

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

UNSTARRED QUESTION NO:3406
ANSWERED ON:12.02.2014
PAYMENT OF ARREARS TO PENSIONERS
Muttemwar Shri Vilas Baburao

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

- (a) whether the Government had filed a review petition in the matter in the Supreme Court;
- (b) if so, whether the Supreme Court in their decision dated 11 November, 2013 has dismissed the review petition;
- (c) if so, whether in view of the final decision of the Supreme Court, Government has decided to issue revised orders for payment of arrears to retired pensioners with effect from 1 January, 2006; and
- (d) if so, the details thereof and if not, the reasons therefor?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCE AND PENSIONS AND MINISTER OF THE STATE IN THE PRIME MINISTER'S OFFICE (SHRI V. NARAYANASAMY)

(a) to (d) The orders for implementation of the decision taken by the Government on the recommendations of 6th CPC for revision for pension of past pensioners were issued vide Department of Pension & Pensioners' Welfare's OM dated 1.9.2008. The provisions of Para 4.2 of this OM were clarified vide this Department's letter dated 3.10.2008.

2. The Central Administrative Tribunal (CAT), Principal Bench, New Delhi in its order dated 1.11.2011 observed that by the OM dated 3.10.2008 the original orders of 1.9.2008 have been modified. Hon'ble CAT directed that the past pensioners may be granted, w.e.f. 1.1.2006, a minimum pension @ 50% of the minimum pay corresponding to the pre-revised pay scale with reference to the fitment table applicable for revision of pay of serving employees.

3. Four Writ Petitions No.1535/2012, No. 2348/2012, 2349/2012 and 2350/2012 were filed in the Hon'ble High Court of Delhi in Feb./March, 2012 challenging the above mentioned order of Hon'ble CAT.

4. In the meanwhile, on the recommendations of the Committee headed by the Cabinet Secretary, orders were issued vide OM dated 28.1.2013 of Department of Pension & Pensioners' Welfare for further stepping up of pension of pre-2006 pensioners. This OM is effective from 24th September, 2012. Thus the increased pension as envisaged in the order dated 1.11.2011 of Hon'ble CAT is being given to the pre-2006 pensioners w.e.f. 24.9.2012. The pre-2006 pensioners are, however, claiming increased pension w.e.f. 1.1.2006.

5. In its order dated 29.4.2013, the Hon'ble Delhi High Court upheld the order dated 1.11.2011 of Hon'ble CAT.

6. The Special Leave Petition (SLP) No.23055/2013 was filed in the Hon'ble Supreme Court against order dated 29.4.2013 of Hon'ble High Court of Delhi in Writ Petition No.1535/2012. This SLP was dismissed by Hon'ble Supreme Court on 29.7.2013. A Review Petition No.2492/2013 was filed against order dated 29.7.2013 of Hon'ble Supreme Court on 7.10.2013. This Review Petition was dismissed on 12.11.2013.

7. It is pertinent to mention that on 1.10.2013, Government filed another SLP No.36148-50/2013 in the Hon'ble Supreme Court of India against the order dated 29.4.2013 of Hon'ble High Court of Delhi in respect of Writ Petition No.2348/2012, 2349/2012, 2350/2012. Hon'ble Supreme Court in its order dated 19.11.2013 directed that this SLP may be listed along with Civil Appeal No.8875-76/2011 filed by the Ministry of Defence on a similar issue. Hon'ble Supreme Court further took on record the statement of the respondent pre-2006 pensioners that during the pendency of this SLP, they shall not precipitate the matter by filing contempt proceedings either before the High Court or before the Tribunal.

Thus, the matter regarding payment of arrears of pension to pre-2006 pensioners from 1.1.2006 to 23.9.2012 is sub-judice.