

No. Fin.(Pen)A(3)-1/97-1
Government of Himachal Pradesh
Finance (Pension) Department

Dated: Shimla-171002, the 21st August, 2008

OFFICE MEMORANDUM

Subject: Restoration of 1/3rd commuted portion of pension in respect of Government servants who had drawn lump-sum payment on absorption in Public Sector Undertakings/Autonomous bodies, pursuant to Government of India O.M. N. 4/79/2006-PLPW(D) dated 6-9-2007 clarifications regarding.

The undersigned is directed to say that the government servants who had drawn lump-sum payment in respect of pro-rata pension (1/3rd as well as 2/3rd) on absorption in a PSU/Autonomous Body and have become entitled to restoration of 1/3rd commuted portion of pension as per provision of this Department's O.M. No. Fin(Pen)A(3)-2/88- dated 8th January, 1997 and No. Fin(Pen)A(3)-2/88 dated 15th December, 1997, are regulated vide this Department O.M. of even number dated 4th June, 2005 and 3rd April, 2008.

2. The modalities of implementation of Andhra Pradesh High Court Judgement dated 24-12-2003 in Writ Petition No. 8532 of 2003 followed by Supreme Court Judgement dated 29-11-2006 in Civil Appeal No. 5269 of 2006 arising out of SLP Nos. 21647-648 of 2005 and the Supreme Court Judgement dated 24-7-2007 in Review Petition No. 643 of 2007 have been detailed in this department O.M. of even number dated 3rd April, 2008. The Govt. of India has also issued certain clarifications based on requests received by it. The matter has been examined in this department

also and the matter is clarified as below:-

Sr. No.	Point raised	Clarification
1.	In para 3(1)(b)(i) whether the date 31-12-85 is w.r.t. pension or Dearness Relief.	The date mentioned is w.r.t. pension i.e. the pension as on 31-12-1985 is to be taken into account.
2.	In para 3(1)(b)(ii) what is the rate of Dearness Relief	The rate of Dearness Relief which was taken into account for revision of pension i.e. as on 1-1-1986 is to be applied.
3.	In para 3(11)(b)(i) whether the date 31-12-95 is w.r.t. pension or Dearness Relief	The date mentioned is w.r.t. pension i.e. the pension as on 31-12-1995 is to be taken into account.
4.	In para 3(11)(b)(ii) what is the rate of Dearness Relief	The rate of Dearness Relief which was taken into account for revision of pension i.e. as on 1-1-1996 is to be applied.
5.	In para 3(1)(b)(i) what is full pension as on 31-12-1985.	The full pension shall be actual full pension sanctioned or the revised pension (in case of pre-1979 pensioners) as per liberalized Pension formula of 1979 Finance (regulation) Department O.M. No. Fin(C)/A(3)-5/81- dated 16 th April, 1984.
6.	In para 3(11)(b)(i) what is full pension as on 31-12-1995	The full pension shall be actual full pension sanctioned (in case of post 1986 pensioners) or the revised notional pension (in case of pre 1986 pensioners) as per guidelines given in this department O.M. of even number dated 4-06-2005, O.M. No. Fin (Pen) A (3) -1/96 part IV dated 17-10-2006 and even number dated 21-12-2006.

These clarifications may be taken into account for deciding the pension matters of pensioners covered by the aforesaid instructions.


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

To

All Administrative Departments
Government of Himachal Pradesh.

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