

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

Shimla-171002, the 3rd April, 2008

OFFICE MEMORANDUM

Subject:- Restoration of 1/3rd commuted portion of pension in respect of Government servants who had drawn lumpsum payment on absorption in public sector undertakings/autonomous bodies, pursuant to Government of India O.M No 4/79/2006-PLPW(D) dated 6-9-2007.

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, as clarified from time to time.

2. The matter regarding allowing the benefit of revision of restored amount of 1/3rd commuted portion of pension in the light of Andhra Pradesh High Court Judgement dated 24-12-03 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 24-07-07 in Review Petition No 643 of 2007, as per Government of India's O.M No 4/79/2006-PLPW(D) dated 6th September, 2007 (Copy enclosed) has been considered in the Government .

3. The Governor, Himachal Pradesh is pleased to decide that, in partial modification of this Department's O.M of even number dated 4th June, 2005, 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 O.M No Fin (Pen)A(3)-2/88dated 8-1-1997 and O.M No Fin (Pen) A(3)-2/88

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dated 15-12-1997, shall be entitled to the benefit of revision of restored amount of 1/3rd commuted portion of pension as explained here under.

(I) As on 01-01-1986

(a) The full pension of the absorbees shall be notionally revised w.e.f. 1-1-1986 based on full pension on absorption in accordance with the instructions for revision of pension issued vide Finance (Regulation) Department O.M No. Fin (C) A (3)-7/87-dated 10th June, 1987.

(b) The restorable 1/3rd pension shall be the sum of the following:-

- (i) 1/3rd of full pension as on 31-12-1985.
- (ii) Dearness Relief on full pension as on 31-12-1985.
- (iii) Additional benefit on full pension as per Finance (Regulation) Department O.M No Fin (C) A (3)-7/87 dated 10-6-1987.

(II) As on 01-01-1996

(a) The full pension of absorbees shall be notionally revised w.e.f. 1.1.1996 based on full pension as on 31-12—1995 in accordance with the instructions for revision of pension, issued vide this department O.M No Fin (Pen)-A(3)-1/96-Part-II dated 31-8-1998 and No Fin-(Pen)A(3)-1/96-Part-III dated 31-8-1998.

(b) The restorable 1/3rd pension shall be the sum of the following:-

- (i) 1/3rd of full pension as on 31-12-1995
- (ii) Dearness Relief on full pension as on 31-12-1995.
- (iii) IR-I and IR-II.
- (iv) Fitment @ 40 % of the full pension as on 31-12-1995 in terms of this department O.M No Fin (Pen)A(3)-1/96-Part-II dated 31-8-1998.

4. Payment of D.R shall be on full pension and is subject to the condition that the absorbed employee was not re-employed/employed under the State or Central Government or a Corporation/Body/Bank under them in India or abroad including permanent absorption in such Corporation/Company/Body/Bank at the time of restoration.

5. The benefit of revision of restored amount of 1/3 commuted portion of pension shall be admissible from the date the commuted portion of pension is restored.

By Order

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

To

**All Administrative Department
Government of Himachal Pradesh.**

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45. Incharge, NIC, H.P. Sectt. Shimla-2 with the request that this order of the State Government may kindly be put on State Website so that the pensioners/ family pensioner living out side the State may get the benefit of this order in time.

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