

No. Fin (Pen.)A (3)-4/2005-  
Government of Himachal Pradesh  
Finance (Pension) Department

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From

The Principal Secretary (Finance) to the  
Government of Himachal Pradesh,  
Shimla-171002

To

1. The Principal Secretary (Home) to the  
Government of Himachal Pradesh,  
Shimla- 171002.
2. The Registrar General,  
High Court of Himachal Pradesh  
Shimla-171001

Dated: Shimla -171002

the 7<sup>th</sup> December, 2010

Subject:- Revision of Pension/Family Pension in respect of the Post-2006 and Pre-2006 Pensioners and Family Pension holders of the H.P. State Judicial Officers on the recommendation of justice E. Padmanabhan Committee and directions of the Hon'ble Supreme Court of India

Sir

I am directed to refer on the subject cited above and to state that in compliance with the directions dated 26.7.2010 of Hon'ble Supreme Court of India delivered in I.A.No.244 in Writ Petition (C) No. 1022/1989-“All India Judges Association and others Versus Union of India and others”, the Governor, Himachal Pradesh is pleased to revise the Pension of Retired Judicial officers in the State of Himachal Pradesh in the following manner:-

**A -Judicial Officers who retire/die in harness on or after 1.1.2006**

The pension/gratuity/commutation of pension/family pension of Judicial Officers who retire/die in harness on or after 1.1.2006 shall be regulated in accordance with provisions contained in Finance Department O.M. No. Fin (Pen) A (3)-1/09-Part-I dated 14.10.2009 subject to the modifications given below:-

**1. Emoluments**

- (a) Basic pay in the revised pay structure means the pay drawn in the prescribed Pay Scales but does not include any other type of pay like special pay etc.
- (b) Last pay drawn shall be taken as emoluments for the purpose of pension. The CCS (Pension) Rules 1972 as applicable in the State shall continue to apply for calculation of pension.

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## **2. Pension**

- (a) The qualifying service for earning full pension shall be 20 years. However, in cases, where a Judicial Officer becomes entitled to pension on completion of 10 years of qualifying service in accordance with Rule 49(2) of CCS (Pension) Rules, 1972, the pension in those cases shall be paid at 50% of the pay last drawn.
- (b) There shall be no ceiling for maximum pension/family pension.
- (c) The pension of post 1.1.2006 retired Judicial Officers shall not be lower than fifty percent of the minimum of the Pay Scales from which a pensioner has retired. For example, if a Judicial Officer has retired in the pay scale of Rs. 51550-1230-58920-1380-63030, his minimum guaranteed pension would be 50% of Rs 51550 (i.e. Rs.25775/)

## **3. Additional Pension**

- (a) The quantum of pension available to the old pensioners shall be increased as follows:-

<b>Age of Pensioner</b>	<b>Additional quantum of Pension</b>
<b>From 80 years to less than 85 years</b>	<b>20% of revised basic pension</b>
<b>From 85 years to less than 90 years</b>	<b>30% of revised basic pension</b>
<b>From 90 years to less than 95 years</b>	<b>40 % of revised pension</b>
<b>From 95 years to less than 100 years</b>	<b>50% of revised pension</b>
<b>From 100 years and more</b>	<b>100% of revised basic pension</b>

*Note:-The amount of additional pension will be shown distinctly in the pension payment order. For, example, in case where a pensioners is more than 80 years of age and his pension is Rs. 10000 p.m., the pension will be shown as (i) Basic Pension =Rs.10000 and (ii) Additional pension =Rs.2000 p.m. The pension on attaining the age of 85 years will be shown as (i) Basic Pension =Rs.10000 and (ii) Additional Pension=Rs.3000 p.m.*

## **4. Gratuity**

- (a) The maximum limit of all kinds of gratuity shall be Rs.10.00 lacs from 1.1.2006. The payment of DCRG and Retirement gratuity shall continue as per the CCS (Pension) Rules, 1972 as applicable in the State.

## **5. Additions to qualifying service**

- (a) The additions to qualifying service shall be determined in accordance with para 7.1 of F.D. O.M. No. Fin (Pen) A (3)-1/09-Part-I dated 14.10.2009 and para 3 of O.M. No. Fin (Pen) A (3)-1/09 dated 28.5.2010 read with Govt. of H.P. Deptt. of Personnel (Appointment-II) Notification No. Per (AP-B) B (18)-1/2006 dated 12.4.2010.

