

**GOVERNMENT OF INDIA  
PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS  
LOK SABHA**

UNSTARRED QUESTION NO:4292  
ANSWERED ON:19.12.2012  
BENEFITS OF SIXTH PAY COMMISSION  
Choudhary Shri Bhudeo;Singh Shri Radha Mohan

**Will the Minister of PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS be pleased to state:**

- (a) whether the Central Government employees, who retired before 2006 have been deprived off the benefits of Sixth Pay Commission as recommended by the Central Pay Commission;
- (b) if so, the details thereof and the reasons therefor;
- (c) whether a group of employees had approached the Central Administrative Tribunal (CAT) on the issue;
- (d) if so, the details of directives given by the CAT; and
- (e) the action taken by the Government in this regard?

**Answer**

Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Prime Minister's Office.  
(SHRI V. NARAYANASAMY)

(a) & (b): The orders for implementation of the recommendations of VIth Central Pay Commission for revision of pension of pre-2006 retirees were issued vide Department of Pension & Pensioners' Welfare OM No.38/37/08-P&PW(A) dated 1.9.2008. As per para 4.1 of this OM, the pension/family pension of existing pre-2006 pensioners/family pensioners will be consolidated w.e.f. 1.1.2006 by adding together

(i) the existing pension/family pension

(ii) Dearness pension, where applicable

(iii) Dearness Relief @ 24% of basic pension/family pension plus dearness pension and

(iv) fitment weightage @40% of the existing pension/family pension. In Para 4.2 of this OM, it is stated that fixation will be subject to the provision that the revised pension, in no case, shall be lower than fifty per cent 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. These orders also provided for immediate payment of arrears on revision of pension by the pension disbursing banks. Subsequently, on some doubts being raised in this regard, Department of Pension & Pensioners' Welfare issued an OM No.38/37/08-P&PW(A) dated 3.10.2008 and 14.10.2008 inter alia clarifying that the pension calculated at fifty per cent of the minimum of pay in the pay band plus grade pay under Para 4.2 of OM No.38/37/08-P&PW(A) 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. The pension will be reduced pro rata, where the pensioner had less than the maximum required service for full pension as per rule 49 of the CCS (Pension) Rules, 1972 as applicable on 1.1.2006 and in no case it will be less than Rs.3,500/-p.m.

(c): Yes, Madam

(d): Based on some petitions filed in the Central Administrative Tribunal by pre-2006 retirees, Hon'ble Tribunal held that the clarification issued vide OM No.38/37/08-P&PW(A) dated 3.10.2008 and 14.10.2008 were not in conformity with the recommendations of the Sixth Central Pay Commission and the O.M. dated 1.9.2008. Central Administrative Tribunal directed to re-fix the pension of all pre-2006 retirees w.e.f. 1.1.2006, based on the resolution dated 29.08.2008 and in the light of the observations made in the judgement dated 1.11.2011 of the Hon'ble CAT.

(e): The Government has filed a Writ Petition in Delhi High Court challenging the judgement dated 1.11.2011 of the Hon'ble CAT. The matter is subjudice.