

No. Fin(Pen)A(3)10/2001
Government of Himachal Pradesh
Finance (Pension) Department

Dated; Shimla-171002

the 18 Feb, 2006

OFFICE MEMORANDUM

Subject:

Treatment of portion of Dearness Allowance as Dearness Pay for the purpose of retirement benefits.

The undersigned is directed to say that the modalities of implementation of Hon'ble High Court of Himachal Pradesh order dated 23.07.2003 in CWP No. 287 of 1994 (Ishwar Dass Sood Vrs State of Himachal Pradesh & others), Hon'ble Supreme Court of India order dated 07.11.2005 in SLP 5852 of 2004 (State of H.P. Vrs Ishwar Dass Sood) and Hon'ble Supreme Court of India order dated 07.11.2005 in CC 10042 of 2005 (H.P. Vidhan Sabha Vrs Ishwar Dass Sood & others), have been under consideration of the Government of Himachal Pradesh. The Governor, Himachal Pradesh is pleased to decide that the benefits of Finance Department O.M. No. 10-33/57-Fin (R&E)-IV dated 9th October, 1985 will be applicable to the Petitioner (Shri Ishwar Dass Sood), who retired before 31.03.1985 and also to the Respondents who were allowed to be impleaded by the Hon'ble Supreme Court of India (list enclosed).

2. Accordingly, the pension shall be revised w.e.f. 31.03.1985 and the arrear, if any, shall be payable for the period 31.03.1985 to 31.12.1985.

3. The average emoluments for the revision of pension will include Dearness Allowance and Adhoc Dearness Allowance which the pensioner was drawing on the date of retirement and not the notional Dearness Allowance & Adhoc Dearness Allowance payable on Consumer Price Index 568.

4. In cases where pension calculated in accordance with above decision falls short of the pension plus adhoc relief already admissible on the pensions upto Price Index level of 320 the loss will be made up by the grant of personal pension to the pensioner concerned. The personal pension will not be taken into account for the grant of relief on pension.

5. Pension of the pensioners who had retired before 01.01.1978 and after 31.12.1985 and who were allowed to be impleaded Respondents by the Hon'ble Supreme Court of India is not to be revised since Dearness Allowance drawn by

the pensioners on 01.01.1978 and 01.01.1986 was taken into account while determining their revised pension on 01.01.1978 and 01.01.1986.

6. While computing pension with effect from 01.01.1986, the pension admissible with reference to CPI 320 is to be taken into account and not the enhanced pension allowed with reference to CPI 568. The pension w.e.f. 01.01.1986 shall be revised in accordance with para 4.1. (B) of Finance Department O.M. No. Fin(C) A(3)-7/87- dated 10.06.1987.

7. The retirement gratuity of the Petitioner (Sh. Ishwar Dass Sood) and also the other Respondents, who were allowed to be impleaded Respondents by the Hon'ble Supreme Court of India (Except those who retired before 1-1-78 and after 31.12.1985) shall also be revised in accordance with the Finance Department O.M. No.10-33/57-Fin(R&E)-IV dated 09.10.1985.

8. The maximum limit of DCRG under Rule 50 of CCS (Pension) Rules, 1972 for revising the retirement gratuity in respect of the aforesaid pensioners shall be Rs.50,000/- as per Finance Department O.M. No. Fin (C)A(3)-1/85 dated 29.05.1985.

9. The emoluments for the revision of DCRG will include Dearness Allowance and Adhoc Dearness Allowance which the pensioner was drawing on the date of retirement.

10. The respective Administrative Department, where these pensioners were employed prior to their retirement shall forward the cases alongwith calculation sheet to the Senior Deputy Accountant General (A&E) Himachal Pradesh, Shimla-3 for revision of pension and retirement gratuity immediately.

By Order
Principal Secretary (Finance) to the
Govt. of Himachal Pradesh, Shimla-2.

To

All Administrative Departments
Govt. of Himachal Pradesh, Shimla-2.

No.Fin(Pen)A(3)10/2001

Dated: 18-02-2006

1. The Secretary, H.P. Vidhan Sabha, Shimla-171004
2. The Secretary, Governor Secretariat, H.P., Shimla-171002.
3. The Accountant General, H.P. Shimla-171003.
4. The Sr. Deputy Accountant General (A&E) H.P. Shimla-171003.
5. The Excise & Taxation Commissioner, H.P. Shimla-171009.

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