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## **6. Family Pension**

- (a) The Family pension shall be determined as per Family Pension 1964 under CCS (Pension) Rules, 1972 as applicable in the State.
- (b) The quantum of family pension available to the old family pensioners shall be increased as follows:-

<b>Age of Family Pensioner</b>	<b>Additional quantum of Pension</b>
<b>From 80 years to less than 85 years</b>	<b>20% of revised basic family pension</b>
<b>From 85 years to less than 90 years</b>	<b>30% of revised basic family pension</b>
<b>From 90 years to less than 95 years</b>	<b>40% of revised basic family pension</b>
<b>From 95 years to less than 100 years</b>	<b>50%of revised basic family pension</b>
<b>From 100 years and more</b>	<b>100%of revised basic family pension</b>

*Note:-The amount of additional pension will be shown distinctly in the pension payment order. For, example, in case where a pensioners is more than 80 years of age and his pension is Rs. 10000 p.m., the pension will be shown as (i) Basic Pension =Rs.10000 and (ii) Additional pension =Rs.2000 p.m. The pension on attaining the age of 85 years will be shown as (i) Basic Pension =Rs.10000 and (ii) Additional Pension=Rs.3000 p.m.*

## **7. Commutation**

- (a) Commutation of pension shall be 50% of the pension with restoration after 15 years from the date of commutation and the CCS (Commutation of Pension) Rules 1981 as applicable in State shall continue to apply.
- (b) The revised Table of Commutation Value for Pension annexed at Annexure-I of Finance Department O.M.No.Fin (Pen) A (3)-1/09-Part-I dated 14.10.2009 will be used for all commutations of pension after the date of issue of this letter.
- (c) In the case of those pensioner in whose case commutation of pension became absolute on or after 1.1.2006 but before the issue of this letter , the pre-revised Table of Commutation Value for Pension will be used for payment of commutation of pension based on pre-revised pay/pension. Such pensioners shall have an option to commute the amount of pension that has become additionally commutable on account of retrospective revision of pay/pension. On exercising of such an option by the pensioner, the revised Table of Commutation Value for Pension will be used for the commutation of the additional amount of pension that has become commutable on account of restorative revision of pay/pension.
- (d) In all cases where the date of retirement/commutation of pension is on or after the date of issue of this letter, the revised Table of Commutation Value for Pension will be applied for commutation of entire pension.

## **8. Dearness Relief**

The Pension/Family Pension will qualify for grant of Dearness Relief beyond average AICPI-536 under the revised pattern in accordance with Finance Department O.M. No. Fin (Pen) B (10)-6/98-III dated 14.10.2009 and O.M. of even number dated 18.8.2010.

## **9. Arrears**

20% of each element of Pension/Family Pension/Gratuity and Leave Encashment arrears w.e.f. 1-1-2006 to 30-11-2010 shall be paid in the month of January, 2011. The decision about payment of remaining arrears shall be taken in due course of time.

## **B. Judicial Officers retired/ died in harness prior to 1.1.2006.**

The Pension/Family Pension of the Judicial Officers retired or died in harness prior to 1.1.2006 shall be regulated in accordance with the Finance Department O.M. Fin(Pen)A(3)-1/09-Part-II dated 14.10.2009 subject to modifications as under:

(1) Revised pension and family pension of retired Judicial Officers shall be 50% and 30% respectively of the minimum pay of the post held by him at the time of his retirement, as revised from time to time. The revised pay scales of the posts as on 1.1.2006 have been given at 'Table-A' below for ready reference.

*Provided at the time of revision and re-fixation, the existing pension shall be consolidated, first as under:*

(a) Consolidated Pension/Family Pension as on 1.1.2006:

- (i) The existing pension/family pension
- (ii) Dearness Pension, where applicable
- (iii) Dearness Relief upto AICPI (IW) average index 536 (Base Year 1982=100) i.e. @ 24% of Basic Pension/Basic Family Pension plus Dearness Pension as admissible vide this department O.M. No. Fin (Pen) B (10)-6/98-I dated 23-6-2006.

(iv) Fitment Weightage @ 40% of the existing Pension/Family Pension  
Or

(b) Pension at 50% and Family Pension at 30% of minimum revised pay:

- (i) The Pension/Family Pension shall be fixed at 50% and 30% respectively of minimum of revised pay scale shown in 'Table-A' below in terms of main clause B (1) above.

