who have been extended the benefits of GPF-cum-Pension Scheme are purely based on the judgments/ orders by the Courts. The Committee, in this connection, had opined that the representatives of the Ministry had put forth an unconvincing and contradictory argument that since the Writ Petition of the employees of NVS has already been dismissed by the Supreme Court, the demand

of extending the benefits of CCS Pension Rules to them would be weighed only after taking into account the overall financial burden on the exchequer.

21. To this extent, the Committee would like to reiterate one of the observations of the Supreme Court while delivering a single judgment on 20 January, 2015 on collective disposal of the cases related to the instant matter wherein it was stated that "*...no interference is warranted unless there is gross injustice is perpetrated...*". Further, the Committee discern that the rationale of suddenly invoking the issue of financial burden with regard to the extension of benefits of pension to the employees of NVS/JNVs *vis-a-vis* the other Autonomous Institutions falls flat on its face when looking at this issue from a neutral perspective, since all 10 of the Autonomous Bodies/Organisations came into existence much later than the NVS. The Committee, therefore, perceive lack of impartiality, logic and conviction on part of the Ministry of Finance (Department of Expenditure) regarding the genuine contention of the employees of NVS/JNVs. The Committee, therefore, resolutely urge the Ministry of Finance (Department of Expenditure) to put in their concerted efforts to devise an innovative and out-of-box solution to resolve the grievances of employees of NVS. The Committee would like to be apprised of the necessary action taken in the matter.

Expediting consideration and approval of an 'Annuity Based Pension Scheme' with the support of Life Insurance Corporation (LIC)

22. Based on the submissions made by the Ministry of Education (Department of School Education and Literacy) in their action taken replies, the Committee note of the fact that a meeting was held in the Department of Expenditure, Ministry of

Finance under the Chairmanship of Special Secretary (Pers.) which was attended by the officials from the Ministry of Finance, Ministry of Education, Navodaya Vidyalaya Samiti, Pension Fund Regulatory & Development Authority (PFRDA) and Life Insurance Corporation (LIC) in order to discuss about various options to sanction pension to the deserving employees of NVS. In the said meeting, the Department of Expenditure had recommended to the Ministry of Education to come up with an Annuity based Pension Scheme for further consideration by the Department of Expenditure. The Committee further note that the proposal received from NVS for extension of Annuity Based Pension through LIC at an estimated cost of Rs. 7493 crore, which may be made in 6 instalments [*5 instalments @ Rs. 1248 per year for the period 2022-2026 & 6th instalment @ Rs. 1253 crores for the year 2027*] to the 9647 serving employees (as on 31.3.2021) of NVS who joined prior to 01.01.2004 was being examined by the Ministry of Education which was in the process of taking up the matter with the Department of Expenditure for their consideration and approval, which is as under:-

- (a) *Basic Pension @ 50% of the basic salary drawn;*
- (b) *3% simple increase in DA annually; and*
- (c) *Family Pension @ 50% of basic pension drawn by the deceased employee on the date of retirement.*

23. The Committee recommend the Ministry of Education (Department of School Education and Literacy) to expedite the examination of aforesaid proposal put forth by the NVS in consultation with the Ministry of Finance (Department of Expenditure) for their consideration and approval so as to ensure an 'one-time settlement/solution' of this long pending impasse in a time bound manner which

shall be amicably acceptable to all the affected parties. The Committee would like to be apprised of the updated status and a definite outcome in the matter.

NEW DELHI;

HARISH DWIVEDI,
Chairperson,
Committee on Petitions.

08 August, 2023

17 Sravana, 1945 (Saka)