*Note: Pension worked at B (1) (a) or B (1) (b) above, whichever is higher shall be regarded as final Pension/Family Pension as on 1.1.2006.*

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**‘Table-A’**

<b>Sr.No. (I)</b>	<b>Designation (II)</b>	<b>Existing Scale (III)</b>	<b>Revised Scale (IV)</b>
1.	Civil Judge, (Junior Division) (Entry Level)	Rs. 9000-14550	Rs. 27700-770-33090-920-40450-1080-44700
2	Civil Judge, (Junior Division) (1 <sup>st</sup> Stage ACP Scale)	Rs. 10750-14900	Rs. 33090-920-40450-1080-45850
3	Civil Judge (junior Division)(2 <sup>nd</sup> stage ACP Scale)	Rs. 12850-17550	Rs. 39530-920-40450-1080-49090-1230-54010
4	Civil Judge (Sr. Division) (Entry Level)	Rs. 12850-17550	Rs. 39530-920-40450-1080-49090-1230-54010
5.	Civil Judge (Sr. Division) (1st Stage ACP Scale)	Rs. 14200-16350	Rs. 43690-1080-49090-1230-56470
6	Civil Judge (Sr. Division)(2 <sup>nd</sup> Stage ACP Scale)	Rs. 16750-20500	Rs. 51550-1230-58930-1380-63070
7	District Judge (Entry Level)	Rs. 16750-20500	Rs. 51550-1230-58930-1380-63070
8	District Judge (Selection Grade)	Rs. 18750-22850	Rs. 57700-1230-58930-1380-67210-1540-70290
9	District Judge (Super Time Scale)	Rs. 22850-24850	Rs. 70290-1540-76450

- (2) There shall be no ceiling on maximum limit of Pension.
- (3) The dearness relief shall be at rates as are applicable to the serving Judicial Officers.
- (4) The quantum of pension/family pension available to the old pensioners/family pension shall be increased as follows:-

<b>Age of Pensioner /family Pensioner</b>	<b>Additional quantum of Pension</b>
From 80 years to less than 85 years	20% of revised basic pension/family pension
From 85 years to less than 90 years	30% of revised basic pension/family pension
From 90 years to less than 95 years	40 % of revised pension/family pension
From 95 years to less than 100 years	50% of revised pension/family pension
From 100 years and more	100% of revised basic pension/family pension

*Note-The amount of additional pension will be shown distinctly in the pension payment order. For, example, in case where a pensioners is more than 80 years of age and his/her consolidated pension is Rs.10000 p.m., the pension will be shown as (i) Basic Pension =Rs.10000 and (ii) Additional Pension =Rs 2000. The pension on attaining the age of 85 years will be shown as (i) Basic Pension =Rs.10000 and (ii) Additional Pension=Rs.3000 p.m.*

(5) The Interim Relief already allowed to pension/family pension holders of State Judicial Officers from time to time shall be adjusted against revised pension/family pension consolidated in terms of para B(1)(a) and B(1)(b) as the case may be. The extra payments, if any, shall be adjusted against the pension/family pension arrears w.e.f. 1-1-2006 to 30.11.-2010 of the concerned pensioners. The five instalments of dearness relief sanctioned earlier from 1-7-2006, 1-1-2007, 1-7-2007, 1-1-2008 and 1-7-2008 vide this department O.M. No. Fin(Pen)B(10)-6/98-II dated 21-11-2006, O.M. of even numbers dated 15-06-2007, 30-10-2007, 19-08-2008 and 25-11-2008 respectively shall be adjusted against revised Dearness Relief becoming due on the revised pension/family pension.

(6) All Pension Disbursing Authorities including Public Sector banks handling disbursement of pension to pensioners and family pension holders of State Judicial officers are hereby authorized to pay pension/family pension to existing retired judicial officers and family pensioners at the consolidated rates in terms of para B(1)(a) & B(1)(b) above, as the case may be, without any further authorization from the concerned Accounts Officers/Heads of office etc. A suitable entry regarding the revised consolidated pension shall be recorded by the Pension Disbursing Authorities in both halves of the Pension Payment Order (PPO). An intimation regarding disbursement of revised pension/family pension may be sent by the Pension Disbursing Authorities to the office of the Accountant General (A&E) H.P. which had issued the PPO in the form enclosed at Annexure-A of this letter for updation of the Pension Payment Order in register maintained by him. An acknowledgement shall be obtained by the Pension Disbursing Authorities from the office of the Accountant General (A&E), H.P. in this behalf. In case any information regarding date of birth is not available, the Pension Disbursing Authority may obtain the same from the Accountant General (A&E), H.P. /Head of office. It will be the responsibility of the aforesaid offices to provide the information from the available records within fortnight of the receipt of request from the Pension Disbursing Authority.

(7) The Pension/Family Pension as worked out in accordance with provisions of para B (1) (a) and B(1)(b) above, whichever is higher shall be treated as final Basic Pension w.e.f. 1-1-2006 and shall qualify for grant of Dearness Relief sanctioned thereafter.

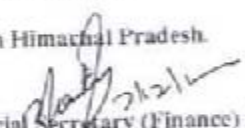
(8) The Pension/Family Pension at revised rates will be paid w.e.f. 1.12.2010 i.e. the revised pension will be payable for December, 2010 to be paid in January, 2011. Besides, the 20% of total arrears on account of Pension/Family Pension for the period from 1-1-2006 to 30-11-2010 shall be paid in the month of January, 2011 after making necessary adjustments as stated in para 5 above. The decision about payment of remaining arrears shall be taken in due course of time.

By Order  
Principal Secretary (Finance) to the  
Government of Himachal Pradesh.  
Dated: 7<sup>th</sup> December, 2010

Endst. No. As above.

Copy is forwarded to:-

1. The Secretary, Himachal Pradesh Public Service Commission Shimla-171002.
2. The Principal Accountant General, Himachal Pradesh Shimla-171003.
3. The Account General (A&E) Himachal Pradesh Shimla-171003.
4. All District Judges/Additional Distl. Judges in Himachal Pradesh.
5. All the District Treasury Officers/Treasury officers in Himachal Pradesh.

  
Special Secretary (Finance) to the  
Government of Himachal Pradesh.

**Form of intimation by the Pension Disbursing Authority to the Accountant General (A&E), Himachal Pradesh, Shimla-171003 regarding payment of pension in terms of Finance (Pension) Department Office letter No.Fin.(Pen)A(3)-4/2005, dated 07-12-2010**

1. Name of the Pensioner/Family Pensioner
2. PPO No.
3. Date of Birth/age
4. Date of retirement/Death (in case of family pension)
5. Saving Bank A/c No.
6. Name of the Bank/Paying Branch
7. Bank Code No.
8. Computation of consolidated pension/family pension

Pension/\*Family Pension/\* Family Pension (At enhanced rate)

<b>Pension</b>	<b>Family Pension/Enhanced Family Pension</b>
(A) Existing basic pension (inclusive of commuted portion) (excluding the effect of merger of 50% of dearness relief).	(A) Existing basic Family Pension/Enhanced Family Pension (excluding the effect of merger of 50% of dearness relief).
(B) Dearness Pension.	(B) Dearness Pension.
(C) Dearness Relief upto CPI 536 (Base year 1982=100) <i>i.e.</i> 24% of Pension as drawn.	(C) Dearness Relief upto CPI 536 (Base year 1982=100) <i>i.e.</i> 24% of Family Pension as drawn.
(D) 40% of the Basic Pension as at (A) above.	(D) 40% of the Basic Pension as at (A) above.
(F) Consolidated Pension (A+B+C+D). Or	(F) Consolidated Pension (A+B+C+D). Or
(H) Pension at 50% of Minimum of revised Pay Scale.	(H) Family Pension at 30% of Minimum of revised Pay Scale.

Note: Pension/Family Pension at (F) or (H) whichever is higher shall be regarded final pension as on 01.01.2006.

**Note:**

1. The final revision of pension in respect of pensioners will be done by the Accountant General (A&E), H.P. Shimla-3.
2. The final revision of Family Pension will also be done by the Accountant General (A&E), H.P. Shimla-3.

(\* if not applicable draw a line across.)

9. Whether consolidated Pension/Family Pension at (F) or Pension/Family Pension at (H) is final or allowed as immediate relief.
10. Remarks, if any.

**SIGNATURE OF PENSION DISBURSING AUTHORITY**

To

**The Accountant General (A&E),  
Himachal Pradesh, Shimla-171003.**